

Appeal Decision

Hearing held and site visit made on 25 April 2017

by Thomas Bristow BA MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 July 2017

Appeal Ref: APP/D0840/W/16/3164238

Land off Higher Trenant Road/ Green Hill, Wadebridge, Cornwall

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant outline planning permission.
 - The appeal is made by Mr Andrew Ware on behalf of Cerco Property Consultants Ltd. for Chaddlewood Investment Ltd. against the decision of Cornwall Council.
 - The application Ref PA16/00721, dated 21 January 2016, was refused by notice dated 30 June 2016.
 - The development proposed is 204 residential dwellings together with associated infrastructure including formal and informal landscaping and layout of internal access roads, details of access from Higher Trenant Road/ Green Hill to be determined with all other matters reserved.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Andrew Ware against Cornwall Council, which is the subject of a separate decision.

Preliminary matters

3. The development proposed was originally made in outline with matters of access, appearance, landscaping, layout and scale reserved (the 'reserved matters'). However before the application was validated the description of development was amended such that details of access were instead to be determined, and the number of dwellings proposed specified as 204.
4. The Council have confirmed that these amendments were appropriately publicised.¹ The description of development in the banner heading above is therefore that used in the Council's decision notice. As the proposal is in outline, other than in so far as they relate to access, the associated plans are illustrative.² The proposal also includes a proposed redesign of the roundabout junction of Bodieve Road, Gonvena Hill and St Matthews Hill, which I will address subsequently.³

¹ In accordance with the relevant provisions of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

² Plans 15236_SK003, SK03 Revision P2, 15236_SK004, SK04 Revision P2, SK05 Revision P1, SK05 Revision 3, SK006 Revision P3, SK07 Revision P2 and 15236_SK008.

³ As shown on plan SK006 Rev P3.

5. In refusing permission the Council stated that the proposal would conflict with formerly saved policies DVS4 and DVS5 of the North Cornwall District Local Plan adopted originally in April 1999 (the 'former plan'). These policies are no longer part of the development plan, having been superseded by those of the Cornwall Local Plan Strategic Policies 2010-2030 adopted on 22 November 2016 (the 'Local Plan').
6. Nevertheless policies of the Local Plan, then emerging, were cited in the Council's decision notice and all parties have had opportunity to comment on them at appeal. Accordingly I have determined the appeal in line with the development plan unless material considerations indicate otherwise. I have also had regard to the emerging Egloshayle, St. Breock and Wadebridge neighbourhood plan (the 'emerging NP'). The appellant does not dispute that the Council are able to demonstrate a five year land supply of deliverable housing sites relative to needs, with reference to relevant elements of the National Planning Policy Framework (the 'Framework').⁴
7. There is signed copy of an agreement dated 7 April 2017 before me pursuant to Section 106 of the Town and Country Planning Act 1990 as amended (the 'agreement'). This includes obligations related to affordable housing, open space provision and education infrastructure. In relation to these matters, the Council is of the view that the agreement brings the proposal into compliance with relevant Local Plan policies and associated Council documents.⁵
8. There is also no dispute between the main parties that, in respect of these matters, the agreement is compliant with relevant statutory and policy requirements, and the obligations would be effective in practice.⁶ There is no robust evidence before me to lead me to a different position, although I will address elements of the agreement related to highways works separately. Accordingly the Council no longer maintain the second reason for refusal given within their decision notice.
9. During the hearing local residents explained the importance of my viewing the operation of the surrounding highway network around the end of the school day at Wadebridge School which is located off Gonvena Hill. I adjourned the hearing at approximately 1515, which enabled me to walk to the appeal site via Molesworth Street, Gonvena Hill and Higher Trenant Road around this time.
10. Given the technical nature of the highways matters in dispute I accepted a written rebuttal prepared by the appellant to the Council's appeal statement. The Council clarified that this rebuttal, dated 31 March, was publicly accessible on their website at the time of the hearing, and the matters raised therein were discussed at the hearing. I am satisfied that the information before me and my site visit observations are an appropriate basis upon which to reach a decision.

Main issue

11. Given the context as set out above, the main issue in this appeal is the effect of the proposal on the efficient operation of the surrounding highway network.

⁴ In particular paragraphs 47, 49 and 14 of the Framework.

⁵ I.e. those set out in the Council's second reason for refusal within their decision notice.

