

Cornwall Council

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Application number: PA22/07093

Agent:

Mr Andrew Tildesley
Suite 2
Leigh Court Business Centre
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Bristol
BS8 3RA

Applicant:

Mrs Birgit Hontzsch
New County Hall
Treyew Road
Truro
TR1 3AY
UK

**Town And Country Planning Act 1990
Town And Country Planning (General Development Procedure) Order 1995**

Approval of Reserved Matters

Under the provisions of the above mentioned Act and Order, Cornwall Council as local planning authority hereby approves the reserved matters in accordance with the application submitted to the Council on 2 August 2022 subject to the condition set out on the attached schedule and accompanying plan(s):

Description of Development: Reserved Matters application following outline approval PA20/09631 for the 35.92Ha Governs Park, roads and parking area including SANG (Suitable Alternative Natural Greenspace) to include details of the access, appearance, landscaping, layout and scale. The Outline Application was a EIA application and an ES was submitted to the Council at that time.

Location of Development: Land North Of A390
Threemilestone
Truro
Cornwall

Parish: Kenwyn

YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.

DATED: 23 February 2023

Hayley Jewels - Head of Development
Management

SCHEDULE ATTACHED TO APPLICATION & DECISION NO: PA22/07093

CONDITION:

- 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 A) Prior to the commencement of Construction Works (including any facilitative vegetation clearance or tree works), a Conservation Statement for Cornish hedge and boundary repairs shall have been submitted to and approved in writing by the Local Planning Authority. The Statement shall include the methodology of inspection and plan/elevation/section recording, protection, dismantling and storing of Cornish hedge and boundary materials (including hedging stone, field gate posts or hedge furniture (e.g. stiles)) of each existing boundary/Cornish hedge to be breached.

B) Prior to the reinstatement or repair of any Cornish hedge or boundary/hedge furniture identified within the Conservation Statement approved under part (A) or the construction of any new Cornish hedge or boundary, the findings of the Conservation Statement together with the proposed bank material, facing style and stone type to be used to make good each breach (informed by the plan/elevation/section drawings) or for any new Cornish hedge or boundary, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the details hereby approved prior to the development hereby permitted being brought into public use.

Reason: To retain control over the appearance of the development and these key historic landscape features that contribute to the character of the area in the interests of visual amenities of the locality and in accordance with the aims and intentions of Policies E4, E5 and C3 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Policies 2, 23 and 24 of the Cornwall Local Plan Strategic Policies 2010 - 2030 and paragraphs 174 and 197 of the National Planning Policy Framework 2021. A pre-commencement condition is necessary in this instance due to the need to secure and agree a programme and methodology for boundary repairs is undertaken before physical works commence on site.

Informative

"Construction Works" means material operations as defined in Section 56(4) of the Town and Country Planning Act 1990.

- 3 Prior to the installation of any external surface finish to the road and footway hereby approved linking Govers Park to the Northern Access Road details of the external finishes (e.g. footway finish, kerbs, road surface) together with a programme for those works to be undertaken and completed shall have been submitted to and approved in writing by the Local Planning Authority. The

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development shall be constructed in accordance with the details hereby agreed and shall be retained as such thereafter.

Reason: To ensure that high standards of urban design and comprehensively planned development designed and phased to ensure maximum practical integration between different land uses within and beyond the site is achieved in accordance with Policies 1 and 12 of the Cornwall Local Plan Strategic Policies 2010-2030, Policy E4 of the Truro and Kenwyn Neighbourhood Plan 2015-2030 and paragraphs 73, 126 and 129 of the National Planning Policy Framework 2021.

- 4 Prior to the car park hereby permitted being brought into use details of a system to be installed at the car park entrance together with the times that system is to be operated to restrict access into the site shall be submitted to and approved in writing by the Local Planning Authority. The system shall be installed prior to the car park hereby permitted being brought into use.

