

# Cornwall Council

**Dolcoath Avenue Camborne Cornwall TR14 8SX**

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**Application number:** PA17/07348

**Agent:**

Poynton Bradbury Wynter Cole Ltd  
Atlantic Studio  
Trelyon Avenue  
St Ives  
TR26 2AD

**Applicant:**

Carninney Rise Ltd  
Breja  
Towednack  
St Ives  
Cornwall  
TR263BA  
UK

**Town And Country Planning Act 1990  
Town And Country Planning (General Development Procedure) Order 1995**

## **Approval of Reserved Matters**

Under the provisions of the above mentioned Act and Order, Cornwall Council as local planning authority hereby approves the reserved matters in accordance with the application submitted to the Council on 2 August 2017 subject to the condition set out on the attached schedule and accompanying plan(s):

**Description of Development:** Detailed design of 30 residential units, including their appearance, landscaping, layout and scale. (Details following outline application PA15/05320 dated 08/01/16.)

**Location of Development:** Land E Of Carninney Farm  
Carninney Lane  
Carbis Bay  
Cornwall

**Parish:** St. Ives

**YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.**

**Phil Mason  
Service Director Planning and  
Sustainable Development**

**DATED: 19 September 2018**

**SCHEDULE ATTACHED TO APPLICATION & DECISION NO: PA17/07348**

**CONDITION:**

- 1 The development hereby permitted shall be carried out in accordance with the plans listed below;