⁶ With regard to paragraph 204 of the National Planning Policy Framework and Regulations 122 and 123 of the Community Infrastructure Regulations 2010 as amended.

Reasons

12. Notwithstanding former historic uses, the appeal site comprises four agricultural fields amounting to approximately 7.5 hectares. For the most part it is bounded by traditional hedgerows punctuated with occasional trees. This land is referred to within the information before me as Trevarner Farm, and is devoid of existing buildings or fixed surface infrastructure.
13. The carriageway Green Hill, which connects with Broomfield Road and Tower Hill, runs centrally through the appeal site. Broadly the topography of the appeal site slopes away from Green Hill towards both the north and south. A section of Green Hill would be remodelled and would be the sole vehicular route in or out of the appeal site.⁷ I understand that it is the appellant's intention to maintain the public rights of way which run through the appeal site, and to establish several pedestrian connections with the wider area.⁸
14. Whilst being outside the settlement boundary set via the former plan, the appeal site is enclosed on all sides by built development. A cluster of predominantly commercial uses falls to the north. Higher Trenant Road abuts part of the eastern boundary of the appeal site, with the A389 a short distance beyond. Residential areas lie to the south and west; the largely historic area of Egloshayle and an area characterised by more modern housing development around Foxdown, Marshall Avenue and Branksome Drive, respectively.

Policy context

15. Policy 2a 'Key targets' of the Local Plan set a minimum housing delivery target for Cornwall over the plan period of 52,500 homes. The table supporting policy 2a specifies that 1,100 homes of this target are intended to be provided in Wadebridge. Policy 3 'Role and function of places' of the Local Plan then guides this level of development to a hierarchy of locations, explaining that delivery will be managed through a site allocations development plan document or neighbourhood plans.
16. The Council's emerging Site Allocations Development Plan Document does not allocate land for housing in Wadebridge, instead deferring such considerations to the emerging NP. It appears that the appeal site has been identified as potentially suitable for residential development in the Council's Strategic Housing Land Availability Assessment dated January 2016, site reference S339, however this document does not form part of the statutory development plan.
17. The emerging NP was consulted upon in early 2017. I understand, however, that this was not formal pre-submission consultation.⁹ Whilst I understand that it is the intention of those developing the emerging NP to move swiftly towards a pre-submission version, there is no clear indication before me of the processes or timescales that would be involved in this. Nonetheless policy SD01 of the emerging NP seeks to guide development towards appropriate locations as illustrated on inset map C1, on which the appeal site is identified as a proposed growth area.

⁷ As shown on plan 15236_SK004.

⁸ Notwithstanding that the preservation of public rights of way and details of layout fall principally to reserved matters applications.

⁹ Pursuant to Regulation 14 of the Neighbourhood Planning (General) Regulations 2012 as amended.

18. Whilst the emerging NP is at an early stage of development, it lends some support to development at the appeal site. As set out above given that the appeal site is surrounded on all sides by built development of one form or another, in my view residential development here would appear a logical extension to Wadebridge rather than extending into the rural surroundings of the town.¹⁰

Highways effects

19. Policy 27 'Transport and accessibility' of the Local Plan establishes that development should not cause a 'significant adverse' impact on the local or strategic road network that cannot be managed or mitigated. Similarly bullet point 3 of paragraph 32 of the Framework sets out that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are 'severe'.
20. In my view 'significant adverse' and 'severe', as referenced above, accorded their ordinary meaning are synonymous; no distinction between the two terms has been raised by any party in the course of the appeal. Policy TT01 'Impact of Traffic' of the emerging NP sets out that all development must demonstrate how transport effects will be suitably mitigated.
21. Notwithstanding the representations made by nearby residents, the Council's decision notice specifies that the Council's concerns in respect of the transport effects of the proposal relate principally to the roundabout junction of Bodieve Road, Gonvena Hill, and St Matthews Hill. Bodieve Road is the northern arm of the B3314, with this junction also serving an eastwards arm of the B3314. This junction is referred to as junction 3 within the appellant's appeal statement, and hereafter referred to as such.¹¹ Whilst I will address more general transport effects of development, I now turn in sequence the existing operation of junction 3, its anticipated future operation, and to the effect of mitigation proposed.