Reason: In the interest of amenities with particular regard to crime, disorder and anti-social behaviour in accordance with the aims of Policies 1 and 12 of the Cornwall Local Plan Strategic Policies 2010-2030, Policy E4 of the Truro and Kenwyn Neighbourhood Plan 2015-2030 and paragraph 92 and 130 of the National Planning Policy Framework 2021.

- 5 Prior to the development hereby permitted being brought into use details of all signage to be installed shall be submitted and approved in writing by the Local Planning Authority. The signage hereby approved shall be installed prior to the development being brought into use.

Reason: To ensure that high standards of design and in the interest of amenities with particular regard to crime, disorder and anti-social behaviour in accordance with the aims of Policies 1 and 12 of the Cornwall Local Plan Strategic Policies 2010-2030, Policy E4 of the Truro and Kenwyn Neighbourhood Plan 2015-2030 and paragraphs 73, 92 126, 129 and 130 of the National Planning Policy Framework 2021.

- 6 Prior to Govers Park being brought into use and open to the public the car park, estate roads, carriageways and footways necessary to provide access from an adopted highway to Govers Park shall have been completed (except for the application of the final external finish), in accordance with approved plans LGV1_04.03_LLO_XX-XX_DR_L_0001_S2_P11 and LGV1_04.03_LLO_XX-XX_DR_L_0007_S2_P08.

Reason: To ensure that a satisfactory means of access is provided to Govers Park before it is brought into use and to ensure that the proposal may proceed as sustainable development where 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 Penhale Dunes SAC. In coming to this

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decision, the Council has had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017 and the requirements of Policies 13, 22 and 27 of the Cornwall Local Plan Strategic Policies 2010 - 2030, Policy T3 of the Truro and Kenwyn Neighbourhood Plan 2015-2030 and paragraphs 110 and 112 of the National Planning Policy Framework 2021.

PLANS REFERRED TO IN CONSIDERATION OF THIS APPLICATION:

Site/location Plan LGV1_04.03_LLO_XX-XX_DR_L_0008_S2_P05 received 02/08/22
Existing LGV1_04.03-LLO-XX-XX-DR-L-0011-S2-P01 received 02/08/22
Existing LGV1_04.03_LLO_XX-XX_DR_L_0009_S2_P04 received 02/08/22
Proposed LGV1_04.03-ADV-XX-XX-DR-D-0015-S2-P04 received 27/01/23
Proposed LGV1_04.03-ADV-XX-XX-DR-D-0021-S2-P03 received 27/01/23
Proposed LGV1_04.03-ADV-XX-XX-DR-D-0030-S2-P03 received 27/01/23
Proposed LGV1_04.03_LLO_XX-XX_DR_L_0001_S2_P11 received 27/01/23
Proposed LGV1_04.03_LLO_XX-XX_DR_L_0002_S2_P07 received 27/01/23
Proposed LGV1_04.03_LLO_XX-XX_DR_L_0003_S2_P07 received 27/01/23
Proposed LGV1_04.03_LLO_XX-XX_DR_L_0004_S2_P07 received 27/01/23
Proposed LGV1_04.03_LLO_XX-XX_DR_L_0005_S2_P08 received 27/01/23
Proposed LGV1_04.03_LLO_XX-XX_DR_L_0006_S2_P08 received 27/01/23
Proposed LGV1_04.03_LLO_XX-XX_DR_L_0007_S2_P08 received 27/01/23
Proposed LGV1_04.03-ADV-XX-XX-DR-D-0001-S2-P08 received 27/01/23
Proposed LGV1_04.03-ADV-XX-XX-DR-D-0002-S2-P07 received 27/01/23
Proposed LGV1_04.03-ADV-XX-XX-DR-D-0004-S2-P03 received 27/01/23

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ANY ADDITIONAL INFORMATION:

