

Cornwall Council

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Application number: PA21/06047

Agent:

Mr M Scoot MRTPI MRICS Maypool Estates
Maypool House
Maypool
TQ5 0ET

Applicant:

MFG
c/o agent.
Maypool House
Maypool
Brixham
TQ5 0ET

**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 10 June 2021 and as shown on the plans attached to the original Decision Notice:

Description of Development: Development of a petrol filling station (PFS) including a new sales building, underground tanks, pump island / canopy, forecourt, car parking, landscaping, boundary treatments, drainage infrastructure, associated access arrangements (including A390 junction and associated pedestrian access) and associated infrastructure (including an artificial badger sett) with variation of condition 2 of decision notice PA18/11022 dated 12.09.19

Location of Development: Land Off Higher Besore Road
Threemilestone
Truro
TR3 6BX

Parish: Kenwyn

YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.

DATED: 20 September 2021

Hayley Jewels - Head of Development
Management

SCHEDULE ATTACHED TO APPLICATION & DECISION NO: PA21/06047

CONDITIONS:

- 1 The development hereby permitted shall be begun before the 12th September 2022.

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 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.

- 3 Notwithstanding the road layout details for the junction, link road and A390 shown on plan SJS_G_LP_001 Rev E prior to the development hereby permitted being brought into use detailed plans shall have been submitted to and approved in writing by the Local Planning Authority (in conjunction with the Highway Authority) relating to line, level, layout of the A390, the new access junction to serve the development and the associated access (link) road. These works shall be laid out and constructed in accordance with the requirements of a Section 278 Agreement under the provisions of the Highways Act 1980 and all the works completed prior to the development hereby permitted being brought into use.

Reason: In the interests of maintaining a safe and efficient highway network and in accordance with the aims and intentions of Policy T3 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Policies 13 and 27 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 110 and 112 of the National Planning Policy Framework 2021.

- 4 The surface water drainage systems shall be in accordance with the WSP Flood Risk Assessment and Drainage Strategy Ref 70044618-WSP-FRA-0001-DC-DE-00001 (dated November 2018).

No development approved by this permission other than that required by condition 6, 7, 9, 12 and 13, shall be commenced until the following details are provided:

1. Details of the finalised drainage schemes including calculations, layout, sections;
2. A Construction Surface Water Management Plan;
3. A Construction Quality Control Plan;
4. A plan indicating the provisions for exceedance pathways, overland flow routes and proposed detention features;
5. A timetable of construction;

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6. 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.

The Developer must inform the Local Planning Authority of any variation from the details provided and agree these in writing before such variations are undertaken.

The surface water drainage systems shall fully manage surface water flows resulting from the developed site up to the 1 in 100 year peak rainfall event plus a minimum allowance of 40% for the impact of climate change. Flows discharged from the site in the 1 in 1 year rainfall event shall be no greater than 5 l/sec and no greater than 8.8 l/sec for all rainfall events greater than the 1 in 10 year.

The approved scheme shall be implemented in accordance with the timetable so agreed and the scheme shall be managed and maintained in accordance with the approved details for the lifetime of the development.

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 in accordance with the aims of Policy E2 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Policy 26 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 167 and 169 of the National Planning Policy Framework 2021. A pre-commencement condition is necessary to ensure that the method of managing surface water during construction is suitable and would not impact upon the wider environment.

- 5 A scheme of security lighting and CCTV shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is brought into use. The scheme shall be installed and be operational prior to the development hereby permitted being brought into use and retained for the life of the development.

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 paragraphs 92 and 130 of the National Planning Policy Framework 2021.

- 6 No development shall take place, other than that required by condition 4, 8, 10, 13 and 14, until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. Thereafter the works shall be carried out and maintained in accordance with the LEMP.

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Reason: To ensure the habitats and species are safeguarded and where appropriate enhanced in accordance with Policy E5 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Policy 23 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 174 and 180 in the National Planning Policy Framework 2021. A pre-commencement condition is necessary as construction works has potential to impact upon landscape and ecology features of importance.