Junction 3, existing operation

22. Junction 3 is described by the appellant as a 'key connection point to/ from the strategic links of the B3314, A39 and A389'.¹² Consequently the appellant's Transport Assessment sets out that the majority of vehicular movements arising from the development would be to and from Higher Trenant Road which joins the B3314 at a short distance from junction 3. Taking account of the nature of the highway network and the location of services and facilities in Wadebridge I concur with that assessment.
23. The Ratio of Flow to Capacity ('RFC') of a junction expresses the level of vehicular use relative to its maximum design capacity: a ratio of 0 would indicate that no vehicles are present, a ratio of 1 that the junction is at full capacity. The main parties agreed during the hearing that an RFC of 0.85 or

¹⁰ The Council do not make the case at appeal that the principle, as opposed to specific effects, of residential development in this location is unacceptable.

¹¹ For the avoidance of doubt this is not the same identification as is given within the appellant's Design and Access Statement.

¹² In paragraph 5.19 of the appellant's Transport & Highways Appeal Statement.

lower is desirable,¹³ notwithstanding that the Wadebridge Transport Strategy dated November 2015 (the 'WTS') sets out that an RFC lower than 0.9 is generally accepted as representing a junction operating within capacity.¹⁴

24. The WTS, whilst not part of the development plan, is stated to have been prepared with regard to the Local Plan, national policy and the emerging NP. Its aim is to forecast transport growth in Wadebridge and to improve the transport environment. The WTS identifies that at present the highest RFC at junction 3 is along the B3314 east in the morning peak period at 0.83 ('RFC3A').¹⁵ This is the highest recorded at any junction studied in the WTS. The WTS further identifies that the RFC for the afternoon peak period along the B3314 east is at present 0.76 ('RFC3B'), and in the afternoon peak period along Bodieve Road stands at 0.59 ('RFC3C').
25. The appellants' evidence related to the existing operation of junction 3 is based instead on a November 2015 traffic count. It identifies RFC3A as 0.76, RFC3B as 0.58, and RFC3C as 0.83.¹⁶ The Council do not dispute the baseline figures as assessed by the appellants, and there is no evidence before me to indicate that they are anything other than suitably robust.¹⁷

Junction 3, predicted future operation (excluding mitigation)

26. The WTS predicts the future operation of junction 3 in 2030 based on vehicular movements that would arise from a number of planning proposals in Wadebridge including 1,020 dwellings.¹⁸ On this basis the WTS predicts that RFC3A will rise to 0.98, RFC3B to 1.10 and RFC3C to 0.73. The planning proposals considered in the WTS do not include development at the appeal site.
27. The appellant's methodology for forecasting the future operation of junction 3, which was agreed with the Council, uses a different methodology than that of the WTS and looks towards 2020 not 2030. Primarily the appellant's modelling substitutes the predicted effect of proposals around Wadebridge for the uplift represented in the Government's National Trip End Model forecasts ('TEMPRO').¹⁹
28. There is some discussion in the appellant's Transport Statement as to whether in addition to general TEMPRO uplift account should be taken of the uplift in vehicle use arising from three nearby schemes: application Ref PA11/03414, a food store of approximately 5000 square metres, PA15/04457, a scheme for around 165 dwellings, and PA14/12194, a scheme for around 117 dwellings.
29. I acknowledge the appellant's concern regarding the potential for double counting if TEMPRO uplift and that arising from local developments are considered in conjunction. However TEMPRO considers general demographic and vehicle use trends rather than the specific or localised effects of particular development proposals. As such, given the proximity of the three schemes

¹³ As is typically set by industry standard transport modelling software such as ARCADY.

¹⁴ At paragraph 4.6.2.

¹⁵ As set out in appendix A-1.

¹⁶ As set out in paragraph 3.6 of the appellant's transport appeal statement.

¹⁷ Although there is some variance between these figures and those of the WTS, the studies in both cases are based on a distinct study period and therefore some degree of variation is inevitable.

¹⁸ As set out in paragraph 5.1.5.

¹⁹ As explained in paragraph 3.11 of the appellant's transport appeal statement.

referred to above,²⁰ in this instance in my view it is legitimate to consider them in conjunction with TEMPRO uplift.