Received 19 July 2018

Site plan - Tenure Types 3381-CNR-PBW-00-XX-DR-A-4000 Revision P5

Received 9 July 2018

Full Site Plan - 3381 - CNR-PBW-00-XX-DR-A-1000 Revision P6

External Works Indicative Sections - M321 002-P Revision B

External Works General Arrangement - Part Site 1 - M321 003-P Revision B

External Works General Arrangement - Part Site 2 - M321 004-P Revision B

External Works General Soft Arrangement - Part Site 1 - M321 005-P Revision B

External Works General Soft Arrangement - Part Site 2 - M321 006-P Revision B

External Works Details - M321 007-P Revision B

Received 14 June 2018

Plot 1 Elevations 3381-CNR-PBW-01-XX-DR-A-2000 P4

Plot 1 Floor Plans 3381-CNR-PBW-01-XX-DR-A-1000 P4

Plot 2 Elevations 3381-CNR-PBW-02-XX-DR-A-2000 P4

Plot 2 Floor Plans 3381-CNR-PBW-02-XX-DR-A-1000 P4

Plot 3 Elevations CNR-PBW-CD-XX-DR-A-2000 Revision P5

Plot 3 Floor Plans CNR-PBW-CD-XX-DR-A-1000 Revision P5

Plot 4 Elevations CNR-PBW-04-XX-DR-A-2000 Revision P2

Plot 4 Floor Plans CNR-PBW-04-XX-DR-A-1000 Revision P2

Plot 5 Elevations CNR-PBW-05-XX-DR-A-2000 Revision P3

Plot 5 Floor Plans CNR-PBW-05-XX-DR-A-1000 Revision P3

Plot 6 Elevations CNR-PBW-05-XX-DR-A-2000 Revision P3

Plot 6 Floor Plans CNR-PBW-05-XX-DR-A-1000 Revision P3

Plot C + D Elevations CNR-PBW-19-XX-DR-A-2000 Revision P4

Plot C + D Floor Plans CNR-PBW-19-XX-DR-A-1000 Revision P4

Full Site Elevations 3381-CNR-PBW-00-XX-DR-A-2000 Revision P3

Full Site Sections 3381-CNR-PBW-00-XX-DR-A-3000 Revision P2

South - East Site Boundary - Sections 3381-PBWC-XX-XX- DR-A-3220 Revision P3

Plot 7 Elevations 3381-CNR-PBW-01-XX-DR-A-2000 P4

Plot 7 Floor Plans 3381-CNR-PBW-01-XX-DR-A-1000 P4

Plot 1 Elevations 3381-CNR-PBW-01-XX-DR-A-2000 P4

Plot 1 Floor Plans 3381-CNR-PBW-01-XX-DR-A-1000 P4

Plot 1 Elevations 3381-CNR-PBW-01-XX-DR-A-2000 P4

Plot 1 Floor Plans 3381-CNR-PBW-01-XX-DR-A-1000 P4



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Received 2 August 2017

Location Plan 3381(-- )001 Revision A

Plot 6 Elevations CNR-PBW-06-00-DR-A-2000 Revision P1

Plot 6 Floor Plans CNR-PBW-06-00-DR-A-1000 Revision P1

Plot 7 Elevations CNR-PBW-07-XX-DR-A-2000 Revision P2

Plot 7 Floor Plans CNR-PBW-07-XX-DR-A-1000 Revision P2

Plot 8 Elevations CNR-PBW-08-XX-DR-A-2000 Revision P2

Plot 8 Floor Plans CNR-PBW-08-XX-DR-A-1000 Revision P3

Plot 9 Elevations 3381-PBW-09-XX-DR-A-2000 Revision P2

Plot 9 Floor Plans 3381-PBW-09-XX-DR-A-1000 Revision P2

Plot 10 Elevations CNR-PBW-10-XX-DR-A-2000 Revision P2

Plot 10 Floor Plans CNR-PBW-10-XX-DR-A-1000 Revision P2

Plot 11 Elevations CNR-PBW-11-XX-DR-A-2000 Revision P2

Plot 11 Floor Plans CNR-PBW-11-XX-DR-A-1000 Revision P2

Plot 12 Elevations CNR-PBW-12-XX-DR-A-2000 Revision P2

Plot 12 Floor Plans CNR-PBW-12-XX-DR-A-1000 Revision P2

Plot 13 Elevations CNR-PBW-13-XX-DR-A-2000 Revision P2

Plot 13 Floor Plans CNR-PBW-13-XX-DR-A-1000 Revision P2

Plot 14 Elevations CNR-PBW-14-XX-DR-A-2000 Revision P3

Plot 14 Floor Plans CNR-PBW-14-XX-DR-A-1000 Revision P3

Plot 15 Elevations CNR-PBW-15-XX-DR-A-2000 Revision P2

Plot 15 Floor Plans CNR-PBW-15-XX-DR-A-1000 Revision P2

Plot 16 Elevations CNR-PBW-16-XX-DR-A-2000 Revision P2

Plot 16 Floor Plans CNR-PBW-16-XX-DR-A-1000 Revision P2

Plot 17 Elevations CNR-PBW-17-XX-DR-A-2000 Revision P2

Plot 17 Floor Plans CNR-PBW-17-XX-DR-A-1000 Revision P3

Plot 18 Elevations CNR-PBW-18-XX-DR-A-2000 Revision P2

Plot 18 Floor Plans CNR-PBW-18-XX-DR-A-1000 Revision P2

Plot A and B Elevations CNR-PBW-13-XX-DR-A-2000 Revision P2

Plot A and B Plans CNR-PBW-13-XX-DR-A-1000 Revision P2

Plot G Elevations CNR-PBW-G-XX-DR-A-2000 Revision P2

Plot G Plans CNR-PBW-G-XX-DR-A-1000 Revision P2

Plot H and J Elevations CNR-PBW-HJ-XX-DR-A-2000 Revision P2

Plot H and J Plans CNR-PBW-HJ-XX-DR-A-1000 Revision P3

Plot K and L Elevations CNR-PBW-KL-XX-DR-A-2000 Revision P2

Plot K and L Plans CNR-PBW-KL-XX-DR-A-1000 Revision P2

Received 23 August 2018

Plots E, F and Fa Elevations CNR-PBW-EFFa-XX-DR-A-2000 Revision P4

Plots E, F and FA Floor Plans CNR-PBW-EFFa-XX-DR-A-1000 Revision P4



**Phil Mason**

**Service Director Planning and  
Sustainable Development**

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MBA drawings

Proposed Road A construction Layout 355 c received 17/09/18

Proposed 356 Road A turning head and private drive plan B received 17/09/18

Proposed 350 Road A Construction Plan H received 17/09/18

Proposed 352 Road A Turning Head and Private Drive Plan C received 17/09/18

Proposed P0337(632)001 External Lighting Plan received 17/09/18

Reason: For the avoidance of doubt and in the interests of proper planning.



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**Service Director Planning and**  
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**ANY ADDITIONAL INFORMATION:**

- \*No building materials must be stored on the right of way
  - \*Vehicle movements must be arranged so as not to interfere with the public use of the way
  - \*The applicant should ensure they have private access rights to drive motor vehicles on Public Footpaths, Public Bridleways and Restricted Byways where there is presently no recorded public vehicular right of way\*The safety of members of the public using the right of way must be ensured at all times
  - \*No additional barriers (e.g. gates) are to be placed across the right of way
  - \*There must be no reduction of the available width of the right of way for use by members of the public
  - \* No damage or alteration must be caused to the surface of the right of way
  - \*Wildlife mitigation fencing must not be placed across the right of way.
- If the Council's policies and guidelines are not heeded we will take such action as may be necessary including direct enforcement action and prosecution. The Council has a statutory duty to ensure Public Rights of Way (PROW) are open at all times and members of the public are not inconvenienced in their use of PROW where development work has taken place.

