

Cornwall Council

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Application number: PA18/08162

Agent:

Montagu Town Planning Ltd
Montagu Town Planning Ltd
Glebe Barn
St Enoder
Summercourt
Newquay
TR8 5DF

Applicant:

Mr A Borlase
C/O Agent

**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 31 August 2018 and accompanying plan(s):

Description of Development: Construction of 18 dwellings comprising of 9 affordable dwellings, 9 open market dwellings, the provision of an internal access road and the provision of a new footway from the site to the village

Location of Development: Land West Of Roseveare Close Pensilva Cornwall

Parish: St. Ive

YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.

DATED: 3 April 2019

Louise Wood - Service Director Planning and
Sustainable Development

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 Drainage

No development approved by this permission shall be commenced until the following details have been submitted to the local planning authority and agreed in writing:

1. A description of the final foul and surface water drainage systems operation;
2. Details of the final drainage schemes including calculations and layout;
3. Confirmation from South West Water Ltd that the foul network has sufficient capacity to cater for this development;
4. A Construction Surface Water Management Plan;
5. A Construction Quality Control Plan;
6. A plan indicating the provisions for exceedance pathways, overland flow routes and proposed detention features;
7. A timetable of construction;
8. Confirmation of who will maintain the drainage systems and a plan for the future maintenance and management, including responsibilities for the drainage systems and overland flow routes.

The Developer must inform the Local Planning Authority of any variation from the details provided and agree these in writing before such variations are undertaken.

The surface water drainage systems shall fully manage surface water flows resulting from the developed site up to the 1 in 100 year peak rainfall event plus a minimum allowance of 40% for the impact of climate change.

The approved scheme shall thereafter be implemented in accordance with the details and timetable so agreed and the scheme shall be managed and maintained in accordance with the approved details for the lifetime of the development.

DATED: 3 April 2019

Louise Wood - Service Director Planning and Sustainable Development

Reason: To prevent the increased risk of flooding and minimise the risk of pollution of surface water by ensuring the provision of a satisfactory means of surface water control and disposal in accordance with Policy 26 of the Cornwall Local Plan 2016.

A pre-commencement condition is required to ensure that the site's levels and groundworks are appropriately and sufficiently designed from the outset to accommodate the required drainage system needed to address the site's drainage issues and ensure that any increase in surface water run-off from the site does not lead to drainage/flooding issues for the site and/or neighbouring residents.

4 CTMP

The development hereby permitted shall not commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved Construction Traffic Management Plan.

Reason: In the interests of maintaining a safe and efficient highway network in accordance with Policy 27 of the Cornwall Local Plan 2016.

A pre-commencement condition is necessary to ensure that the Council's Highway Development Officer has the opportunity to properly assess and agree an appropriate plan of managed highways related activities prior to commencement of the project.

Pre-commencement details are required for this plan as this is a matter that cannot be easily amended once development is underway and hence agreement is required at an early stage to ensure its satisfactory implementation and operation.

5 Tree fencing

No development as hereby permitted shall occur until a construction exclusion zone is defined, that shall be enclosed by tree protection fencing, which itself shall be erected in accordance with British Standard BS 5837 and to align to the root protection area (RPA) as described on plan CT 3954 TCP submitted as part of the application.

The tree protection fencing will be erected prior to commencement of the development and be retained and maintained until the completion of the development. At no time shall any works in connection with the development, including storage, access, cement mixing, bonfires, excavations or other level changes occur within the protected area.

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DATED: 3 April 2019

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Reason: To ensure the continued vitality and viability of the treed hedges on site, in accordance with the aims and intentions of Policy 23 of the Cornwall Local Plan 2016.

A pre-commencement condition is necessary because damage to the boundary hedges/trees from construction processes is irreversible and protection and associated fencing needs to be put in place before any ground works and associated construction activities take place on the site.

6 Landscaping

None of the dwellings hereby permitted shall be occupied until the details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall have been carried out as approved. The details shall include provision for landscape planting, the protection of any of the existing trees to be retained, existing and proposed ground levels, and wall fencing and other means of enclosure. The works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with any programme agreed in writing with the local planning authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the building or the completion of the development, whichever is sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planning season with others of similar size and species, unless the local planning authority gives written approval to any variation.

Reason: In order to protect the amenity of the locality in accordance with Policy 2 of the Cornwall Local Plan 2016.

7 Bird provision

No dwelling hereby permitted shall be occupied before details of alternative provision for nesting birds on the site to include a plan showing the locations and types of such features shall have been submitted to, and approved in writing by the local planning authority. The approved features shall be implemented within 3 months of the completion of the development hereby approved and thereafter retained and maintained.

Reason: To provide nesting sites for birds as biodiversity compensation and enhancement in accordance with Section 40 of the Natural Environment and Rural Communities Act 2006 and Policy 23 of the Cornwall Local Plan 2016.

NB: Such features could include bird access into buildings within the site, ledges in dark areas, bird bricks built into the walls and the erection of nest boxes.