30. On this basis, the appellant's Transport Assessment indicates that in the absence of the development proposed RFC3A will be 0.87, RFC3B 0.73 and RFC3C 0.99.²¹ This does not appear inconsistent with the WTS modelling which also predicts an increase in all these figures (albeit to 2030). Based on certain assumptions,²² the appellant's Transport Assessment forecasts that factoring in vehicle movements resulting from the development would result in RFC3A rising to 0.93, RFC3B to 0.76 and RFC3C to 1.03.
31. I accept that there are various factors that would reduce the level of traffic generated by the proposal, including that the appellant's Transport Assessment is based on 230 rather than 204 homes and does not include any reduction resulting from the proposal being for approximately 30 per cent affordable homes (which tend to have a lower level of trip generation). However these factors are unlikely to result in a substantial change to the figures given above, and there is no robust evidence before me to quantify the effect of such factors.
32. The appellant's travel plan aims towards a 10 per cent reduction in private vehicle use arising from the development proposed compared with that which would typically be associated with a development of this type. However this represents a fraction of the overall increase that would result, and the precise effect of the travel plan is inevitably uncertain.
33. I accept no reduction has been accounted for were the measures in the WTS implemented, which the Council explained at the hearing aim collectively towards a reduction in private vehicle use of around 6 per cent compared to the current situation in Wadebridge. However in order to factor this reduction in the approach in the WTS would need to be implemented as a whole, a process in respect of which there is presently little certainty (a matter to which I will return).
34. The appellant has modelled two alternative sensitivity tests in relation to future forecasts of the operation of junction 3, neither of which I consider to be as robust as the figures given above. The first sensitivity test discounts the effects on the highway network of planning applications PA11/03414 and PA15/04457.
35. However I understand that the former application remains extant, notwithstanding the stated intentions of the original applicant. Whilst the latter application was withdrawn I understand that a new application has now been submitted for similar development. Therefore whilst there is a degree of uncertainty as to whether these proposals will proceed, or over what timescale, on the basis of the information before me I am not of the view that they can conclusively be discounted from future forecasts. There is furthermore no sensitivity testing before me that disappplies one proposal but not the other.

²⁰ In particular as shown on hearing document 1 being a map prepared by the Council map entitled 'Recent applications/ permissions', which shows development proposed or permitted around Wadebridge.

²¹ At table 8.2 thereof.

²² Notably with transport movements dispersed according to evidence supporting the three proposals referred to and existing movement patterns around the highway network.

36. The appellant's second sensitivity test disapplies TEMPRO uplift from future forecasts and considers only the transport effects related to application Ref PA11/03414 and PA14/12194. This in itself is inconsistent with the approach in the first sensitivity test as they examine different developments. Whilst I accept that traffic counts at junction 3 have decreased in the appellant's 2015 study compared to a study undertaken in 2008 for application Ref PA11/03414, the evidence related to either proposal inevitably represent a snapshot of the operation of the highway network. Moreover such studies do not take account of the various demographic factors and vehicle usage trends which are reflected in TEMPRO data.
37. Therefore in my view the most accurate forecast for the operation of junction 3 without taking account of the development proposed here is as set out in paragraph 30 above. On this basis the appellant forecasts a baseline increase in RFC3A, RFC3B and RFC3C of 0.11, 0.15 and 0.16 respectively from the current situation to 2020. The appellant further predicts that vehicle movements directly attributable to the development proposed would result in an addition to the RFC values given immediately above by 0.06, 0.03 and 0.04 respectively.²³ Therefore the effect of the development proposed on the functioning of junction 3, whilst not insignificant, would be less than the baseline increase in RFC that is predicted to occur in any event.
38. I would also note that the WTS and appellants' traffic studies are based on 'neutral months', i.e. outside school holidays. The WTS states that tourism is a significant component of the local economy and, in summer months, vehicular movements in Wadebridge can increase by about 24 per cent.²⁴ This seasonal fluctuation is substantially greater than the forecast effect of the development proposed.
39. The development proposed would therefore undoubtedly result in some detriment to the free flow of traffic at junction 3, in addition to the existing or forecast situation (given that junction 3 is forecast to operate around maximum design capacity in 2020 in the absence of the development proposed). However in terms of RFC alone relative to likely background levels of change and seasonal traffic variation, this effect cannot in itself justify the transport effects of development being described as severe.
40. I accept, as raised by a number of local residents, that the proposal will generate some traffic along the streets of the residential areas to the south and west of the appeal site. To the south around Egloshayle many streets are narrow with limited, if any, dedicated space available to pedestrians on account of their historic origins. However I have set out above that as a result of the nature of the surrounding highway network and the location of services and facilities in Wadebridge that it is likely that the majority of traffic movements resulting from the proposal would be instead to and from Higher Trenant Road.
41. Therefore whilst the proposal would result in some level of additional vehicle movements around nearby residential areas, this would not be unacceptable, particularly as these streets already serve a large number of dwellings, and

²³ At table 8.2 of the appellant's Transport Assessment.

