



Appeal Decision

Site visit made on 7 March 2022

by Neil Pope BA(HONS) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st April 2022

Appeal Ref: APP/D0840/W/21/3276553

Former Unit H, Bartles Industrial Estate, North Street, Redruth, Cornwall, TR15 1HR.

- 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 Nick Rogers of J R Flat Roofing UK Ltd against the decision of Cornwall Council.
 - The application ref.PA20/11276, dated 18/12/20, was refused by notice dated 21/5/21.
 - The development proposed is the construction of a new dwelling and amendment to the existing car parking arrangement.
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Decision

1. The appeal is allowed. Planning permission is granted for the construction of a new dwelling and amendment to the existing car parking arrangement at former Unit H, Bartles Industrial Estate, North Street, Redruth, Cornwall, TR15 1HR. The permission is granted in accordance with the terms of application ref. PA20/11276, dated 18/12/20 and subject to the conditions in the attached Schedule.

Main Issue

2. The main issue is the effect upon the character and appearance of the area, including the setting of the Cornwall and West Devon Mining Landscape World Heritage Site (WHS).

Reasons

Planning Policy and Other Relevant Published Documents

3. The development plan includes the Cornwall Local Plan Strategic Policies 2010-2030 (LP) and the Cornwall Site Allocations Development Plan Document (DPD) adopted in 2019. The most important policies to the determination of this appeal are: LP policies 12 (design), 21 (best use of land), 24 (historic environment) and; DPD policy 1 (housing growth/windfall).
4. Whilst not forming part of the development plan, my attention has also been drawn to the Cornwall and West Devon Mining Landscape World Heritage Site Management Plan 2020-2025 (MP). Amongst other things, the MP seeks to protect the Outstanding Universal Value (OUV) of the WHS. This includes protection from development outside the boundary of the WHS that could have an adverse impact on attributes within the WHS¹. The MP has been adopted by the Council and can be given moderate weight in this appeal.

¹ Policy P3. MP policy C2 requires high quality design and design that is respectful of the setting of the WHS.

Character and Appearance - The Site and Surroundings

5. This 0.019 ha appeal site lies on the western side of North Street and within the built-up area of Redruth. It is immediately adjacent to the WHS² and forms part of the very extensive setting of this designated heritage asset³. I understand that the appeal site was part of a former foundry.
6. Immediately to the south of the site is 27 North Street. This neighbouring property is part of a terrace⁴ of former mineworkers dwellings within the boundary of the WHS. This row is set back from the street with intervening garden spaces. Various sheds, car ports and other ancillary structures have been erected within these garden spaces. To the south of this terrace Nos. 34, 36 and Manor Terrace have been built close to the edge of the footway.
7. On the opposite (eastern) side of the street there is another terrace⁵ of houses (Sandow's Row). This row has been built much closer to the edge of the footway with small front gardens. Immediately to the west of the appeal site there is a terrace of three new houses which is set forward of Hambly's Row. Beyond this terrace there are some business units and to the north there is a veterinary surgery and some detached and semi-detached properties.
8. I note the comments of the WHS Office set out within the Council's officer's report. Having visited the site and surroundings and notwithstanding the garden structures, Hambly's Row is discernible as a traditional terrace of former mineworkers dwellings. This row, including the associated garden spaces, is part of the historic record of the growth of Redruth which was linked to deep mining activities of hard-rock. Hambly's Row adds to the heritage interest (significance) of the WHS and makes a pleasing contribution to the varied street scene of North Street.
9. The appeal site is not harmful to the setting of Hambly's Row, the significance of the WHS or to the street scene. However, there is nothing of substance to demonstrate that it makes a positive contribution to the heritage interest of the WHS or to the character or appearance of the area.

Character and Appearance - Effect of the Proposal

10. The proposed two bedroom dwelling would be sited in front (to the east) of the terrace of three new houses and very close to the edge of the footway along the western side of North Street. It would not entail the loss of any important open space or garden space within the street scene of North Street.
11. The proposed house would be set very much closer to the roadside than Hambly's Row. However, these former mineworkers dwellings and their garden spaces would remain a clearly discernible feature within North Street. The proposal would not erode the historical form of this terrace or diminish the ability to appreciate or understand its significance or its relationship with Sandow's Row. This new house would not intrude into or mar the setting of the WHS. It would add to the varied pattern of development along the street.
12. This new building would have a pitched roof, clad in natural slate, and natural stone walls with some wood cladding and stone quoins. A section of Cornish

² The site is adjacent to part of Area 5 'Camborne and Redruth Mining District'.

