

Cornwall Council

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Application number: PA18/05972

Agent:

Artchart Architecture
Artchart Architecture
Delynya House
17A Bank Street
Newquay
TR7 1DH

Applicant:

R Tillett
1st Floor, Courtleigh House
74-75 Lemon Street
Truro
TR1 2PN

**Town And Country Planning Act 1990 (As Amended)
Town And Country Planning (Development Management Procedure) (England)
Order 2015**

Grant of Conditional Planning Permission

CORNWALL COUNCIL, being the Local Planning Authority, **HEREBY GRANTS CONDITIONAL PERMISSION**, subject to the conditions set out on the attached schedule, for the development proposed in the following application received on 26 June 2018 and accompanying plan(s):

Description of Development: Proposed residential development of 5 detached dwellings with associated infrastructure and landscape works.

Location of Development: The Coal Yard Grampound Truro Cornwall TR2 4BY

Parish: Probus

YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.

DATED: 28 August 2018

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

SCHEDULE ATTACHED TO APPLICATION & DECISION NO: PA18/05972

CONDITIONS:

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: In accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 2 The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

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

- 3 No development shall commence until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority.

The landscaping scheme shall provide planting plans with written specifications including:

Details of all existing trees and hedgerows on the land, showing any to be retained and measures for their protection to be used in the course of development;

Full schedule of plants;

Details of the mix, size, distribution and density of all trees/shrubs/hedges existing and proposed;

Cultivation proposals for the maintenance and management of the soft landscaping.

The protection measures proposed shall be completed in accordance with the approved scheme before the development hereby permitted commences and shall thereafter be retained until it is completed. Notice shall be given to the Local Planning Authority when the approved scheme has been completed.

All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner. Notice shall be given to the Local Planning Authority when the approved scheme has been completed.

Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be



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replaced in the next planting season with others of a similar size and species as those originally planted.

Reason: In the interests of visual amenities and retaining the character of the area, and in accordance with the aims and intentions of policies 12 and 23 of the Cornwall Local Plan Strategic Policies 2010 - 2030 and paragraphs 124, 127 and 170 of the National Planning Policy Framework 2018. A pre-commencement condition is necessary to ensure any protection measures for existing trees/hedgerows are confirmed and retained prior to and throughout the construction phase.

- 4 No development shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:
- a) a survey of the extent, scale and nature of contamination;
 - b) the potential risks to:
 - ' human health;
 - ' property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - ' adjoining land;
 - ' ground waters and surface waters;
 - ' ecological systems; and
 - ' archaeological sites and ancient monuments.

Reason: To ensure that the health risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the aims and intentions of the National Planning Policy Framework 2018 with specific reference to paragraphs 170 and 180 and Policy 16 of the Cornwall Local Plan Strategic Policies 2010 ' 2030, Adopted November 2016.

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A pre-commencement condition is required in this case because it is essential to establish before any works takes place the nature and extent of any ground contamination in order to safeguard the health of workers taking part in the development of the site and to ensure the appropriate design and subsequent safe occupation of the development.

- 5 No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have 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.

Reason: To ensure that the health risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the aims and intentions of the National Planning Policy Framework 2018 with specific reference to paragraphs 170 and 180 and Policy 16 of the Cornwall Local Plan Strategic Policies 2010 ' 2030, Adopted November 2016.

A pre-commencement condition is required in this case because it is essential to establish before any works takes place the nature and extent of any ground contamination in order to safeguard the health of workers taking part in the development of the site and to ensure the appropriate design and subsequent safe occupation of the development.

- 6 The approved remediation scheme in condition(5) shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority before the development is occupied.

Reason: To ensure that the health risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to

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controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the aims and intentions of the National Planning Policy Framework 2018 with specific reference to paragraphs 170 and 180 and Policy 16 of the Cornwall Local Plan Strategic Policies 2010 - 2030, Adopted November 2016.

- 7 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. 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 local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.

