



Appeal Decision

Site visit made on 18 June 2024 by S Wilson LL.B. MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th July 2024

Appeal Ref: APP/D0840/W/23/3335234

Anchorage, 28 North Parade, Falmouth, Cornwall TR11 2TD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Roberts against the decision of Cornwall Council.
 - The application Ref is PA23/03515.
 - The development proposed is described as 'demolition of existing building and erection of 3 dwellings.'
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Decision

1. The appeal is allowed, and planning permission is granted for development described as 'demolition of existing building and erection of 3 dwellings' at Anchorage, 28 North Parade, Falmouth, Cornwall TR11 2TD, in accordance with the terms of the application Ref PA23/03515 and subject to the conditions set out in the attached schedule.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Application for Costs

3. An application for an award of costs has been made by Mr and Mrs Roberts against Cornwall Council. This is subject of a separate decision.

Main Issue

4. The effect of the proposed development on the character and appearance of the area.

Reasons for the Recommendation

5. Located on the west side of North Parade and on the bank of the Penryn River, Anchorage has two distinct perspectives. Viewed from the former, it appears as a conventional bungalow. From the marina, it presents as two storey. It is wide and stretched across its narrow plot with a number of ad hoc and uncoordinated alterations and a plethora of retaining walls. It is the first property on the west side of North Parade after the commercial buildings of the marina, from which it is separated by the lie of the land and its own garden.
6. The west side of North Parade has a number of architectural influences and designs including a large, multi-storey art deco style design, 20th century bungalows and a number of newer more modern houses. The elevated east

side retains a more repetitive pattern of 20th century bungalows, which is broken in some places by a number of modern, taller buildings.

7. The proposal would enhance the view from the marina, the river, and the opposite bank of the river through the removal of the existing, somewhat confused, building. The appeal scheme would consist of coordinated and obviously contemporary designs which would not be at odds with the local variation in built form and space between them that would break up their massing. Spaces would allow some limited views from the street to the marina beyond and add some visual interest to the street scene. The many levels of retaining wall would be replaced with a coherent structure. Whilst this would mean a significant increase in bulk, it would present a simple and clean line.
8. Whilst the proposed properties would be three stories, their mass and scale would be reduced by how they would sit low into the site. The units would appear slightly taller than the existing, particularly 1 and 2. However, the roof design of unit 3 incorporates a hip which would neatly step the development as a whole as it would be experienced travelling north along North Parade. This would allow the increase in height to be experienced both logically and gently, demonstrating an aesthetic and physical understanding of the location. The height increase would also be offset by the breaking up of the solid mass of the existing property and the concomitant space between the units.
9. The proposal would provide three well designed dwellings, in a sustainable location, where one currently exists, creating an uplift in the provision of housing. The proposal would not represent over development of the site due to the gaps between the buildings, the soft transition in heights and the ability of the retained garden to soften the transition to the urban environment.
10. The proposal would not therefore harm the character and appearance of the area. Accordingly, it would comply with Policies DG2 and DG4 of the Falmouth Neighbourhood Development Plan 2021-2030, Policies 2 and 12(1) of the Cornwall Local Plan Strategic Policies 2010-2030 and the National Planning Policy Framework 2023, in so far as they seek to achieve high quality design that respects the character and appearance of the area.
11. The Council refer to Policy CC1 of the Climate Emergency Development Plan Document (2023) in their decision. The notice does not specify harm in regard to this policy since the sole reason for refusal relates to character and appearance matters only. The Council provide some explanation in their statement as to why the appeal scheme would conflict with CC1. This appears to be due to the lack of a Coastal Vulnerability Assessment (CVA) and insufficient explanation as to why, or how, proposed sea defences or cliff stabilisation works are required for public health or safety purposes.
12. I have not seen a CVA, but the Coast Protection Authority confirm that the appeal scheme would be consistent with the Shoreline Management Plan. Ergo they were satisfied with the information provided by the appellant on those matters. I am also aware that there were no objections from the Environment Agency. There is no compelling evidence to lead me in a different direction from the conclusions of the relevant experts in these respective fields.
13. There would be some works to retaining walls on the appeal site, but this would be to facilitate the proposed development and to replace/improve/extend the existing structure(s) for the purposes of the development itself and the land

associated therewith. There is no indication, taking into account the above views of consultees, that the land is unstable currently or the scheme provides sea defences. With these in mind, I do not see any conflict with Policy CC1

Other Matter

14. The existing property has multiple large openings, and the immediate surroundings are built up with many other lights spilling onto the river at night. Whilst involving additional dwellings, the proposal would not dramatically change the existing situation. I have returned to this matter in the conditions section with specific regard to external lighting.

