

Planning and Sustainable Development Service
Cornwall Council
Pydar House, Pydar Street
Truro
Cornwall
TR1 1XU

11th August 2021

Dear Sir / Madam

**RE. TRURO CITY AFC FOOTBALL GROUND, TREYEW ROAD, TRURO REF. PA17/08182, PA18/07010 AND PA20/08957
APPLICATION ON BEHALF OF JOJO INVESTCO LTD FOR APPROVAL OF NON-MATERIAL AMENDMENT**

Please find enclosed a Non-Material Amendment (NMA) application under Section 96A in relation to the above planning permission (as previously amended). The application seeks a further non-material amendment to the layout of road and the removal of the tree protection fencing in order to facilitate access to the area and the building of the road.

Background

In summary, the current position with this site comprises:

- Full planning permission was granted for the site as a whole under reference PA17/08182 in a decision dated 16th January 2018 for, "Full planning permission for the redevelopment of Truro City Football Club, Treyew Road, Truro, comprising; the demolition of the existing Truro City Football Club premises and facilities; the erection of food and non-food comparison floorspace (Use Class A1), Use Classes A3, A4, A5 floorspace and vehicular and pedestrian access, landscaping and associated works."
- Non-material amendment granted under reference PA18/07010 in a decision dated 30th August 2018 for "Non-material amendment (No. 1) for: minor amendment to entrance positions for Blocks B1 and B2 and reduction in floor areas; Drawings illustrate Phased Construction of Approved Scheme in respect of (PA17/08182) Full planning permission for the redevelopment of Truro City Football Club, Treyew Road, Truro, comprising; the demolition of the existing Truro City Football Club premises and facilities; the erection of food and non-food comparison floorspace (Use Class A1), Use Classes A3, A4, A5 floorspace and vehicular and pedestrian access, landscaping and associated works."
- Non-material amendment granted under reference PA20/08957 in a decision dated 8th December 2020 for "Non-material amendment (NMA2) for phased delivery of the approved scheme and changes to the site layout to provide for a larger plant compound to Lidl store and an electricity substation to decision PA17/08182."

Construction of the first phase of the scheme is now progressing and separately, submissions to discharge the relevant conditions have also been made. In this context, and to facilitate commencement of development according to the layout now required, I have today submitted a non-material amendment application online via the Planning Portal, under reference PP-**10121281**.

The Process

A NMA application is made under S96A of the Town and Country Planning Act 1990. The powers conferred by this legislation include the ability for the Local Planning Authority to alter existing conditions.

The Planning Practice Guidance notes that there is no statutory definition of “non-material”; rather it will depend on the context of the overall scheme. In each case the local planning authority must be satisfied that the amendment sought is non-material.

Having regard to the nature of the proposal submitted here it is difficult to conclude that the changes sought should be considered as anything other than “non-material”. They simply seek to update minor aspects of the road layout to enable access to the area and the road to be built.

Proposal

The development permitted under reference PA17/08182 anticipated the development as comprising a supermarket (Block A) in the northern part of the site, with a kiosk (Block E) to the rear. The supermarket would be occupied by Lidl. A block of retail units (Block B) would be located down the western side of the site, with further kiosks (Blocks C and D) in the south eastern corner. The approved layout for this planning permission is shown on drawing 11257/PA33 E.

The effect of the NMA approved under reference PA18/07010 was to enable a phased approach to the development. The supermarket, Block E, and the northern section of Block B would be developed as Phase 1, with the remainder developed as Phase 2. The approved phasing arrangements for this NMA are shown on drawing 11257/Sk161. The NMA also updated a number of conditions to refer to the new phasing drawing; in this way it anticipated the scheme being commenced in accordance with drawing 11257/Sk161 (Phase 1) and then completed according to drawing 11257/PA33 E.

Against this background, the purpose of this additional NMA proposed here is to move the road by circa 1 metre where it is closest to the boundary at the ‘pinch point’. These arrangements are now shown on updated drawing 1864/SK10 Rev F submitted here. Bosky Trees have updated their Arboricultural Report to show the retaining wall design and also the removal of the tree protection fencing which is necessary to access the area (and build the road).

Submitted Material

The revised documents submitted for approval are:

- Drawing 1864/SK10 Rev F – Proposed Lidl Demise Plan
- Arboricultural Method Statement dated 22nd July 2021 prepared by Bosky Trees

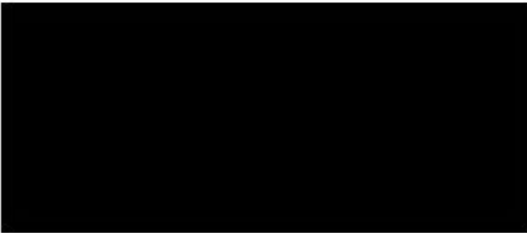
Drawing 1864/SK10 Rev F replaces the following approved plans:

- 11257/PA33 Rev E; and
- 11257/SK161

The Arboricultural Method Statement amends the Arboricultural Impact Assessment and Tree Protection Plan dated 14th August 2017 by Boskytrees as detailed in Condition 17 of PA17/08182 in relation to the removal of the tree protection fencing.

The application fee of £234 (plus £28 service charge) has been paid. I trust the application is complete and you are able to register and acknowledge it. Should you require any further information or clarification on any of the above then please contact me. We look forward to receiving approval of these further minor amendments as soon as possible.

Yours faithfully



Robert Barnes - MRTPI, Director
For and on behalf of Planning Prospects Ltd