



Appeal Decisions

Site visit made on 26 March 2021

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an Inspector appointed by the Secretary of State

Decision date: 26 April 2021

Appeal A Ref: APP/D0840/W/20/3246452

Land to the north of Roseworthy Hill, Camborne, Cornwall

- 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 Quora (Camborne) Ltd against the decision of Cornwall Council.
 - The application Ref PA18/06111, dated 28 June 2018, was refused by notice dated 7 August 2019.
 - The development proposed is a mixed use development comprising three A1 retail (food and non-food) units and petrol filling station (including A1/A3 uses) associated parking, access and landscaping arrangements.
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Appeal B Ref: APP/D0840/W/20/3246454

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 - The appeal is made by Quora (Camborne) Ltd against the decision of Cornwall Council.
 - The application Ref PA18/06112, dated 28 June 2018, was refused by notice dated 7 August 2019.
 - The development proposed is coffee shop with drive thru (to be developed alongside the wider mixed use retail and petrol filling station development) associated parking, access and landscaping arrangements.
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Decision

1. The appeals are dismissed.

Application for costs

2. An application for costs was made by Quora (Camborne) Ltd against Cornwall Council. This application is the subject of a separate Decision.

Procedural matters

3. The development that is the subject of Appeal A was subject to change during the application process. It was conceived to include three retail units but became a two unit scheme; a food retail unit of about 2000 square metres and a non-food retail unit of about 1400 square metres. The two unit scheme was considered by the Council and the appeal will be considered on the basis that the application is for 'a mixed use development comprising two A1 retail (food and non-food) units and petrol filling station (including A1/A3 uses); associated parking, access and landscaping arrangements'.

4. The Council conceded, in their appeal statement, that if Appeal A is allowed then Appeal B could be allowed also, subject to a Section 106 obligation that would ensure "...the delivery of the coffee shop alongside the wider retail park...". It follows that if Appeal A is dismissed Appeal B must be dismissed also, for it cannot be a standalone development. For the purposes of this decision the two proposed developments will be considered as if they are one proposed development.

The site and its surroundings

5. The site is about 2.3 hectares of agricultural land to the west of Camborne. It is bounded to the north by a slip road onto the west bound carriageway of the A30, to the east by the A3047, and to the south by Roseworthy Hill, a country road. Roseworthy Hill and the A3047 converge at a roundabout junction, at the south-east corner of the site, with Treswithian Road, which is part of the A3047 and which leads into Camborne town centre. The town centre is about 1.2 kms to the east of the site. To the west of the site and beyond the A30 and Roseworthy Hill is agricultural land. On the opposite side of the A3047 is a hotel, which is the westernmost built development in Camborne.

The proposed development

6. There would be two accesses into the site, both off Roseworthy Hill. The petrol station would be between the two accesses and close to the road frontage, as would be the drive thru coffee shop. The two retail units would be to the rear of the site. Between the two units and Roseworthy Hill there would be parking areas for about 230 vehicles. Structural landscaping would be introduced along the two road frontages, and Roseworthy Hill would be altered to provide dedicated central right-hand turning lanes. The food retail unit would be a Lidl discount food store and the non-food retail unit would be operated by Home Bargains.

Reasons

7. The main issues are; the effect of the proposed development on the viability and vitality of Camborne town centre; second, the effect of the proposed development on the character and appearance of the landscape; and third, whether the proposed development conflicts with strategic planning policy.

The first issue – the viability and vitality of Camborne town centre

8. The main street in Camborne town centre is Trelowarren Street. At its east end is a junction with Wesley Street/Centenary Street and towards its west end the street becomes Commercial Street, which soon has a roundabout junction with Church Street. Close to the roundabout and on the north side of Church Street is a discount foodstore operated by Aldi. On Trelowarren Street is a range of retail, food and service providers typical of a small town.

9. Policy 4 of the Cornwall Local Plan Strategic Policies 2010-2030 (CLP) 'Shopping, services and community facilities' states that the Council will seek to maintain the retail hierarchy by supporting centres to provide for the needs of their community. The policy also states, amongst other things, that development will be permitted where it supports the vitality and viability of town centres and that retail uses outside defined town centres must show there would be no significant adverse impact on the viability and vitality of, and investment within, the existing centres.

10. On this issue there is some agreement between the retail consultants acting for the main parties on the effect of the proposed development on retail shops in

the town centre. Aldi and Lidl are direct competitors in the discount convenience goods market and the consultants agree that the Aldi store would suffer a 24% loss of trade if the Lidl store was built and brought into operation. They also agree that the Aldi store, which is currently overtrading, would not be significantly affected. Agreement extends to the overall impact on trade in the town centre. This would be about 11.3% but, given that Aldi would bear most of the impact, 4.9% on the remaining town centre.

11. Some customers of Aldi will also visit other shops in the town centre and if the proposed development reduces the number of customers visiting Aldi, and it is agreed that it would, then the number of linked shopping trips would be reduced. Current visitors to the town shopping for both convenience and comparison goods would also, potentially, be drawn to the proposed development which would offer both types of goods in the two retail units. These are factors that contribute to the agreed impact on the economy of the town centre.

