

Cornwall Council

Pydar House Pydar Street Truro Cornwall TR1 1XU

Email: planning@cornwall.gov.uk

Tel: 0300 1234151

Web: www.cornwall.gov.uk



Application number: PA20/00009

Agent:

AECOM (Plymouth)
AECOM (Plymouth)
Plumer House
Tailyour Road
Plymouth
Devon
PL6 5DH

Applicant:

Cornwall Council
Transport and Infrastructure
Economic Growth and Development
Floor 4B, Pydar House, Pydar Street
Truro
TR1 1XU

**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 2 January 2020 and accompanying plan(s):

- Description of Development:** Construction of interim link road to provide access from the A390 to the proposed Northern Access Road to facilitate construction access at Langarth Farm. Upon completion of the Northern Access Road junction from the A390 the interim link road will revert to a bus gate
- Location of Development:** Land North Of Silver Bow, Greenbottom, Cornwall
- Parish:** Kenwyn

YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.

DATED: 6 March 2020

Hayley Jewels - Head of Development
Management

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 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 any of the approved plans and details, prior to the commencement of development, details of how a net gain for biodiversity of 10% will be delivered through measures both on and off site shall be submitted to and approved in writing by the Local Planning Authority.

This must include:

- o Details of the overall provision of net gain
- o Detail of how a net gain for each habitat type is to be provided
- o an assessment of the onsite landscaping to be provided
- o detailed delivery plan for each area (on and off site) of mitigation including timeframes for implementation
- o detailed management and maintenance strategy for each area (on and off site) of mitigation

For the avoidance of doubt the approved delivery plans must commence at the same time as the commencement of development and the development shall be undertaken in full accordance with the approved detail.

Reason: To ensure that a net gain for biodiversity is delivered to mitigate the impacts of the proposed development and in accordance with Policies E1 and E5 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Policies 1 and 25 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 170 and 175 of the National Planning Policy Framework 2019. To ensure that a net gain for biodiversity is delivered to mitigate the impacts of the proposed development.

- 4 The surface water drainage systems shall be in accordance with the principles set out in the AECOM Flood Risk Assessment and Drainage Strategy Ref 60571547 (dated December 2019).

No development approved by this permission shall be commenced until the following details are provided:

DATED: 6 March 2020

Hayley Jewels - Head of Development
Management

SCHEDULE ATTACHED TO APPLICATION & DECISION NO: PA20/00009

- o A description of the surface water drainage systems operation;
- o Details of the final drainage schemes including the results of infiltration testing, groundwater monitoring, sectional details of the infiltration basin, calculations and layout;
- o A Construction Phase Surface Water Management Plan;
- o A Construction Quality Control Plan;
- o A plan indicating the provisions for exceedance pathways, overland flow routes and proposed detention features. Confirmation of the route and point of discharge of the ditch which could receive exceedance flows;
- o A timetable of construction;
- o 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 unforeseen circumstances and/or variations from the details provided and agree necessary mitigation measures or amendments to the agreed design in writing before such works 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.

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 and E5 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Policies 13 and 26 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 155, 163 and 165 of the National Planning Policy Framework 2019. A pre-commencement condition is necessary to ensure that from initial construction phase onwards surface water management is controlled so as not to give rise to adverse runoff or environmental impacts to the locality.

- 5 A. No development shall take place until a programme of archaeological recording 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

YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.

DATED: 6 March 2020

Hayley Jewels - Head of Development
Management

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.
 - D. 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 Policies 1 and 24 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraph 199 of the National Planning Policy Framework 2019. A pre-commencement condition is necessary in this instance due to the need to ensure that a programme and methodology of site investigation and recording of archaeological features is undertaken before physical works commence on site.

6. Prior to the commencement of any works associated tree protection fencing shall be erected in accordance with the report titled BS5837 Tree Survey and Assessment for NAR Interim Junction, Threemilestone, Truro dated July 2019 by CEC Ltd. 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.