It is noted that access to the site during construction works and after the completion of the permitted development is by means of a Public Path (Footpath, Bridleway or Restricted Byway). The applicant must ensure that they have a right to drive a private motor propelled vehicle (MPV) over any path, track or way that supports a Public Path. A person that drives an MPV along a path, track or way that supports a Public Path without lawful authority may commit an offence under the Road Traffic Act 1984 Section 31. Lawful authority can only be granted by the owner of the land. In addition it is not uncommon for occupiers of properties where access is by means of a path, track or way that supports a Public Path to desire to improve the surface of that way so as to facilitate use by Motor Vehicles. Such works may not require to be authorized by the grant of planning consent, but occupiers will also need to ensure that they have the consent of the owner of the land for the works. Occupiers are also required to obtain the consent of the Council as highway authority for any work that they undertake which affects the surface of the path, track or way. This include work that disturbs the existing surface as well as work to improve a path, track or way by means of placing new material on top of the existing surface.



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Cornwall Council as highway authority reminds the applicant that Planning Consent for the development hereby permitted has been granted on the basis of the submitted plans that are referred to above in this Notice. It is considered that these submitted drawings indicate that the construction of the permitted development should not have any injurious impact upon the adjacent right of way provided that the permitted development is carried out as shown in the approved drawings. If subsequent inspections of the development site reveal that construction has been carried out that is not in accordance to the approved drawings and that such works have caused a diminution in the width or extent of the adjacent highway then the authority has powers under the Highways Act 1980 to secure the removal of obstructions and to restore the full extent and surface of the highway.

- The original Decision Notice referred to in this document is PA15/05320 dated 8 January 2016.

In dealing with this application, the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application, on this occasion this has included :

Discussions/negotiations ongoing with LPA throughout determination of planning application

Dedicated phone number of the case officer for the Applicant/Agent

Close liaison with the Town Council in accordance with the protocol.



**Phil Mason**  
**Service Director Planning and**  
**Sustainable Development**

**DATED: 19 September 2018**

## NOTES

### **Appeals to the Secretary of State**

If the applicant is aggrieved by the decision of the local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then they may appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990. If you want to appeal, then you must do so within 6 months of the date of this notice (or 12 weeks from the date of this notice in the case of householder appeals made in relation to applications submitted on or after 6 April 2009). Appeals must be made to the Planning Inspectorate using a form which can be obtained from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at [www.planningportal.co.uk/pcs](http://www.planningportal.co.uk/pcs) A copy of the completed appeal form must also be submitted to the Council.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

### **Purchase Notices**

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on Cornwall Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice.



Poynton Bradbury Wynter Cole Ltd  
Atlantic Studio  
Trelyon Avenue  
St Ives  
TR26 2AD

**Your ref:** Carninney Rise - Reserved Mat...  
**My ref:** PA17/07348  
**Date:** 19 September 2018

Dear Sir/Madam

**Detailed design of 30 residential units, including their appearance, landscaping, layout and scale. (Details following outline application PA15/05320 dated 08/01/16.)  
Land E Of Carninney Farm Carninney Lane Carbis Bay Cornwall**

With reference to this planning application, I enclose the Decision Notice granting permission.

This consent is subject to conditions that must be complied with. In particular, certain details must be approved by the Council before this development can start. If this is not done, the development cannot validly be commenced, even if it is within the time limit set by Condition 1.

If details are required I look forward to receiving them. Application forms can be found on [http://www.planningportal.co.uk/uploads/appPDF/P0810Form027\\_england\\_en.pdf](http://www.planningportal.co.uk/uploads/appPDF/P0810Form027_england_en.pdf). Your attention is drawn to the recent change of fees to discharge planning conditions under The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012:

**£116 (per request)** for applications not falling within fee categories 6 or 7 (non-householder applications)

**£34 (per request)** where the request relates to an application for works to an existing dwelling, or within the curtilage of such, falling within fee categories 6 or 7 (householder applications only)

**No fee** – for applications to discharge conditions relating to a Listed Building Consent.

You may wish to take the opportunity to submit details to discharge more than one condition per request.

Yours faithfully

**Chantal McLennan**

**Principal Development Officer  
Planning and Sustainable Development Service  
Tel: 01209 616965**

Planning and Sustainable Development Service  
Cornwall Council  
Dolcoath Avenue Camborne Cornwall TR14 8SX



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