12. The number of empty retail properties in the town centre is above the national average of 12.1% at 18.3%. This and other factors have led the Council's consultants to describe the health of Camborne town centre as 'fragile'. The site visit was carried out during a lockdown period associated with the current health crisis and only essential shops were open. The relatively high percentage of empty shops was noted as was the poor repair of some of the units, particularly those that are empty. The impression gained at the site visit, even allowing for the low level of shoppers on the day, was of a town centre in need of an upturn in its fortunes and, indeed, in a fragile economic state.

13. The owners of the appeal site have entered into a planning obligation, made under Section 106 of the Town and Country Planning Act 1990, that would require, prior to occupation of any of the retail units, the payment of four financial contributions. Three of these would be a Marketing Contribution of £96,250 towards the marketing of Camborne town centre, a Shop Front Improvements Contribution of £135,000 towards a fund for shop front improvements in the town centre, and a Town Centre Regeneration Contribution of £70,000 towards a town centre regeneration manager.

14. The contributions could, potentially, lead to an upturn in trade in the town centre and would mitigate the economic impact of the proposed development. A town centre with a robust economy could bear a nearly 5% impact on its trade whilst the mitigation measures redress the impact. However, the predicted loss of nearly 5% of retail income for a town centre in a fragile state could be so damaging that the mitigation measures could fail to redress the impact.

15. The proposed development would have an adverse impact on the viability and vitality of Camborne town centre. The adverse impact, as a matter of planning judgement and taking into account the three aforementioned financial contributions, which would be likely in time to redress the impact, would not be significant. Whilst the development would not support the viability and vitality of the town centre it would not conflict with CLP policy 4.

The second issue – the character and appearance of the landscape

16. The site is located in Landscape Character Area (LCA) CA11: Redruth, Camborne and Gwennap. LCA CA11 is described, in the Cornwall and Isles of Scilly Landscape Character Study, as an area that has a small scale rolling landscape with extensive areas of disturbed or derelict land from earlier industrial activity,

lead and tin mining. Pasture is the dominant land use with small irregular fields predominating in sheltered valleys, whereas on higher ground larger straight sided fields enclosing improved and rough pasture predominate. The site is on higher ground and is a large field of rough pasture with hedgerows to both road frontages. The A30 is a defining characteristic of the area but it is in a deep cutting to the north of the site and does not intrude in views from vantage points around the site.

17. Principal views of the site are from Footpath No. 203/4/3 to the north of the site beyond the A30 (though these views are filtered by trees on the banks of the A30 cutting), from the A3047 and its pavements between the A30 and the roundabout, from Treswithian Road to the south of the hotel, and from Roseworthy Hill. From these vantage points the A3047 is clearly the highway feature that defines the extent of the town at its western edge. Built development, the hotel and associated development, is well contained and, with open countryside to the north, south and west, the proposed development would, both physically and visually, be in the countryside. The development would be dense, would extend the town, and would intrude into the countryside.

18. A Landscape and Visual Impact Assessment (LVIA) has been provided at appeal stage. The LVIA, by Enplan, identifies principal viewpoints from where the proposed development would be experienced, and potential recreational and road user receptors. It acknowledges that the sensitivity of these receptors is, respectively, high and moderate. For each viewpoint the LVIA includes a photograph taken towards the proposed development which identifies, with dashed lines, the 'approximate location of the site'. But there are no photomontages of the site to illustrate the effect of the development from the viewpoints. It is not therefore clear how the LVIA reaches conclusions on the magnitude of change or on the effect and significance of those changes.

19. The LVIA assesses the impact of the proposed development at Year 1 and at Year 15; on the basis that a landscape strategy would, in time, mitigate the effect of the development on the landscape. At paragraph 5.1 of the LVIA it is stated that "Figure 25: Illustrative Masterplan provides an illustrative masterplan and landscape proposals". Figure 25 purports to be an Enplan drawing but is, in fact, simply a copy of the 'Overall Proposed Site Layout' Drawing No. 14814-130 Rev. A, which was prepared by the Appellant's Architects and submitted with the application. Figure 25 is vague on what the landscape proposals would be, which could explain the lack of clarity in the conclusions of the LVIA.

20. Detailed landscape proposals are provided on a 'Landscape Plan', Drawing No. V14814 LO1 Rev. F, which was submitted with the application and was considered by the Council, and which would be an approved drawing pursuant to an agreed condition. The plan indicates that, along the road frontages there would be tree and shrub planting. But the trees would be spaced well apart and it is stated in the Design and Access Statement that accompanied the application that shrub planting "...will provide a strong and bold planting statement to the southern and eastern boundaries whilst still allowing visual permeability through to the store fronts". It is clearly intended, and would be the result of compliance with what would be an approved landscape plan, that views across the site from roads and pavements to the south and east would be maintained into the future.