Reason: In the interests of visual amenity and in accordance with the aims and intentions of Policies E1, E4, E5 and C3 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Policies 1, 12, 23 and 25 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 127 and 172 of the National Planning Policy Framework 2019. A pre-commencement condition is necessary to ensure that appropriate tree protection fencing is in situ prior to works commencing which may result in damage to existing trees which are sought to be retained.

7. Prior to the commencement of the development hereby approved (including ground works) a construction environmental management plan (CEMP) shall have been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following.
 - A. Risk assessment of potentially damaging construction activities.

YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.

DATED: 6 March 2020

Hayley Jewels - Head of Development
Management

SCHEDULE ATTACHED TO APPLICATION & DECISION NO: PA20/00009

- B. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- C. Dust Management Plan
- D. The location and timing of sensitive works to avoid harm to biodiversity features.
- E. The times during construction when specialist ecologists need to be present on site to oversee works.
- F. Responsible persons and lines of communication.
- G. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- H. Use of protective fences, exclusion barriers and warning signs.

All works carried out during the construction period shall be undertaken strictly in accordance with the approved CEMP.

Reason: In the interests of protecting the biodiversity of the environment in accordance with the aims of Policy E1 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Policies 13 and 26 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 155, 163 and 165 of the National Planning Policy Framework 2019. A pre-commencement condition is necessary to ensure that the existing biodiversity and habitat potential of the site is not harmed through inappropriate actions.

- 8 Prior to the commencement of development hereby approved, (including any tree felling, tree pruning, soil moving, temporary access construction and/or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Construction Specification/Method Statement has been submitted to and approved in writing by the Local Planning Authority. This shall provide for the long-term retention of the trees. No development or other operations shall take place except in complete accordance with the approved Construction Specification/Method Statement.

Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies E1 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 170 and 175 of the National Planning Policy Framework 2019. A pre-commencement condition is necessary to ensure that damage through inappropriate construction activities to existing trees are avoided.

- 9 Before development commences, a scheme detailing the management of construction activities and traffic shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.

DATED: 6 March 2020

Hayley Jewels - Head of Development
Management

SCHEDULE ATTACHED TO APPLICATION & DECISION NO: PA20/00009

- A. Maximum size of vehicles to be used
- B. Methods of traffic control at the site
- C. Routing of vehicles to and from the site
- D. Details and location of contractors' compound
- E. Hours of construction work
- F. Hours of deliveries

The development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety and in accordance with 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 108 and 110 of the National Planning Policy Framework 2019. A pre-commencement condition is necessary to ensure that construction activities are managed appropriately prior to works commencing.

- 10 Prior to the occupation of any residential unit which seeks to utilise the development hereby permitted as a means of access the junction shall be laid out and constructed in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.

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 108 and 110 of the National Planning Policy Framework 2019.

- 11 Prior to the occupation of any residential unit which seeks to utilise the development hereby permitted as a means of access, a pedestrian/cycle footway as part of the access junction and to the North of the A390, so as to provide a means of connecting with existing pedestrian/cycle footway infrastructure to the East of the application site, shall have been provided in accordance with details that will have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of providing safe and suitable non-vehicular access along the A390 accordance with the aims 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 108 and 110 of the National Planning Policy Framework 2019.

- 12 The access road hereby permitted shall only be used by construction vehicles and to facilitate access up to a total of 300 residential units only. Upon the Northern Access Road being open to the public and facilitating vehicular access from the A390 highway the access road hereby permitted shall be used as a bus gate only in accordance with details that have been submitted to and approved in writing

YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.

DATED: 6 March 2020

Hayley Jewels - Head of Development
Management

SCHEDULE ATTACHED TO APPLICATION & DECISION NO: PA20/00009

by the Local Planning Authority to allow use by buses only and prevent use by other vehicles. The details submitted shall outline when the measures to restrict use by vehicles other than buses shall be implemented. The development shall be completed in accordance with the details thereby agreed.

Reason: In the interests of highway safety in accordance with the aims of T3 of the Truro and Kenwyn Neighbourhood Plan 2015-2030, Policy 27 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 108 and 110 of the National Planning Policy Framework 2019.

