



Appeal Decision

Site visit made on 24 March 2021

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 March 2021

Appeal Ref: APP/D0840/W/20/3264543

Former Offshore Hotel, 6 Pentire Avenue, Newquay TR7 1NX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Matt Cavill of Enelco Ltd against the decision of Cornwall Council.
 - The application Ref PA20/00646, dated 13 January 2020, was refused by notice dated 8 September 2020.
 - The development proposed is 7 flats including associated parking.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The former Offshore Hotel occupies a two and a half storey building on Pentire Avenue, which is situated on a headland between Fistral Beach and the River Gannel. The adjacent buildings to the east and west offer three and two storeys to the street respectively. Pentire Avenue has a varietal built environment, with modern apartments and more modest housing striving for coastal views. That said, the newer apartment buildings are generally at most three storeys high, and, despite the intensification of housing development that has taken place, the urban environment retains a reasonably restrained domestic scale overall.
4. Paragraph 125 of the National Planning Policy Framework (the Framework) explains that neighbourhood plans can play an important role in identifying the special qualities of an area and explaining how this should be reflected in development. Policy D1 of the Newquay Neighbourhood Development Plan 2019-2030 (made 2019) (NNDP) provides that proposals, where appropriate, should develop or reinforce a strong identity or sense of place, with reference to the Newquay Character Study (the NCS). Policy D2 also states that schemes that impact on views of the townscape should take account of the NCS.
5. The NCS sets out key design principles for each area and places the site within the 'Pentire and Esplanade Roads' part of Newquay. It states that new buildings should not exceed the height of adjoining buildings in this area and generally this should be restricted to three storeys. The proposal would be higher than both adjoining buildings and in regard to the building to the west significantly so. The flatted development would also break from the recognisable scale along Pentire Avenue as it would present four storeys to the public realm.

6. The scheme seeks to reduce perception of its scale by placing the ground floor partly below street level and by slightly setting back the top floor. However, in reality the ground floor would still be appreciable, and the top floor would read as an integral fourth storey of accommodation, which would lead the building to appear excessively sized in relation to its environs. This would be exacerbated by the building's tall and somewhat plain projecting 'staircore', which would break forward of the building line and dominate much of the front elevation, bringing additional vertical emphasis to the structure.
7. I note that the former Offshore Hotel is an unremarkable building in a reduced condition, and I see that the scheme would offer comparative enhancement in relation to the new boundary wall and the area to the front of the building. Its fenestration pattern also seeks to replicate other flatted development in the area. However, these matters do not override the harm that would result from the identified issues with the design, scale and height of the building, in a location where height and scale are evidently matters of particular sensitivity.
8. I also recognise that the appellant has sought the views of the Cornwall Design Review Panel (the CDRP), which is a requirement of NNDP Policy D1. However, by my reading of the CDRP's responses, the alterations previously made to the scheme in response to the CDRP's comments do not go so far as to remedy the issues identified, nor meet the design principles set out by the NNDP.
9. Consequently, I conclude that the proposed development would have an unacceptable effect on the character and appearance of the area. It would conflict with the design aims of Policies G2, D1, D2 and H2 of the NNDP, Policies 2 and 12 of the Cornwall Local Plan Strategic Policies 2010-2030 (adopted 2016) and the Framework.

Other Matters

10. The site has extant outline permission to convert and extend the standing building to provide eight apartments¹. Whilst the illustrative drawings show a four-storey scheme, the permission was granted with all matters reserved for future consideration, and at a time which predates the NNDP being made. As such, it is not a fallback position which serves to justify the appeal proposal.
11. The site is within influence of the Penhale Dunes Special Area of Conservation (SAC). Had I been minded to allow the appeal, it would have been necessary for me to consider this matter within an Appropriate Assessment. However, as I am dismissing the appeal for other reasons, I have not taken it further.

Planning Balance

12. The government is seeking to significantly boost the supply of housing and the scheme would reuse a previously developed site within a settlement in an accessible location to provide seven residential units. I have no doubt that the development could be built out quickly. There would be modest and time limited economic benefits during construction and likely small economic benefits through the increased use of local facilities. The additional landscaping would potentially render very small biodiversity enhancements.
13. The Framework states that great weight should be attributed to these benefits in these circumstances. However, Paragraph 130 of the Framework equally

¹ Ref PA17/00723

provides that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans. Paragraph 12 of the Framework also states that where a scheme conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted.

14. Consequently, the benefits of the scheme are outweighed by the harm I have identified to the character and appearance of the area and the resultant conflict with the development plan in this case. The proposal would conflict with the development plan when read as a whole and there are no other considerations, including the Framework, that outweigh this conflict.

Conclusion

15. For the reasons outlined above, and taking all other matters raised into account, including the initial officer recommendation to grant planning permission, I conclude that the appeal should be dismissed.

Matthew Jones

INSPECTOR