21. The landscape strategy referred to in the LVIA would not mitigate the effect of the development and the conclusions reached on the magnitude of change, and on the effect and significance of those changes at Year 15, can be discounted. For

pedestrians on pavements alongside the A3047, Roseworthy Hill and Treswithian Road, and for drivers and passengers in vehicles on those roads, the magnitude of change in views across the site would be substantial and would remain so into the future. The proposed development, particularly in close views from the A3047, would be seen against a backdrop of open countryside and would have a significant adverse effect on the acknowledged high recreational value of those views.

22. The site is physically and visually in the countryside and the Appellant clearly intends to maintain visual permeability across the site and views of the two proposed large retail units from public viewpoints in the future. The buildings and extensive areas of car parking, and vehicular activity on the site, would be visually intrusive from public viewpoints. The proposed development would have a significant adverse effect on the character and appearance of the landscape and thus conflicts with, in particular, CLP Policy 2, which seeks, amongst other things, to protect and conserve the natural landscape.

The third issue – strategic policy

23. Camborne, for strategic policy and site allocation purposes, is part of the Camborne, Pool, Illogan and Redruth (CPIR) area of linked towns. The Council adopted a Cornwall Site Allocations Development Plan Document (CSADPD) in November 2019, which "...sets out the strategy for future growth of 10 towns/conurbations..." and establishes that "The purpose of the CSADPD is to allocate land for a range of uses to support the spatial vision and objectives of Cornwall...". The CSADPD states, at paragraph 5.27, that "Delivery of retail development will always be encouraged to go to town centre or edge of centre sites...". The CSADPD does not allocate the appeal site for retail or any other use.

24. CLP policy 3 states, amongst other things, that delivery of retail and other development will be managed through the CSADPD or Neighbourhood Plans for towns including Camborne. The Appellants maintain, however, that "...this does not preclude the delivery of retail development on sites that are not allocated". The proposed development satisfies the sequential test required by CLP policy 4 but only because it is too large for any potential town centre or edge of centre sites, such as the bus station site, that might come forward for development. Furthermore, policy 4 also requires that proposed retail developments must show that "...there is no significant adverse effect on the viability and vitality of, and investment within, the existing centres".

25. The proposed development would not have a significant adverse effect on the viability and vitality of Camborne town centre but would be outside the defined town centre. The CSADPD is an up-to-date development plan document. The appeal site is not allocated for retail or other development in the CSADPD and conflicts with the Council's strategic policy for the area.

Section 106 Planning Obligation and Conditions

26. In addition to the three financial contributions of the Section 106 Planning Obligation referred to in paragraph 12, the Obligation would also require, prior to occupation of any of the retail units, the payment of a Transport Contribution of £108,000 towards the provision of transport facilities to mitigate the cumulative impacts of the development on the wider transport network. The provisions of the planning obligation are directly related to the development, are fairly and reasonably related in scale and kind to the development, and are in place to mitigate the effects of the development. The legal agreement therefore complies

with the tests set out in the National Planning Practice Guidance (NPPG) and with Regulation 122 of the CIL Regulations 2010.

27. The main parties have agreed conditions to be imposed if planning permission was to be granted for each of the proposed developments. One of these conditions, for the development that is the subject of Appeal A, would require the prior approval of a Local Labour Agreement, which would aim to promote employment opportunities for local people. This condition and all other agreed conditions would be amended, in the interests of clarity and precision, but meet the tests for conditions set out in the NPPG.

Planning benefits

28. The two retail units, the petrol filling station and the drive thru coffee shop would provide about 160 full-time and part-time jobs (94 full-time equivalent jobs). About 200 jobs would be generated during the construction phase and the development would inject about £11 million into the local economy.

29. The Marketing Contribution, the Shop Front Improvements Contribution and the Town Centre Regeneration Contribution, whilst principally aimed at mitigating the adverse effects of the proposed development, would provide material planning benefits for Camborne town centre.

Planning balance

30. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (the 2004 Act) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. This requirement is at the heart of the planning balance.

31. The impact of the proposed development on the viability and vitality of the town centre could result in the loss of jobs, but this has not been quantified. Nevertheless, the development would result in a net increase in jobs, both long-term and short-term, and would bring investment into the area. These, and the Section 106 contributions that would assist the economy of the town centre are planning benefits to weigh in the planning balance.

32. The substantial harm that would be caused by the proposed development to the character and appearance of the landscape is not outweighed, as a matter of planning judgement, by the planning benefits. The planning benefits of the scheme are material considerations but they do not indicate that Appeal A should be determined other than in accordance with the Development Plan. Appeal A, and Appeal B, must therefore be dismissed.

Conclusion

33. The appeals are dismissed and planning permission is withheld for 'a mixed use development comprising two A1 retail (food and non-food) units and petrol filling station (including A1/A3 uses); associated parking, access and landscaping arrangements' and 'a coffee shop with drive thru (to be developed alongside the wider mixed use retail and petrol filling station development) associated parking, access and landscaping arrangements' at Roseworthy Hill, Camborne, Cornwall.

John Braithwaite

Inspector