³ The WHS extends to 19,710 hectares and is spread over ten areas.

⁴ Nos. 27-36 known as Hambly's Row.

⁵ Nos. 2-20 North Street.

hedge would be provided at the back of the footway and along the garden boundary. There would also be some garden planting. The proposal would respect distinctive qualities in the local built environment and entail a very slight enhancement to the street scene of this part of North Street.

13. I conclude on the main issue that the proposed development would not harm the character or appearance of the area, including the setting of the WHS. It would accord with LP policies 12 and 24, and MP policies P3 and C2.

Other Matters

14. The proposed development would entail the more efficient use of previously-developed land for housing within a main urban settlement. It would increase the choice and supply of housing within this part of Cornwall without entailing the loss of any 'greenfield' land. The proposal would increase Council Tax receipts and would provide some very limited support to the construction industry. It would accord with the provisions of LP policy 21, DPD policy 1 and the provisions of the National Planning Policy Framework when read as a whole. These matters lend weight to the argument for granting permission.

Planning Conditions

15. In addition to the 'standard' condition requiring development to commence within three years, in the interests of certainty a condition would be necessary specifying the approved plans.
16. Given the previous use of the site, conditions would be necessary to address land contamination. For the exceptional reason of public safety, any development within areas identified as posing an unacceptable risk in the 2016 Phase 1 report⁶ would need to be subject to a pre-commencement condition.
17. Separate conditions would be necessary: to ensure adequate drainage; to secure car parking and turning spaces, thereby avoiding danger and congestion on the local road network and; to safeguard the privacy of neighbouring residents, by restricting new openings in the south west elevation of the proposed dwelling. Finally, a condition relating to materials and landscaping would be necessary to safeguard the character and appearance of the area.

Overall Conclusion

18. Given all of the above, I conclude that the appeal should succeed.

Neil Pope

Inspector

SCHEDULE OF PLANNING CONDITIONS

1. The development hereby permitted shall commence before the expiration of three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1,250 scale site location plan, 1:500 scale block plan and 1:200 scale proposed site plan (drawing ref.001A); 1:50 scale ground floor, first floor, roof plan and section, 1:100 scale elevations (drawing ref.002).

⁶ Land contamination report submitted as part of the previous application for the adjacent terrace of three houses.

3. No development shall take place where land affected by contamination is identified and which poses risks identified as unacceptable in the Phase 1 report dated 6 July 2016 and prepared by Wheal Jane Consultancy ref: SI 19063 PH1, until a detailed remediation scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use.
4. The approved remediation scheme in condition 3 above, shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner that demonstrates the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority before the development is occupied.
5. Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported in writing immediately to the Local Planning Authority (LPA). Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the LPA. Where unacceptable risks are found remediation and a verification scheme shall be submitted to and approved in writing by the LPA. These approved scheme shall be carried out before the development is resumed or continued.
6. Prior to the occupation of the dwelling hereby permitted, details of a scheme for the management of the site's surface water shall be submitted to and approved by the Local Planning Authority. The scheme shall be installed in accordance with the approved details prior to the occupation of the dwelling hereby permitted, and the scheme shall thereafter be retained in accordance with the approved details.
7. Before the development hereby permitted is brought into use, parking and turning areas shall be laid out and constructed in accordance with approved drawing ref. 002. These areas shall not thereafter be obstructed or used for any other purpose.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking or re-enacting that Order, express planning permission shall be required for any openings above ground floor level in the south west elevation of the building hereby permitted.
9. Development shall not proceed above slab level until details or samples of the following have been submitted to and approved in writing by the Local Planning Authority: i) the natural slates to be used on the roof of the building; ii) the natural stone to be used on the external walls and in the sections of Cornish hedges; iii) the garden planting, including a timetable for implementation. The development shall be undertaken in accordance with the approved details / samples. Any trees or shrubs that die, are removed or become severely damaged or diseased within five years of planting shall be replaced.