Conditions

15. In addition to the standard time period for commencement of the development, a condition requiring works to accord with the approved plans would be necessary for enforcement purposes. A condition requiring the agreement of external materials is necessary to ensure the development integrates acceptably with its sensitive surroundings. Since the materials condition addresses what the building would be constructed from, the detail would be required at an early stage. It would not however have to be prior to commencement and foundation works could take place.
16. A condition requiring the approval of any external lighting is necessary to protect the sensitive environment and landscape qualities of the site, particularly around the river. It would be sufficient for any to be agreed prior to it being installed. The condition would only 'bite' in the event external lighting is proposed.
17. A construction management plan is required to safeguard the living conditions of neighbours during the construction process in the interests of highway safety and having regard to the scale of the scheme. The detail would be required, for practical purposes, prior to the commencement of development. It would however be sufficient to agree detail for a scheme for landscaping, including the removal of vegetation and details of boundary treatments, to ensure the natural qualities of the sensitive location and neighbours' living conditions are protected, prior to the first occupation of the development.
18. Compliance conditions limiting the clearance of vegetation during the bird nesting season, for development to be carried out in accordance with the accepted flood risk assessment and foul and surface water drainage statement from April 2023 are necessary in the interests of ensuring there is no disturbance to nesting birds, that development is safe from flooding for its lifetime and the risk of pollution is minimised through the provision of a satisfactory means of foul and surface water control and disposal. A further compliance condition would be necessary to ensure works were carried out in accordance with the ecological survey and recommendations for enhancement.
19. The Council's highways advice states that the parking arrangements can be made acceptable by the imposition of a condition that would reduce boundary treatment to a maximum height of 900mm as depicted in plan reference 3312 010 N. It is further noted that the retention of the annexe at the western edge of the site would constrain emerging visibility. It would also reduce the forward visibility of vehicles approaching from the west observing vehicles exiting the layby arrangement. I have no reason to disagree with this position. Given this

and the importance of a soft transition to the built form, a condition that requires the removal/part removal of the annexe is reasonable and necessary. I have included it in a condition that requires relevant boundary treatments and obstructions to be kept below 900mm. It would be sufficient for this detail to be secured and carried out prior to the first occupation of the development.

20. To ensure the appropriate functioning of the development, the scheme should not be occupied until the vehicle parking spaces have been provided in accordance with the approved drawings. They should thereafter be retained for the parking of vehicles only to appropriately serve the development and avoid the need to park on the existing highway.
21. A condition requiring a connection to the footway on the opposite side of North Parade would be beneficial to give future occupants a means to cross the highway to access the opposite footway. Due to parked cars however, the free flow of traffic, at no more than 30 miles per hour, is already impeded. There are existing dwellings nearby, there is already one on the appeal site and there are a number of other means by which future occupiers could access the proposed development either by car or on foot. I have not therefore recommended this condition be imposed since planning permission would unlikely be withheld without it. In addition, it has not been satisfactorily demonstrated that rights afforded to future occupiers under the Town and Country Planning (General Permitted Development) (England) Order 2015 should be restricted, save for limiting the insertion of new windows into the north east elevation of Unit 1, and the carrying out of the glazed screen to avoid overlooking of the nearest neighbour. Both to protect existing living conditions.

Conclusion and Recommendation

22. For the reasons given, the appeal scheme would comply with the development plan and there are no material considerations worthy of sufficient weight which would indicate a decision other than in accordance therewith. I therefore recommend the appeal be allowed, subject to the conditions specified.