Reason: To ensure that the health risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the aims and intentions of the National Planning Policy Framework 2018 with specific reference to paragraphs 170 and 180 and Policy 16 of the Cornwall Local Plan Strategic Policies 2010 - 2030, Adopted November 2016.

- 8 None of the properties hereby approved shall be occupied until the installation of a system for the disposal of surface water on the site has been completed in accordance with the details which shall first have been submitted to and approved in writing by the Local Planning Authority. The details shall include a programme for maintaining the system. The system shall be retained and maintained thereafter in accordance with the approved details.

Reason: To avoid flooding and in the interests of water quality and the residential amenities of future occupiers, in accordance with policy 26 of the Cornwall Local Plan Strategic Policies 2010 - 2030 and paragraph 163 of the National Planning Policy Framework 2018.

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- 9 In accordance with the recommendations of the Extended Phase 1 Habitat Survey Report dated 25th September 2015, referenced within planning decision reference PA16/02901, there shall be no works or removal of the trees labelled Category 1 in Figure 1 of the Survey document unless a dedicated bat survey as recommended at Section 4.0 (i) has been undertaken. Thereafter, any works to the trees shall be undertaken in accordance with an agreed schedule of works and in line with the mitigation proposals if any arising from the aforementioned surveys.

Reason: To ensure that any future works to remaining trees within the site do not adversely impact upon bats which may be present and utilising the trees as a roost during the period between the grant of planning permission and any future development; in accordance with the aims and intentions of Policy 23 of the Cornwall Local Plan Strategic Policies 2010 - 2030 and Paragraphs 170 and 175 of the NPPF 2018.

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PLANS REFERRED TO IN CONSIDERATION OF THIS APPLICATION:

Site/location Plan PL-001 received 26/06/18
Proposed PL-101 received 26/06/18
Proposed PL-102 received 26/06/18
Proposed PL-103 received 26/06/18
Proposed PL-104 received 26/06/18
Proposed PL-105 received 26/06/18
Proposed PL-106 received 26/06/18

ANY ADDITIONAL INFORMATION:

- There may be circumstances where a European protected species is discovered on a development site after planning permission has already been granted. In such cases you are advised to contact the Secretary of State (Defra) who will determine applications for derogations in the form of a licence under regulation 44 of the 1994 Regulations. In determining such applications, the Secretary of State (Defra) will seek advice from the Local Planning Authority and Natural England on whether the Directives tests are met.

This may occur if the species moves onto a site in the interim between grant of planning permission and start of works, or if the presence of the species was simply not known at the time of planning permission application. This may cause difficulties and delays for developers, and stresses the need for sound ecological survey information on which to base decisions where it is suspected that European protected species may be present.

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 and Parish Councils in accordance with the protocol.



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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 <http://www.planningportal.co.uk> . 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.

If this approval is for the erection of new buildings please refer to the note below.

Registering addresses for new properties prior to commencement

You must apply officially to register the name of any new street or the address of any new property through Cornwall Council's Street Naming and Numbering process. You are required to submit an application form, plan and appropriate fee all details of which can be found on our website at <http://www.cornwall.gov.uk/streetnaming>. For any further assistance please contact addressmanagement@cornwall.gov.uk or telephone 0300 1234 100.

Artchart Architecture
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Delynya House
17A Bank Street
Newquay
TR7 1DH

Your ref: 17021
My ref: PA18/05972
Date: 28 August 2018

Dear Sir/Madam

**Proposed residential development of 5 detached dwellings with associated infrastructure and landscape works.
The Coal Yard Grampound Truro Cornwall**

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

If conditions have been included that must be complied with before the commencement of the development, e.g. "No development shall commence before", and this is not done, the development cannot be validly commenced even if it is within the time limit set by Condition.

If details are required I look forward to receiving them. Application forms can be found on <http://planningportal.co.uk/> . Your attention is drawn to the 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)

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

Yours faithfully

James Moseley

**Senior Development Officer
Planning and Sustainable Development Service
Tel: 01209 614004**