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8 Footway

Construction, surfacing, lighting and drainage details for the pedestrian footway leading from the site entrance north to the village centre as shown of approved plan "Proposed Footway Provision 1:200 @ A1" shall be submitted to and approved in writing by the local planning authority. These works shall then be carried out in accordance with the submitted plans and completed in advance of the first occupation of a dwelling on the site as here approved.

Reason: To ensure that the footway is constructed, illuminated, drained and surfaced to an adoptable standard in the interests of highway safety in accordance with Policy 27 of the Cornwall Local Plan 2016.

9 Cycle link

The final dwelling shall not be occupied until a bound final wearing course for the pedestrian / cycle linkage at the south-east of the site has been provided and completed, to run up to and abut the ownership boundary. The linkage shall be constructed and illuminated to an adoptable standard in accordance with Cornwall Council's Current Requirements and Specification for Housing and Industrial Estates (or any document that amends these specifications over the period of implementing this permission) and shall thereafter remain unobstructed to enable future development of adjacent land to connect to and allow well-illuminated permeability for pedestrians, cyclists and mobility vehicles beyond the site boundary.

Reason: To ensure movement / permeability between adjoining sites thereby encouraging convenient and sustainable travel patterns and modal shift in accordance with Policies 12 and 27 of the Cornwall Local Plan.

10 Northern link

The final dwelling shall not be occupied until a bound final wearing course for the carriageway and footway linkage at the north-west of the site has been provided and completed, to run up to and abut the ownership boundary. The linkage shall be constructed to an adoptable standard in accordance with Cornwall Council's Current Requirements and Specification for Housing and Industrial Estates (or any document that amends these specifications over the period of implementing this permission) and shall thereafter remain unobstructed to enable future development of adjacent land to connect to and allow permeability for vehicles, pedestrians, cyclists and mobility vehicles beyond the site boundary.

Reason: To ensure movement / permeability between adjoining sites thereby encouraging convenient and sustainable travel patterns in accordance with Policies 12 and 27 of the Cornwall Local Plan.

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11 Adoptable standard

The construction, surfacing, illumination and drainage of the estate roads, car parking spaces and circulation areas shall be carried out to Cornwall Council's current Requirements and Specification for Housing and Industrial Estates (or any document that amends these specifications over the period of implementing this permission) prior to the first residential occupation of the development; those parking and turning spaces shall not thereafter be used for any other purpose than manoeuvring and parking of vehicles in connection with the operation and residential occupation of the development.

Reason: To ensure the formation of satisfactory estate roads, cycle ways, footpaths, and parking area to serve the development in accordance with Policy 27 of the Cornwall Local Plan.

YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.

DATED: 3 April 2019

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PLANS REFERRED TO IN CONSIDERATION OF THIS APPLICATION:

Proposed Plot 11 10608/9
Proposed Plots 12,13 10608/10f
Proposed Plots 14,15 10608/11b
Proposed Plots 16,17 10608/12
Existing Loc plan 10608/21A received 31/08/18
Existing Survey 10608/1
Existing Survey 10608/2
Proposed Block plan 10608/16m received 25/03/19
Existing Tree Survey CT 3954 TCP
Proposed Footway provision 1:200 @ A1
Proposed Plots 1,18 10608/5a
Proposed Plots 2,3,4,5 10608/6b
Proposed Plots 6,7 10608/7d
Proposed Plots 8,9,10 10608/8b

ANY ADDITIONAL INFORMATION:

- CIL zero rated development

Please note that the proposed development set out in this application would be liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended), however, no CIL is payable as the Cornwall CIL Charging Schedule gives this type of development a zero rate. Confirmation of no CIL liability will be sent to the applicant, and any other person who has an interest in the land, under separate cover. However, if the nature of the development were to change, you are advised to contact the Council to discuss the requirement for planning permission and CIL liability.

- This permission is granted following the Planning Obligation under Section 106 of the Town and Country Planning Act 1990 (as amended) entered into between Cornwall Council and Andrew Philip Borlase; Marc Andrew Borlase and Damien Borlase; and dated the 5th of March 2019.

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

DATED: 3 April 2019

Louise Wood - Service Director Planning and Sustainable Development

SCHEDULE ATTACHED TO APPLICATION & DECISION NO: PA18/08162

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>. Developers are advised to contact Street Naming and Numbering at the earliest opportunity for street naming as the process involves consultation with the local Parish, Town or City Council and can take several months to complete. For any further assistance please contact addressmanagement@cornwall.gov.uk or telephone 0300 1234 100.

Montagu Town Planning Ltd
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Glebe Barn
St Enoder
Summercourt
Newquay
TR8 5DF

Your ref: CM/ Borlase
My ref: PA18/08162
Date: 3 April 2019

Dear Sir/Madam

**Construction of 18 dwellings comprising of 9 affordable dwellings, 9 open market dwellings, the provision of an internal access road and the provision of a new footway from the site to the village
Land West Of Roseveare Close Pensilva 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

Patrick James

**Principal Development Officer
Planning and Sustainable Development Service
Tel: 01208 265704**