7 No development shall commence, other than that required by condition 4, 6, 9, 12 and 13, until a Construction and Environmental Management Plan (CEMP) has been submitted and approved in writing by the Local Planning Authority. The approved CEMP shall be adhered to throughout the construction of the development and shall provide for the following:

- (i) means of access for construction vehicles including routes to and from the site;
- (ii) on site construction worker, visitor and site operative parking;
- (iii) a scheme to encourage the use of public transport for contractors;
- (iv) loading and unloading of plant and materials;
- (v) storage of plant and materials used in constructing the development;
- (vi) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (vii) wheel washing facilities;
- (viii) measures to control the emission of dust and dirt during construction;
- (ix) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- (x) the operation of plant and machinery associated with engineering operations;
- (xi) site security;
- (xii) fuel, oil and chemicals storage, bunding, delivery and use;
- (xiii) how both minor and major spillage will be dealt with;
- (xiv) containment of silt/soil contaminated run-off;
- (xv) disposal of contaminated drainage, including water pumped from excavations;
- (xvi) site induction for workforce highlighting pollution prevention and awareness;
- (xvii) anticipated number, frequency and size of construction vehicles entering / exiting the site;
- (xviii) delivery times of construction materials;
- (xix) construction operating hours; and
- (xxi) a scheme for the remediation and management of invasive plant species on / in proximity to the site.

Reason: To: minimise the environmental impacts of the construction process for local residents, and users of the adjacent highway network; prevent pollution of the water environment; and to ensure the protection of wildlife and supporting habitat, including delivery of appropriate and timely measures to mitigate

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impacts and secure opportunities for the enhancement of the nature conservation value of the site in accordance with Policy 13 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraph 174 of the National Planning Policy Framework 2021. A pre-commencement condition is necessary to ensure that the method of construction is suitable and the process is suitable and would not impact upon the amenities of neighbours or the environment.

- 8 The development hereby permitted shall be completed in accordance with the mitigation measures identified at Table 4 of the report titled Preliminary Ecological Appraisal: Addendum for Commercial Area by Tamar Ecology dated October 2018, Sections 6.2 and 6.3 of the report titled Dormouse Survey by Tamar Ecology dated January 2019 and Sections 6.4, 6.5 and 7.2 of the report titled Protected Species Report: Bats, Badgers and Reptiles by Tamar Ecology dated October 2018.

Reason: To protect species which are evident as having potential to utilise the habitat provision within the site in accordance with the aims of Policy E5 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Policy 23 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 174 and 180 of the National Planning Policy Framework 2021 and Circular 06/2005: Biodiversity and Geological Conservation - Statutory obligations and their impact within the planning system.

- 9 A) No development shall commence, other than that required by condition 4, 6, 7, 12 and 13, until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions, and:
1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation
- B) No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).
- C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

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[Note: The archaeological recording condition will normally only be discharged when all elements of the WSI including on site works, analysis, report, publication (where applicable) and archive work has been completed.]

Reason: To ensure that provision is made to record finds of archaeological interest in accordance with the aims and intentions of Policy 24 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraph 192 of the National Planning Policy Framework 2021. Development of the site may disturb historic assets which may be lost from being recorded in the absence of a scheme that secures appropriate investigations prior to works proceeding.

Informative

The archaeological recording condition will normally only be discharged when all elements of the WSI including on site works, analysis, report, publication (where applicable) and archive work has been completed.

- 10 Prior to the closure of the main badger sett identified at section 6.4.1 of the report titled Protected Species Report: Bats, Badgers and Reptiles by Tamar Ecology dated October 2018 details of a replacement artificial sett, including its timing of construction and exclusion works to the main sett, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details hereby permitted.

Reason: To protect species which are evident as having potential to utilise the habitat provision within the site in accordance with the aims of Policy E5 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Policy 23 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 174 and 180 of the National Planning Policy Framework 2021 and Circular 06/2005: Biodiversity and Geological Conservation - Statutory obligations and their impact within the planning system.

- 11 Prior to the installation of any external lighting details shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the details hereby approved.