²⁴ At paragraph 4.5.1.

given the absence of recorded traffic collisions in these locations which indicate particular cause for concern.

42. However table 8.2 of the appellant's Transport Assessment also considers the effect of the proposal in relation to vehicle queue lengths and durations along Gonvena Hill and Bodieve Road in 2020. Gonvena Hill serves Wadebridge School and Bodieve Road serves Wadebridge Leisure Centre and Wadebridge Town Football Club.
43. The predicted effects of the development proposed in respect of queuing along Gonvena Road would be relatively modest compared to the situation predicted to occur in any event. I would also note that the end of the school day does not coincide with the afternoon peak period for traffic movements. However as a result of the development proposed the queue duration would increase along Bodieve Road in the afternoon peak from 165.1 seconds to 278.99 seconds (the latter being approximately 4 minutes 40 seconds). The queue length here would also increase from 23.25 to 40.50 passenger car units, an increase of close to 100 metres).²⁵
44. Given the strategic nature of junction 3 and the facilities of Wadebridge that Bodieve Road serves, this level of delay would be clearly detrimental to the operation of the highway network. This would be particularly problematic during summer months when the intensity of vehicular use of roads can increase substantially as the B3314 northwards is the principal route and most direct between Wadebridge and a number of coastal destinations (with tourism a significant component of the local economy).
45. I accept that there is no precise correlation between increased delay and propensity for driver risk-taking. However in my view the former is likely to have some effect on the latter as drivers become frustrated by lack of progress and seek to undertake manoeuvres, or to drive in a more aggressive manner than they would otherwise be inclined to do.
46. In this particular instance I observed that there are several points along Bodieve Road, notably the access to Wadebridge Leisure Centre and junctions with carriageways around the settlement of Bodieve, which may be used by motorists seeking to execute turning manoeuvres in the face of delays at junction 3. Accordingly, and given the significant increase in queuing that would be directly attributable to the development proposed, the proposal is likely to increase the frequency of turning movements along Bodieve Road and potentially risk-taking at junction 3 itself.
47. I accept that records of nearby traffic safety incidents show limited common causation related to the nature of the highway network.²⁶ However the WTS identifies that 'there are currently no formal pedestrian crossing facilities at or in close proximity [to junction 3]'. In the absence of such, and given the likely increase in pedestrian use here arising from the development combined with the likely effects of development in terms of queuing and driver behaviour, there is in my view the potential for additional conflict between pedestrians and motorists.

²⁵ Based on a passenger car unit equivalent to 5.75 metres as set out in the appellant's Transport Assessment.

²⁶ With regard to section 5 of the appellant's Transport Assessment.

48. In summary I have identified above that the proposal would have a detrimental effect on the operation of junction 3 in terms of capacity. Although this effect would be more modest than background growth in RFC predicted to occur in the absence of the development proposed or seasonal fluctuation in traffic levels, it must be considered in conjunction with the additional queuing that would result from the proposal along Bodieve Road.
49. The effect of the proposal on the operation of junction 3 would further impede the flow of traffic on the nearby highway network, have adverse impacts on highway safety, and increase the potential for conflict between motorists and pedestrians. Considered together, I therefore conclude these impacts would be severe and consequently that the proposal conflicts with the relevant provisions of policy 27 of the Local Plan and paragraph 32 of the Framework.

Mitigation

50. As noted above the scheme before me now includes the proposed redesign of junction 3. This element of the proposal emerged on 10 June 2016. There is a further updated plan of the junction redesign before me within the appellant's rebuttal,²⁷ and several associated technical plans. The junction redesign emerged at a relatively late stage of the Council's determination of the application, following the local publicity period. Nevertheless as this element of the proposal was before the Council in reaching a decision, and as all parties have had the opportunity to comment upon it, I have had regard to it.
51. The Council do not dispute that, if implemented, the junction redesign would result in RFC3A, RFC3B and RFC3C being 0.77, 0.64 and 0.81 respectively in 2020 (figures which include the uplift that would result from the development proposed).²⁸ These figures are clearly a significant improvement on the forecast operation of junction 3 given that, if this were to be implemented, junction 3 would be operating within effective capacity in 2020.
52. However it remains disputed between the main parties as to whether or not the entirety of the junction redesign would fall within highway land or provide for appropriate use by larger vehicles or pedestrians. It is, however, common ground between the main parties that a road safety audit has not been undertaken of the proposal.²⁹ The appellant accepted during the hearing that these matters ideally should have been resolved prior to appeal. Whilst the appellant is committed to seeking a resolution to the transport effects of development, the evidence before me is simply insufficiently robust to enable me to conclude definitively that the proposed redesign would be fit-for-purpose, particular in relation to highway safety.
53. Within the third schedule of the agreement dated 7 April 2017 there is an obligation to pay a £420,476.00 highway contribution towards the provision of the 'Highway Works'. 'Highway Works' is defined as 'highway improvements to increase capacity at the Bodieve roundabout junction as identified within the Wadebridge Transportation Strategy (sic)'. There is no specific reference within the agreement to the junction redesign as shown on the relevant plans.