S Wilson

APPEAL PLANNING OFFICER

Inspector's Decision

23. The proposed development would be within the zone of influence of the Fal and Helford Special Area of Conservation (SAC). This is designated for its saltmarsh, intertidal mudflats, subtidal sandbanks, large shallow inlets and bays, estuaries and reefs. As a scheme for the net addition of dwellings, there is likely to be an increase in the local population. Being within the aforementioned zone of influence, these occupiers are more likely to use areas of the SAC for recreational purposes. Along with other similar development, this would be a likely significant adverse effect on the integrity of the SAC.
24. The Cornwall European Sites Mitigation Supplementary Planning Document 2021 sets out mitigation strategies through Strategic Access Management and Monitoring (SAMM). SAMM is funded by contributions from qualifying developments including the appeal scheme. The appellant has made payment to the Council, the funds having been secured by an undertaking against

Section 111 of the Local Government Act 1972. The Council are satisfied that the payment provides sufficient funds for SAMM in relation to this development, as detailed in the SPD. I have no reason to disagree.

25. As the competent authority in this case, and with this information in mind, I am satisfied that the likely significant effects arising from the proposed development on the integrity of the SAC can be appropriately mitigated. Taking this, all the submitted evidence and my representative's report into account I allow the appeal, subject to the conditions set out below.

John Morrison

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 3312-010 REV N; 3312-014 REV L; 3312-015 REV N; 3312-016 REV M; 3312 004 REV B; 3312 005 REV A; 3312 030 REV M; 3312 020 REV M; 3312 021 REV G; 3312 022 REV E; 3312 002 REV B; 3312 001 REV B.
- 3) No development above ground level shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall then be carried out in accordance with the approved details.
- 4) Prior to the installation of any external lighting (including security lighting), full details of its height, design, location and intensity shall be submitted to and approved in writing by the local planning authority. Development shall then be carried out in accordance with the approved details.
- 5) No development shall take place, including any works of demolition, until a construction management plan has been submitted to, and approved in writing by the local planning authority. The plan shall provide for the following and be adhered to throughout the construction period for the development:
 - A timetable of works
 - the parking of vehicles of site operatives and visitors;
 - the method and locations for loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development;
 - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing;
 - measures to control the emission of dust and dirt during construction;
 - a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - delivery, demolition and construction working hours.
- 6) Prior to the first use/occupation of the development hereby permitted, details of a hard and soft landscaping scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of:
 - Features for retention and means of protection during the development;
 - Features to be removed with clear justification for the proposed removal;
 - The location, species, density and size of proposed tree, shrub and hedge planting;

- The means of establishment, protection and maintenance of the trees, shrubs and hedges;
 - Materials, heights, levels and details of hard landscaping;
 - Materials, heights and details of fencing and other boundary treatments;
 - All elements of the landscaping scheme shall be implemented and maintained in accordance with the approved details unless otherwise agreed in writing by the local planning authority. All work shall be completed before the end of the current first available planting season following practical completion of the development hereby permitted; unless otherwise agreed in writing by the local planning authority. Any trees or plants that, within five years after planting, are removed, die or become seriously damaged or defective shall be replaced with other species, size and number as originally approved, unless consent is given to any variation.
- 7) No vegetation clearance shall take place during the bird nesting season (01 March to 31 August, inclusive) unless the developer has been advised by a suitably qualified ecologist that the clearance will not disturb nesting birds and a record of this kept.
- 8) The development hereby permitted shall be carried out in accordance with the details set out in the Flood Risk Assessment by Nijhuis, dated 25 April 2023.
- 9) The development hereby permitted shall be carried out in accordance with Nijhuis Saur Industries Surface and Foul Water Drainage Statement J 15324 03 LB dated 4 April 2023. The drainage systems shall be retained and maintained thereafter.
- 10) The development hereby permitted shall be carried out in accordance with the recommendations for ecological mitigation and enhancement set out in the ecological report, dated 11 May 2023, reference CEC4248.
- 11) Prior to the first occupation of the development hereby permitted and subsequently thereafter, there shall be no obstruction exceeding 900mm above the level of the adjoining carriageway within the green hatched areas shown on approved plan reference 3312 010 N. This shall include the demolition or part demolition of the existing studio/annexe as far as it falls therein.
- 12) The development hereby permitted shall not be first occupied until the vehicle parking spaces have been provided in accordance with the plans hereby approved. The spaces shall thereafter be retained for the purposes of the parking of vehicles only.
- 13) With the exception of the rooflight shown, there shall be no new openings added to the north-east elevation of Unit 1 as indicated on the plans hereby approved.
- 14) Prior to the first use of the balcony at the first floor of unit 1 hereby permitted, an obscure glazed privacy screen shall be erected, as indicated on approved plan reference 3312 021 G. The screen shall be retained thereafter.