Reason: In the interest of visual amenities and with regards to protected species in accordance with the aims of Policies 1, 12 and 23 of the Cornwall Local Plan Strategic Policies 2010-2030, Policy E4 of the Truro and Kenwyn Neighbourhood Plan 2015-2030 and paragraphs 127, 130 and 174 of the National Planning Policy Framework 2021.

- 12 No development shall commence, other than that required by condition 4, 6, 7, 9 and 13, until full details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out in accordance with the approved details prior to the occupation of the development hereby permitted.

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The hard landscaping details shall include:

- proposed finished ground levels or contours;
- means of enclosure (to include 389 metres of new Cornish hedge to be constructed as detailed within appendix D of the arboricultural monitoring report by evolve tree consultancy dated 12 March 2019);
- hard surfacing materials;
- minor artefacts and structures (eg. furniture, refuse or other storage units, signs etc.);
- proposed and existing functional services above and below ground (eg. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc.);

Reason: In the interests of visual and residential amenity and in accordance with the aims and intentions of Policies E4 and E5 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Policies 12 and 23 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 127, 130 and 174 of the National Planning Policy Framework 2021. A pre-commencement condition is necessary to ensure that existing flora and landscape features can be accommodated within the development.

- 13 No development shall commence, other than that required by condition 4, 6, 7, 9 and 12, until a scheme of soft 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 to be retained and measures for their protection to be used in the course of development. Tree protection fencing 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 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.
- Full schedule of plants
- 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.

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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.

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 Policies E4 and E5 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Policies 12 and 23 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 127, 130 and 174 of the National Planning Policy Framework 2021. A pre-commencement condition is necessary to ensure that existing flora and landscape features can be accommodated within the development.

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PLANS REFERRED TO IN CONSIDERATION OF THIS APPLICATION:

Proposed WPS-MFG-418-P-09 received 10/06/21
Proposed WPS-MFG-418-P-05A received 10/06/21
Proposed WPS-MFG-418-P-04A received 10/06/21
Proposed WPS-MFG-418-P-08 received 10/06/21
Proposed WPS-MFG-418-P-07A received 10/06/21
Proposed WPS-MFG-418-P-06 received 10/06/21
Landscaping EV-0158-LANDSCAPING-03-19 received 20/03/19
Block Plan SJS-MG-LP-001 received 31/12/18
Proposed 70031229-WSP-GEN-SWI-DR-CH-1009 P02 received 31/12/18
Proposed 70031229-WSP-GEN-SWI-DR-CH-1010 P02 received 31/12/18
Landscaping SJS_MG_TRP_001B received 21/11/18
Site/location Plan SJS_MG_RLP_010 REV B received 21/11/18

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ANY ADDITIONAL INFORMATION:

- Please note that the proposed development set out in this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). As the proposed development changes the floorspace from that originally granted permission, the CIL liability has changed. A revised CIL Liability Notice will be sent to the applicant, and any other person who has an interest in the land, under separate cover. The new Liability Notice will contain details of the revised chargeable amount and how to claim exemption or relief, if appropriate. There are further details on this process on the Council's website at www.cornwall.gov.uk/cil .
- 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 developer(s) is encouraged to use sustainable building methods for the development hereby permitted so that it is as energy-efficient as possible, in light of the Council's plan to tackle the climate emergency and help Cornwall cut its carbon footprint.

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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 M Scoot MRTPI MRICS
Maypool House
Maypool
TQ5 0ET

Your ref: Maiden Green PFS - Scheme
Cha...

My ref: PA21/06047

Date: 20 September 2021

Dear Sir/Madam

**Development of a petrol filling station (PFS) including a new sales building, underground tanks, pump island / canopy, forecourt, car parking, landscaping, boundary treatments, drainage infrastructure, associated access arrangements (including A390 junction and associated pedestrian access) and associated infrastructure (including an artificial badger sett) with variation of condition 2 of decision notice PA18/11022 dated 12.09.19
Land Off Higher Besore Road Threemilestone Truro TR3 6BX**

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

Matthew Doble

**Principal Development Officer
Planning and Sustainable Development Service
Tel: 01209 616975 Mob 07483 172703**

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