

# Cornwall Council

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**Application number:** PA15/07257

**Applicant:**

Mr Robert Hoskings  
O.G.S TEC DESIGNS  
Chi Lagas, Fuller Road, Perranporth  
Perranporth  
Cornwall  
TR6 0EE  
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 4 August 2015 and accompanying plan(s):

**Description of Development:** Proposed Demolition of Existing Dwelling & Construction of Two Replacement Dwellings

**Location of Development:** Appletrees  
24 Bolenna Lane  
Perranporth  
Cornwall  
TR6 0LB

**Parish:** Perranzabuloe

**YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.**

**Phil Mason**  
**Head of Planning and Enterprise**

**DATED: 3 December 2015**

**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 Other than that required to be carried out as part of an approved scheme of remediation, no development hereby permitted shall commence until the remedial measures to upgrade the gas protection for the proposed properties has been completed in accordance with the recommendations of the submitted LG report. Any gas mitigation should be in compliance with BRE 414: Protective measures for housing on gas-contaminated land. Following completion of the gas protection measures criteria 1 of this condition needs to be complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until criteria 2 has been complied with in relation to that contamination.

**Criteria 1: Implementation of Approved Remediation Scheme**

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (sometimes referred to as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and approved in writing of the Local Planning Authority.

**Criteria 2: Reporting of Unexpected Contamination**

In the event that unexpected contamination is found at any time when carrying out the approved development that was not previously identified works on site shall cease and the details of said contamination must be reported in writing immediately to the Local Planning Authority. Prior to works recommencing on site an investigation and risk assessment must be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with criteria 2.



**Phil Mason**  
**Head of Planning and Enterprise**

**DATED: 3 December 2015**

**SCHEDULE ATTACHED TO APPLICATION & DECISION NO: PA15/07257**

Reason: To ensure that risks from land contamination to any 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. This pre-commencement condition is necessary to ensure an appropriate level of protection, if required, from the outset.

- 3 No development hereby permitted shall commence until an asbestos survey has been undertaken by a suitably competent person in order to establish whether the existing building contains any asbestos containing material (ACM) and the details of said survey, together with any method statement detailing the safe systems of works to demolish and dispose of any asbestos containing material (ACM), if present, has been submitted to the Local Planning Authority for their approval in writing. The mitigation details shall include a plan identifying the areas of ACM, details of the purposed method of demolition, containment and method of removal along with any other mitigation and screening that is deemed necessary so as to ensure that ACM does not leave the application site boundary and impact on existing residents or members of public using adjacent park. If ACM is found within the existing structure all demolition and site clearance shall be completed in accordance with the recommendations identified in the approved remediation scheme and a verification report (sometimes referred to as a validation report) produced and submitted Local Planning Authority to confirm that the works have been completed in accordance with the approved details.

Reason: To ensure that risks from land contamination to any 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. This pre-commencement condition is necessary to ensure an appropriate level of protection, if required, from the outset.

- 4 Prior to the commencement of any works associated with the development a scheme depicting the method by which trees shall be protected during the course of the development shall be submitted and approved in writing by the Local Planning Authority. The scheme shall identify a Root Protection Area (RPA) that will be enclosed by tree protection fencing which will be erected in accordance with the specification given in the British Standard BS 5837. The tree protection fencing will be erected prior to commencement of any works associated with the



**Phil Mason**  
**Head of Planning, Housing and**  
**Regeneration**

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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. The development shall be implemented in strict accordance with the agreed tree protection methods.

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. Due to the steep nature of the site and the level of engineering/excavation works required during construction there is potential for existing boundary tree to be damaged and it is therefore deemed necessary to impose a pre commencement condition that require appropriate tree protection on the site throughout the construction process.

- 5 Before any of the development hereby permitted is first brought into use, the parking areas shall be laid out in accordance with the layout shown on the approved plan number 07257-03 Rev A with details of the proposed surface treatment and surface water drainage system having first been submitted to and approved in writing by the Local Planning Authority. The parking areas shall thereafter be retained in accordance with the approved details.

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 paragraph 32 and 35 of the National Planning Policy Framework 2012 and saved policies 6D of the Carrick District Wide Local Plan (1998)

- 6 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.



**Phil Mason**  
**Head of Planning, Housing and**  
**Regeneration**

**DATED: 3 December 2015**

**PLANS REFERRED TO IN CONSIDERATION OF THIS APPLICATION:**

Site/location Plan received 04/08/15  
Site/location Plan 07257 02 (A) SITE PLAN (A) received 15/10/15  
Block Plan 07257 03 (A) BLOCK PLAN (A) received 15/10/15  
Proposed 07257 04 (A) ELEVATION UNIT 1 (A) received 15/10/15  
Proposed 07257 05 (A) FLOOR PLANS UNIT 1 (A) received 15/10/15  
Proposed 07257 06 (A) FLOOR PLAN UNIT 2 (A) received 15/10/15  
Proposed 07257 07 (A) ELEVATION UNIT 2 (A) received 15/10/15  
Proposed 07257 08 (A) ELEVATIONS 1 AND 2 (A) received 15/10/15  
Proposed 07257 09 (A) BOUNDARY SCREENING (A) received 15/10/15  
Proposed 07257 10 (A) BOUNDARY SCREENING (A) received 15/10/15

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.



**Phil Mason**  
**Head of Planning and Enterprise**

**DATED: 3 December 2015**

## 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](http://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.

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 [www.cornwall.gov.uk/degault.aspx?page=10863](http://www.cornwall.gov.uk/degault.aspx?page=10863). For any further assistance please contact [addressmanagement@cornwall.gov.uk](mailto:addressmanagement@cornwall.gov.uk) or telephone 0300 1234 100.



Mr Robert Hoskings  
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TR6 0EE  
United Kingdom

**Your ref:** 24 Appletrees Bolenna Lane  
**My ref:** PA15/07257  
**Date:** 3 December 2015

Dear Sir/Madam

**Proposed Demolition of Existing Dwelling & Construction of Two Replacement Dwellings  
Appletrees 24 Bolenna Lane Perranporth 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://www.planningportal.gov.uk/uploads/appPDF/P0810Form027\\_england\\_en.pdf](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

**Glenn Lowe**

**Senior Development Officer  
Planning and Enterprise Service  
Tel: 01209 614326**



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