²⁷ SK006 Rev P3.

²⁸ As set out in table 2 of the appellant's rebuttal submitted at appeal and associated Appendix D.

²⁹ With reference to Highways England's Design Manual for Roads and Bridges, Volume 5, Section 2.

54. Row 7 of table 6-1 of the WTS is entitled 'Bodieve Road/ Gonvena Hill'. This sets out that there is the opportunity to 'address forecast junction capacity issues and provide improved pedestrian and cycle crossing facilities which meet pedestrian desire lines. Provision of an alternative link between Bodieve Road and the A39 would help to reduce traffic flow through the junction and facilitate development'. The former element is described as a 'medium term' measure in table 7-1 of the WTS, and the latter as a 'long term' measure.
55. However there is no indication in the WTS as to the meaning of either 'medium term' or 'long term', nor indication of intended timescales. Moreover, and notwithstanding that the WTS has been prepared to support the Local Plan and emerging NP, it appears to set out future potential options for transport measures rather than representing a definitive forward strategy. There is also no cost indicated in the WTS for improved pedestrian and cycle crossing facilities at junction 3.
56. It further appears that the approach in the WTS to improving the nature of junction 3 is in part reliant upon the creation of an alternative link road than Bodieve Road between the A39 and Gonvena Hill. I accept that the drafting of the obligation is such that the Council may be able to use it for such purposes, however as a 'long term' measure there is little certainty as to whether or when this would occur. Although I understand that a new application has been made to the Council following the withdrawal of application Ref PA15/04457 which proposes such a link road, this application has yet to be determined and any associated timescale of delivery is uncertain.
57. Appendix E to the appellant's Transport Statement reproduces correspondence from the appellant to the Council of 10 June 2016 in which the junction redesign was first proposed. Whilst I address procedural matters in the associated costs decision, this correspondence explains that 'such works [the junction redesign] would be abortive and divert funds from the longer term solution of a link road [between the A39 and Gonvena Hill]'. Whilst not determinative, this further reinforces my view that the improvements to junction 3 in the WTS are in part dependent on the delivery of a new link road.
58. For the above reasons the proposed junction redesign before me would not overcome the transport issues identified above. Whilst I accept that the agreement does not preclude the use of the highway works obligation for measures identified within the WTS other than the junction redesign, based on the information before me there is very little certainty as to the costs or timescales that would be involved in delivering relevant measures within the WTS. Accordingly I cannot conclude that the highway works obligation is fairly and reasonably related to the development proposed, or that it would in practically serve to mitigate the adverse transport effects of development. For these reasons I cannot secure appropriate mitigation via condition.³⁰
59. I would note here that the appellant has brought appeal Ref APP/U1105/A/13/2208393 to my attention. In that appeal the Secretary of State determined that a severe transport impact was unlikely to arise, where

³⁰ Such a condition would be imprecise and unreasonable with reference to paragraph 206 of the Framework and with regard to Guidance Reference ID: 21a-009-20140306.

the queue length was predicted to exceed that which would result from the development proposed here.³¹ However the Secretary of State's position in that case was informed by the strong likelihood of various mitigation measures coming forward.³² There are furthermore significant differences in the baseline level of traffic and nature of the highway network in that case compared to this appeal, and each proposal must be determined on its particular merits.

60. For the above reasons I conclude that the proposal would result in a severe adverse effect on the operation of the surrounding highway which would not be suitably mitigated. The proposal therefore conflicts with the relevant provisions of policy 27 of the Local Plan and with paragraph 32 of the Framework.

