

Cornwall Council

Correspondence Address: Cornwall Council Planning, PO Box 676, Threemilestone, Truro, TR1 9EQ

Email: planning@cornwall.gov.uk

Tel: 0300 1234151

Web: www.cornwall.gov.uk



Application number: PA22/05617

Agent:

Influence Planning - D Mitchell Influence
Planning - D Mitchell
108 Treffly Road
Truro
Cornwall
TR1 1WE

Applicant:

Practical Developments (SW) Ltd
Jenson House
Cardrew Industrial Estate
Redruth
TR15 1SS
Cornwall

**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 18 June 2022 and as shown on the plans attached to the original Decision Notice:

Description of Development: 'Construction of five dwelling houses and associated works' with variation with condition 2 of PA19/00699 dated 05/04/2019.

Location of Development: Land At Trevarth View
Lanner
Cornwall
TR16 6JF

Parish: Lanner

YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.

DATED: 16 March 2023

Louise Wood - Service Director Planning and
Housing (Chief Planner Officer)

SCHEDULE ATTACHED TO APPLICATION & DECISION NO: PA22/05617

CONDITIONS:

- 1 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.

- 2 None of the balconies indicated on the approved plans shall be brought into use until the glazed screens to serve said balconies have first been completed, in accordance with the details on approved plans reference S73-201 and S73-202. The screens shall be retained and maintained thereafter.

Reason: In the interests of ensuring the privacy of future occupiers, and in accordance with policy 12 of the Cornwall Local Plan Strategic Policies 2010 - 2030 and paragraph 130 of the National Planning Policy Framework 2021.

- 3 The approved remediation scheme (Remediation Strategy produced by Hydrogeo, dated: October 2022, ref: HYG680 R 221010 Remediation Strategy.docx combined with the cross section details of the hard and soft landscaping Ref: Project 0248 drawing number Detail 4) shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner that demonstrates the effectiveness of the remediation 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 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 2021 with specific reference to paragraphs 174, 183, 184 and 185 and Policy 16 of the Cornwall Local Plan Strategic Policies 2010 - 2030, Adopted November 2016.

- 4 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.

DATED: 16 March 2023

Louise Wood - Service Director Planning and
Housing (Chief Planner Officer)

SCHEDULE ATTACHED TO APPLICATION & DECISION NO: PA22/05617

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 2021 with specific reference to paragraphs 174, 183, 184 and 185 and Policy 16 of the Cornwall Local Plan Strategic Policies 2010 - 2030, Adopted November 2016.

- 5 Prior to the first occupation of any of the dwellings hereby approved, the boundary treatments shall be provided as indicated on approved plan reference S73-100 D and retained thereafter.

Reason: In the interests of visual and residential amenities, and in accordance with the aims and intentions of policy 12 of the Cornwall Local Plan Strategic Policies 2010 - 2030 and paragraphs 130 and 174 of the National Planning Policy Framework 2021.

- 6 Prior to the first occupation of any of the dwellings hereby approved, the proposed access shall be laid out in accordance with approved drawing no. S73-100 D, and no obstruction shall be placed higher than 900mm from ground level within the identified visibility splay.

Reason: To ensure the formation of safe and satisfactory access in the interests of highway safety and in accordance with the aims and intentions of policy 27 of the Cornwall Local Plan Strategic Policies 2010 - 2030 and paragraph 108 of the National Planning Policy Framework 2021.

- 7 None of the dwellings hereby permitted shall be occupied until the footpath link identified on approved drawing no. S73-100 D has been completed in accordance with the approved plans. The footpath link shall be retained for its intended use thereafter.

Reason: In the interest of ensuring a safe and satisfactory pedestrian access to the site, in accordance with policy 27 of the Cornwall Local Plan Strategic Policies 2010 - 2030 and paragraphs 110 and 112 of the National Planning Policy Framework 2021.

DATED: 16 March 2023

Louise Wood - Service Director Planning and
Housing (Chief Planner Officer)

PLANS REFERRED TO IN CONSIDERATION OF THIS APPLICATION:

Site/location Plan LP received 21/06/22
Proposed S73-201 received 18/06/22
Proposed S73-202 received 18/06/22
Proposed S73 100 D received 16/03/23

ANY ADDITIONAL INFORMATION:

- This application is CIL liable. However, as this application has been made pursuant to Section 73 of the Town and Country Planning Act 1990, CIL regulation 128A applies. There will be no CIL charge on this permission as there is no net increase in floorspace between the original permission and the S73 permission. Furthermore, the CIL rate for this type of development in this area is in any case zero.
- The developer(s) is encouraged to use low carbon, sustainable and best practice building methods in the construction of the dwellings to ensure that they are as energy-efficient as possible, in light of the Council's plan to tackle the climate emergency and help Cornwall cut its carbon footprint. All proposals should fully consider and develop opportunities for nature recovery and the provision of good quality green infrastructure for people and nature in their proposals in line with the policies of the Climate Emergency DPD and the Cornwall Design Guide.

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.

DATED: 16 March 2023

Louise Wood - Service Director Planning and
Housing (Chief Planner Officer)

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 A copy of the completed appeal form must also be submitted to the Council.

Please Note:-If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](http://www.gov.uk) (<https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries>).

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.

Influence Planning - D Mitchell
108 Treffy Road
Truro
Cornwall
TR1 1WE

Your ref:

My ref: PA22/05617

Date: 16 March 2023

Dear Sir/Madam

**'Construction of five dwelling houses and associated works' with variation with condition 2 of PA19/00699 dated 05/04/2019.
Land At Trevarth View Lanner Cornwall TR16 6JF**

With reference to this planning application, I enclose the Council's 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 https://ecab.planningportal.co.uk/uploads/appPDF/D0840Form027_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

James Moseley

**Senior Development Officer
Development Management Service
Tel: 01872 322222 Mob 07928 129404**

Development Management Service
Cornwall Council
Correspondence Address: Cornwall Council Planning, PO Box
676, Threemilestone, Truro, TR1 9EQ
planning@cornwall.gov.uk