- The Local Planning Authority will liaise with the Divisional Members regarding the details required by condition 4 concerning the system to be installed at the car park entrance and the times that system is to be operated to restrict access into the site. You are encouraged to discuss this condition and details with the Divisional Members prior to submitting an application to the Local Planning Authority.
- Please note that the proposed development is not liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) because it does not proposed any new buildings.
- In accordance with the requirements of Article 35 (4) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 the Local Planning Authority hereby advises that it has taken into consideration the environmental information submitted with the Environmental Statement in its determination of this planning application.
- The conditions contained in the said Decision Notice Number PA20/09631 dated 5th April 2022 in so far as the same are still capable of taking effect, will continue to apply to the development hereby approved.
- It should be noted that some of the conditions attached to planning consent PA20/09631 are required to be complied with prior to the commencement of the development hereby approved, if those conditions are not fully adhered to, then the consent cannot lawfully be implemented, therefore a new application will be requested and consideration will be given to the expedience of enforcement action.

Please note that from the 6th April 2008 a fee is now payable for the discharge of any conditions where details are required to be submitted pursuant to that condition. Details of the exact amount and the procedure to be followed can be found on the Council's website.

When submitting information pursuant to conditions attached to this consent:

An individual 1APP form has been enclosed for condition(s) that require submission of details.

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Complete the details and return to the Council offices addressed directly to the Case Officer, this will avoid any unnecessary delays. A decision as to the acceptability of the information submitted will only be given in writing. Please note that the Local Planning Authority has up to eight weeks to agree or disagree with the details submitted before an appeal can be lodged. However the timescale required is usually much shorter and can be as little as a few days provided that all the necessary information is submitted and found to be satisfactory.

Photographs, manufacturers leaflets/brochures will be acceptable as descriptions of materials provided they identify the specific material. We will be happy to view sample panels placed on site for retention until the condition is discharged.

Please note that from the 6th April 2008 a fee is now payable for the discharge of any conditions where details are required to be submitted pursuant to that condition. Details of the exact amount and the procedure to be followed can be found on the Council's website.

Please liaise with the case officer if you have any concerns.

- Planning permission PA20/09631 was granted with an accompanying Pro Forma Planning Obligation under Section 106 of the Town and Country Planning Act 1990 (as amended) as set out at conditions 30 and 31 of Application B within said decision notice.
- Care should be taken during any felling operation or surgery works to trees, to avoid damage or disturbance to birds during the nesting season. In Cornwall this can typically be from February to August, with many species producing second to third broods in appropriate habitat. Under the terms of the Wildlife and Countryside Act 1981 (As Amended in 1986 and 1991) Part 1 (1), it is an offence intentionally or recklessly take, damage or destroy any wild birds or its nest while being built or in use, or to take or destroy its eggs or chicks.

It is also an offence to kill, injure or take a bat or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. Under the Habitat Regulations it is an offence to damage or destroy a breeding site or resting place of any bat.

- In accordance with the requirements of Article 35 (4) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 the Local Planning Authority hereby advises that it has taken into consideration the environmental information submitted with the Environmental Statement in its determination of this planning application.

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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.

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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.](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.



Mr Andrew Tildesley
Suite 2
Leigh Court Business Centre
Pill Road
Abbots Leigh
Bristol
BS8 3RA

Your ref: Governs Park Reserved Matters...
My ref: PA22/07093
Date: 23 February 2023

Dear Sir/Madam

**Reserved Matters application following outline approval PA20/09631 for the 35.92Ha Governs Park, roads and parking area including SANG (Suitable Alternative Natural Greenspace) to include details of the access, appearance, landscaping, layout and scale. The Outline Application was a EIA application and an ES was submitted to the Council at that time.
Land North Of A390 Threemilestone Truro Cornwall**

With reference to this planning application, I enclose the Decision Notice granting permission.

This consent is subject to conditions that must be complied with. In particular, certain details must be approved by the Council before this development can start. If this is not done, the development cannot validly be commenced, even if it is within the time limit set by Condition 1.

If details are required I look forward to receiving them. Application forms can be found on http://www.planningportal.co.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:

£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

Matthew Doble

**Principal Development Officer
Development Management Service
Tel: 01872 322222 Mob 07483 172703**

Development Management Service
Cornwall Council
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