Other matters

61. As established above it is not disputed that the Council are able to demonstrate a 5 year housing land supply, and that relevant Local Plan policies are not out-of-date. As such the proposal falls to be considered under the development plan, unless material considerations indicate otherwise. I accept that the proposal would be beneficial in resulting in a substantial addition to market and affordable housing provision in a location supported by the emerging NP, in supporting employment during construction, and as future occupants would make use of nearby services and facilities.
62. However the support accorded in general terms to enabling housing delivery in the Local Plan and Framework is not at the expense of ensuring that all development integrates appropriately with its surrounding context (including the nearby highway network). Moreover the development proposed is not necessary to meet housing requirements as they stand in Cornwall.
63. I have also considered the concerns raised by nearby residents regarding the development proposed in relation to character and appearance, living conditions, environmental effects, flooding, drainage and contamination. Some of these matters would be addressed through reserved matters applications or through suitably-worded conditions and the planning agreement, if the proposal was otherwise acceptable. On the evidence before me,³³ there would not be harm in respect of these issues and they remain neutral in the balance of my consideration of the case.
64. The appellants have further cited two applications, Ref PA16/02955 and PA16/05318, where they allege that the Council has taken an inconsistent approach to considering the effect of the particular development proposed in those instances combined with generalised uplift in vehicular use. The former, for up to 190 dwellings to the south of Wadebridge, was refused by the Council and the appeal fell to me under appeal Ref APP/D0840/W/16/3161204. The latter, for a 66 bed hotel, was approved by the Council by decision notice dated 17 August 2016.

³¹ In particular paragraphs 169 to 194 of the inspector's report in that case.

³² As set out in paragraph 194 of the inspector's report in that case.

³³ Including the appellant's Landscape and Visual Impact Assessment (Ref AP(9)-1001), Noise Assessment (revision V1.1), environmental studies including in relation to bats and dormice, Archaeological Assessment (Ref 15236), Flood Risk Assessment (Ref P15173/G201/B), foul drainage strategy (Ref C15173), ground investigation report (Ref P15173/G200/B).

65. The appeal site in appeal Ref APP/D0840/W/16/3161204 is on the opposite side of Wadebridge across the river Camel. As shown on the Council's document entitled 'recent applications/ permissions', hearing document 1, there are no other nearby development proposals indicated south of the river Camel. This is in marked contrast to the number of proposals in the vicinity of the appeal site in this case.
66. There is limited information before me in respect of application Ref PA16/05318, however a 66 bed hotel is not directly comparable with a proposal for 204 dwellings. Moreover I would note that the application site in that instance is adjacent to the roundabout junction of the A39 rather junction 3 in this case. As such in my view the material differences in those cases cited above compared to the circumstances in this instance prevent direct comparison.
67. Moreover the concerns raised by the appellant in respect of those cases elsewhere relate chiefly to matters of consistency and procedure rather than to the merits of the proposal here, and all proposals must be determined on their particular merits. Accordingly neither these cases, nor any other matters, are sufficient to outweigh or alter my reasoning as set out above.

Conclusion

68. For the above reasons, and having taken all other relevant matters raised into account, the proposal conflicts with the development plan taken as a whole and with the approach in the Framework. I therefore conclude that the appeal should be dismissed.

Thomas Bristow

INSPECTOR

APPEARANCES

FOR THE APPELLANTS:

Mr Andrew Ware	Cerco Property Consultants Ltd.
Mr Mike Harris	Stride Treglowan
Mr Matt Grist	Jubb Consulting Engineers Ltd.

FOR THE LOCAL PLANNING AUTHORITY

Mr Jim Lee	Senior development officer
Mr Mark Evans	Principal development officer
Mr Jim Holt	Principal development officer
Mr Rick Clayton	Team leader, CORMAC

INTERESTED PERSONS

Cllr Amanda Pennington	Wadebridge Town Council
Mr Philip Blake	Local resident
Mr John Bower	Local resident
Mrs Claire Charlton	Local resident
Mr Nigel Hawken	Local resident
Mrs Pamela Starling	Local resident
Mrs Brenda Travis	Local resident
Mr Charles Travis	Local resident
Mr Tony Rush	Local resident
Mr Wilshire	Local resident

DOCUMENTS

1. Council map entitled 'Recent applications/ permissions', which shows development proposed or permitted around Wadebridge.
2. Costs application made by the appellant.
3. Council's rebuttal to costs application (supplemented verbally during the hearing).