

Cornwall Council

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Application number: PA16/01172

Agent:

Mr Nigel Bush NHB Architectural Services
St Marys House
Point Mills
Bissoe
Truro
TR4 8QZ

Applicant:

Mr And Mrs Murphy
The Nurseries,
Road From the Nurseries to Bissoe R
Carnon Crease
Carnon Downs
Cornwall
TR3 6LJ
United Kingdom

**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 5 February 2016 and as shown on the plans attached to the original Decision Notice:

Description of Development:	Removal of condition 3 in relation to PA15/11224 dated 25/01/2016: For the store to be built first to enable storage
Location of Development:	The Nurseries Road From The Nurseries To Bissoe Road Carnon Crease Carnon Downs TR3 6LJ
Parish:	Feock

CONDITIONS:

- 1 The development hereby permitted shall be begun before 25th January 2019.

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 under the heading "Plans Referred to in Consideration of this

Application" under the previous detailed planning consent reference PA15/11224 and dated the 25th January 2016.

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

- 3 Prior to the commencement of the development on site, including the demolition of the existing dwelling and outbuildings/greenhouses as annotated in yellow on the previous site drawing referenced 3009/3/Revision K, a schedule of works to confirm the phasing of the demolition works, the clearance of the site of all existing structures prior to the commencement of works on the construction of the replacement dwelling and the off-site disposal of all non-re useable elements of demolition fabric including the glass, shall have been submitted to and subsequently agreed in writing by the Local Planning Authority. The demolition works and material disposal operations shall then be undertaken fully in accordance with the agreed schedule of works.

Reason: To safeguard the character, appearance and landscape setting to this rural site which adjoins a public right of way, through removal of all of the unsightly and deteriorating outbuildings and glass houses, in accordance with the aims and intentions of paragraphs 17, 58 and 109 of the National Planning Policy Framework 2012, saved Policies 3A and 6J of the Carrick District Wide Local Plan 1998 and section 3 of the Carnon Downs Design Guide 2010. This pre-commencement condition has been included so as to ensure that the removal of existing structures and materials is undertaken in an agreed and planned manner at the outset.

- 4 Before any of the development hereby permitted is brought into use the revised access alignment, parking and turning areas shall be laid out and constructed in accordance with approved drawing no. 3009/3/Revision K together with a detailed scheme for their construction, surfacing and surface water drainage, which shall have been submitted to and subsequently agreed in writing with the Local Planning Authority. The aforementioned access, parking and turning areas shall not thereafter be obstructed or used for any other purpose.

Reason: To ensure adequate parking and turning facilities off the adjoining highway and in accordance with the aims and intentions of paragraphs 32 and 35 of the National Planning Policy Framework 2012 .

- 5 No works shall commence to install the external cladding and material finishes to the replacement dwelling and new workshop buildings hereby permitted until details of the materials to be employed, to include the natural slate for the roofing and the natural stonework and timber boarding for the wall cladding have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason: In the interests of visual amenity and in accordance with the aims and intentions of paragraphs 17, 58, 59 and 60 of the National Planning Policy Framework 2012 and saved Policies 3A and 6J of the Carrick District Wide Local Plan 1998 together with Section 7 of the Carnon Downs Design Guide 2010.

- 6 The Mitigation Strategy in connection with protected bat species, as identified in Section 5.3 of the Bat Survey Report referenced cec 2493 and dated the 28th April 2015 and in connection with reptiles, nesting birds and hedge removal, as identified at Section 3.1 of the Preliminary Ecological Appraisal report referenced CEC2606 and dated 30th July 2015, both produced by cec Environmental Consultants, shall be undertaken in full and retained thereafter as necessary.

Reason: In accordance with the aims and intentions of the National Planning Policy Framework 2012, with specific reference to Section 11 (paragraph 109)

and to ensure compliance with The Conservation of Habitats and Species Regulations 2010 and our Natural Environment and Rural Communities biodiversity duty.

- 7 No development, including works of demolition, 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 landscape planting in relation to the realigned access route into the site

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

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

Reason: In the interests of visual and residential amenity and in accordance with the aims and intentions of paragraphs 17 and 58 of the National Planning Policy Framework 2012. This pre-commencement condition has been included so as to ensure that both protection measures and new planting details are agreed at the outset before any works, including demolition are commenced. Trees and hedges shall then be adequately protected at the beginning of the development scheme so as to ensure their effective retention and continued positive contribution to the landscape character of the site.

- 8 The garage/workshop/storage building hereby approved shall only be used for the garaging of vehicles, domestic storage and purposes incidental to the enjoyment of the existing dwelling or the replacement residential dwelling also hereby permitted and known as 'The Nurseries', Carnon Crease, Carnon Downs, Truro TR3 6LJ and shall not be used, let or sold at any time as a separate residential unit of accommodation.

Reason: To safeguard the amenities of the area and to enable the Local Planning Authority to retain effective control of the use of the building in accordance with Paragraph 17 of the National Planning Policy Framework 2012 and saved Policy 3A of the Carrick District Wide Local Plan 1998.

PLANS REFERRED TO IN CONSIDERATION OF THIS APPLICATION:

Site/location Plan 3009-5 received 05/02/16

ANY ADDITIONAL INFORMATION:

- Cornwall Council advises that developers should be made aware of their obligations regarding the public right of way, as follows:
 - the applicants should ensure that they have private access rights to drive on the public right of way;
 - the surface/width of the bridleway should not be altered - prior consent would be needed to do so;
 - no building materials must be stored on the right of way;
 - vehicle movements must be arranged so as not to interfere with the public's use of the way;
 - the safety of members of the public using the right of way must be ensured at all times;
 - no additional barriers (eg gates) are to be placed across the right of way;
 - there must be no diminution in the width of the right of way available for use by members of the public;
 - no damage or alteration must be caused to the surface of the right of way; and
 - wildlife mitigation fencing must not be placed across the right of way.
- 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.
- Details of the new gate and stile installed adjoining the existing driveway entrance to the site shall be agreed with the Council's Countryside Access Team so as to ensure that the siting, design and operation maintain the unobstructed route to the adjoining public right of way referenced 305/4/3 and within any limitations that already exist along this section of the route.

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.

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.gov.uk/pcs 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.

Mr Nigel Bush St Marys House Point Mills Bissoe Truro TR4 8QZ	Your ref: My ref:	The Nurseries - Murphy PA16/01172
	Date:	1 April 2016
Dear Sir/Madam		

Removal of condition 3 in relation to PA15/11224 dated 25/01/2016: For the store to be built first to enable storage

The Nurseries Road From The Nurseries To Bissoe Road Carnon Crease Carnon Downs

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://www.planningportal.gov.uk/uploads/appPDF/P0810Form027_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:

£97 (per request) for applications not falling within fee categories 6 or 7 (non-householder applications)

£28 (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

Martin Woodley

**Senior Development Officer
Planning and Enterprise Service
Tel: 01872 224688**

COND	Planning and Enterprise Service Cornwall Council Circuit House Pydar Street Truro Cornwall TR1 1EB planning@cornwall.gov.uk
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