

Cornwall Council

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Application number: PA22/07383

Agent: Planning For Results - Mr Tomlin
Cliffside
12 Hockens Lane
Polruan
Fowey
Cornwall
PL23 1PP

Applicant: Mr Andrew Toms
Orchard Cottage
Hewaswater
St Austell
Cornwall
PL26 7JF

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

Grant of Outline 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 11 August 2022 and accompanying plan(s):

Description of Development: Outline application for the construction of up to 8 open market dwellings with all matters reserved except access

Location of Development: Land North Of Orchard Cottage
Hewas Water
St Austell
PL26 7JF

Parish: St. Mewan

YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.

DATED: 20 September 2023

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

SCHEDULE ATTACHED TO APPLICATION & DECISION NO: PA22/07383

CONDITIONS:

- 1 Details of the appearance, landscaping, layout, and scale, (hereinafter called the reserved matters) shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: In accordance with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended) and in accordance with the requirements of Articles 1, 2 and 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

- 2 An application for approval of reserved matters must be made no later than the expiration of 3 years from the date of this decision and the development hereby approved shall commence no later than 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In accordance with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended) and in accordance with the requirements of Articles 1, 2 and 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

- 3 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.

- 4 No development other than demolition and site clearance, shall be commenced until details of a scheme for the provision of surface water management and foul water treatment has been submitted to and approved in writing by the Local Planning Authority. The details shall include:-
- A description of the foul and surface water drainage systems operation
 - Details of the final drainage schemes including calculations and layout
 - A Construction Environmental Management Plan
 - A Construction Quality Control Procedure
 - A plan indicating the provisions for exceedance pathways, overland flow routes and proposed detention features
 - A timetable of construction including a plan indicating the phasing of development including the implementation of the drainage systems
 - 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

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Thereafter, the approved scheme shall 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. Details of the maintenance schedule shall be kept up to date and be made available to the Local Planning Authority within 28 days of the receipt of a written request.

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. and in accordance with Cornwall Local Plan policy 26

- 5 The proposed development shall be carried out in accordance with the recommended mitigation and enhancement measures as set out in section entitled 'Ecological Impacts, Mitigation and Monitoring' of the 'Ecological Appraisal' by Bright Ecology, dated 29 March 2022. The biodiversity enhancements shall be provided and implemented prior to first occupation of the dwelling and retained as such thereafter unless otherwise agreed in writing by the local planning authority.

Reason: To ensure appropriate mitigation measures and to ensure a biodiversity net gain in accordance with Policy 23 of the Cornwall Local Plan Strategic Policies 2010-2030.

- 6 No works shall commence on site until details of the open space provision within the application site has been submitted to and approved in writing by the Local Planning Authority. The details shall include:

- 1 A minimum of 500 square metres of levelled open space, shown in plans with drawings including cross-sections and spot levels (existing and proposed)
- 2 An open space delivery plan, including detailed design specifications alongside associated long-term maintenance requirements, details of the management and maintenance regime, and estimated costs
- 3 Drainage details

The open space area/s shall be provided on site in accordance with the approved details prior to the occupation of the seventh dwelling on site.

Reason: To improve the health and wellbeing of the community and residents in accordance with policies 12, 13, 16 and 28 of the Cornwall Local Plan Strategic Policies 2010-2030.

- 7 The development hereby permitted shall not be commenced until the Local Planning Authority has approved, in writing, a scheme to secure mitigation of the additional recreational pressures to the Fal & Helford Special Area of Conservation, together with an appropriate mechanism to secure delivery of the mitigation.

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Reason: The development lies in a zone of influence of the Fal & Helford Special Area of Conservation where it is considered there would be a likely significant effect, when taken in combination with other plans and projects, upon this European designated site. To ensure that the proposal may proceed as sustainable development, there is a duty upon the Local Planning Authority to provide sufficient mitigation for any recreational impacts which might arise upon the European designated site. In coming to this decision, the Council has had regard to Regulation 61 of the Conservation of Habitats and Species Regulations 2017 and the requirements of Policy 22 of the Cornwall Local Plan Strategic Policies 2010 - 2030.

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PLANS REFERRED TO IN CONSIDERATION OF THIS APPLICATION:

Site/location Plan A.T.0001 received 11/08/22

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.

- The Fal and Helford SAC - Strategic Mitigation Plan, to be delivered by the Council, is considered by Cornwall Council, in agreement with Natural England, to be an approved scheme and appropriate mechanism. Where the applicant agrees to accept this Mitigation Plan the condition can be satisfactorily addressed by means of a financial contribution towards the Mitigation Plan. In this instance, such a contribution would amount to £352.00 per unit.

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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 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.](https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries) (<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.