- 13 Prior to the occupation of the 300th dwelling utilising the development known as the Interim Link Road, or upon the Northern Access Road facilitating access from the A390 highway being open to the public, whichever is the sooner, "As Constructed" surface water drainage details of the development shall be provided and agreed in writing with the Local Planning Authority. The details shall include the implemented surface water drainage systems layout, levels and construction details.

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, Policy 26 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 155, 163 and 165 of the National Planning Policy Framework 2019.

- 14 The development hereby permitted shall be completed in accordance with the mitigation measures as detailed at Section 5 of the Cornwall Environmental Consultants report dated July 2019 and titled 'Preliminary Ecological Appraisal for NAR Interim Junction, Truro, Cornwall'.

Reason: In order to safeguard species which are specially protected by law, and in accordance with Policy 23 of the Cornwall Local Plan Strategic Policies 2010-2030 and the National Planning Policy Framework 2019, with specific reference to paragraph 175.

YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.

DATED: 6 March 2020

Hayley Jewels - Head of Development
Management

PLANS REFERRED TO IN CONSIDERATION OF THIS APPLICATION:

Proposed EDG1458-ACM-HAW-01+02-M2-CH-3110 received 02/01/20
Proposed EDG1458-ACM-HAW-01+02-M2-CH-3116 received 02/01/20
Proposed EDG1458-ACM-HLG-01+02-M2-CH-3014 received 02/01/20
Proposed EDG1458-ACM-HMK-01-M2-CH-3109 received 02/01/20
Proposed EDG1458-AEC-HSC-01+02-M2-CH-3102 received 02/01/20
Existing EDG1458-ACM-GEN-01+02-M2-CH-3111 received 02/01/20
Illustrative Purposes only EDG1458-ACM-GEN-01+02-M2-CH-3100 received 02/01/20
Proposed EDG1458-ACM-GEN-01+02-M2-CH-3101 received 02/01/20
Proposed EDG1458-ACM-HFE-01+02-M2-CH-3103 received 02/01/20
Proposed EDG1458-ACM-HMK-01+02-M2-CH-3108 received 02/01/20
Site/location Plan EDG1458-ACM-GEN-01-M2-CH-3112 received 02/01/20
Proposed EDG1458-ACM-HAW-01+02-M2-CH-3113 received 02/01/20
Proposed EDG1458-ACM-HAW-01+02-M2-CH-3114 received 02/01/20
Proposed EDG1458-ACM-HDG-02-M2-CH-3104 P05 received 21/02/20
Proposed EDG1458-ACM-HDG-01-M2-CH-3104 P04 received 19/02/20

ANY ADDITIONAL INFORMATION:

- 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 propose a new building.
- The developer(s) is encouraged to use sustainable construction methods for the development hereby permitted, in light of the Council's plan to tackle the climate emergency and help Cornwall cut its carbon footprint.

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.

DATED: 6 March 2020

Hayley Jewels - Head of Development
Management

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 <http://www.planningportal.co.uk>. 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.

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 <http://www.cornwall.gov.uk/streetnaming>. Developers are advised to contact Street Naming and Numbering at the earliest opportunity for street naming as the process involves consultation with the local Parish, Town or City Council and can take several months to complete. For any further assistance please contact addressmanagement@cornwall.gov.uk or telephone 0300 1234 100.

AECOM (Plymouth)
AECOM (Plymouth)
Plumer House
Tailyour Road
Plymouth
Devon
PL6 5DH

Your ref: NAR ILR Planning Application
My ref: PA20/00009
Date: 6 March 2020

Dear Sir/Madam

**Construction of interim link road to provide access from the A390 to the proposed Northern Access Road to facilitate construction access at Langarth Farm. Upon completion of the Northern Access Road junction from the A390 the interim link road will revert to a bus gate
Land North Of Silver Bow Greenbottom 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://planningportal.co.uk/> . Your attention is drawn to the 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)

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**