

Cornwall Council

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Application number: PA14/10755

Agent: Mr Jonathan Orton

Origin3

Tyndall House

17 Whiteladies Road

Clifton

Bristol

BS8 1PB

Applicant: LXB (Willow Green) Ltd

44 Esplanade

St Helier

Jersey

JE4 9WG

Town And Country Planning Act 1990 (As Amended)
Town And Country Planning (Development Management Procedure) (England)
Order 2015

Grant of Outline 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 11 November 2014 and accompanying plan(s):

Description of Development:

Outline approval with all matters other than access reserved for 435 dwellings, nursing home, food store, petrol station; 1 form entry primary school, community hall, public house/restaurant, central component of the Northern Access Road (NAR) (including vehicular/pedestrian/cycle details), public open space, service diversions and foul and surface water drainage infrastructure, ground remodelling works including moving of material on and off-site and demolition of existing buildings and detailed approval of access point from the A390.

Location of Development:

Willow Green Farm
Threemilestone

YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.

Phil Mason

Head of Planning and Enterprise

DATED: 25 July 2016

SCHEDULE ATTACHED TO APPLICATION & DECISION NO: PA14/10755

Truro
Cornwall
TR4 9AL

Parish:

Kenwyn



Phil Mason
Head of Planning and Enterprise

DATED: 25 July 2016

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CONDITIONS:

- 1 Development (other than demolition, service diversion and earthworks) shall not commence within any development parcel/phase within the application site (as approved under Condition 6) until details of the access, layout, scale, appearance and landscaping (hereinafter referred to as "reserved matters") for that parcel/phase to be developed have been submitted to and approved in writing by the Local Planning Authority.

Reason: In accordance with the requirements of Articles 1, 2 and 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2010.

- 2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of six years from the date of this permission

Reason: In accordance with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended) and in accordance with the requirements of Articles 1, 2 and 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2010.

- 3 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 (as amended).

- 4 In respect of those matters not reserved for later approval, the development hereby permitted shall be carried out in accordance with the following approved plans:

- (a) Location Plan 005
- (b) A390 Access Junction Layout 1309-23 PL104 Rev E or any substantially similar revision thereto approved in writing by the local planning authority

Design Code Revision E

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



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- 5 The development hereby permitted shall be carried out substantially in accordance with Parameters Plans 124 Rev B, 136 Rev C, 137 Rev A and 138 Rev B.

Reason: For the avoidance of doubt and in the interests of proper planning and in accordance with Section 7 of the National Planning Policy Framework.

- 6 No development shall take place in any phase of the development identified in the Parameter Plan 139 Rev D (or any update to it approved by the local planning authority in writing) (and the words 'phase' or 'phases' in these conditions shall mean such a phase) until there has been submitted to and approved in writing by the local planning authority a detailed Masterplan and Mini Design Code for that phase.

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 paragraph 59 of the NPPF.

- 7 Applications for the approval of reserved matters shall be accompanied by a detailed Masterplan and a Mini Design Code for the phase to which those reserved matters relate, for approval by the local planning authority. The Mini Design Code shall include details of the matters listed below:

- (a) building form
- (b) building height
- (c) private and public space
- (d) street typology
- (e) lighting schemes including technical information
- (f) access and circulation
- (g) car parking
- (h) waste storage and recycling facilities
- (i) landscape/public realm treatment
- (j) boundary treatment
- (k) mix of units and distribution of affordable units

Each phase of the development shall be completed in accordance with the approved Mini Design Code and Masterplan for that phase.

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 paragraph 59 of the NPPF.



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- 8 The development hereby permitted shall incorporate the mitigation measures in the Environmental Statement and shall be carried out in accordance with a detailed mitigation management strategy including a timetable for the mitigation works and their future management that shall be submitted to and approved in writing by the local planning authority prior to the commencement of development.

Reason: To ensure that the development and final design conform to the mitigation measures and recommendations set out in the Environmental Statement subject of this permission.

- 9 No development on any phase of the development hereby approved shall commence until an Environmental Construction and Management Plan (CEMP) for that phase 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:

- (a) means of access for construction vehicles including routes to and from the site;
- (b) on site construction worker, visitor and site operative parking;
- (c) a scheme to encourage the use of public transport for contractors;
- (d) loading and unloading of plant and materials;
- (e) storage of plant and materials used in constructing the development;
- (f) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (g) wheel washing facilities;
- (h) measures to control the emission of dust and dirt during construction;
- (i) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- (j) the operation of plant and machinery associated with engineering operations;
- (k) site security;
- (l) fuel, oil and chemicals storage, bunding, delivery and use;
- (m) how both minor and major spillage will be dealt with;
- (n) containment of silt/soil contaminated run-off;
- (o) disposal of contaminated drainage, including water pumped from excavations;
- (p) site induction for workforce highlighting pollution prevention and awareness;
- (q) a scheme to dispose of surface water run off during the construction phase;
- (r) anticipated number, frequency and size of construction vehicles entering / exiting the site;



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- (s) delivery times of construction materials;
- (t) construction operating hours; and
- (u) 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 impacts and secure opportunities for the enhancement of the nature conservation value of the site in accordance with paragraph 109 of the National Planning Policy Framework.

- 10 Construction deliveries, demolition and construction works shall not take place outside the hours of 08.00 to 18.00 Mondays to Fridays and 08.00 to 13.00 on Saturdays or at any time on Sundays or Public/Bank Holidays.

Reason: To ensure that the development is undertaken in a manner which reduces any potential adverse impact upon the residential amenities currently enjoyed by existing residents and businesses in accordance with section 7 of the National Planning Policy Framework.

- 11 No development other than that required to be carried out as part of an approved scheme of remediation shall commence until criteria 1 to 5 below have been 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 criterion 5 has been complied with in relation to that contamination.

Criteria 1: Site Characterisation. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval, in writing, of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval, in writing, of the Local Planning Authority. The report of the findings must include:

- i. a survey of the extent, scale and nature of contamination;
- ii. an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines



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and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments;

iii. an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11.

Criteria 2: Submission of Remediation Scheme. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and approved in writing, by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Criteria 3: Implementation of Approved Remediation Scheme. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development of that phase other than that required to carry out remediation, or such other substantially similar details as approved in writing by the Local Planning Authority. 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 that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Criteria 4: Reporting of Unexpected Contamination. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of criteria 1, and where remediation is necessary, a remediation scheme must be prepared in accordance with the requirements of criteria 2, which is subject to the approval, in writing, of the Local Planning Authority. 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 3.

(e) Criteria 5: Long Term Monitoring and Maintenance. A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation throughout the construction period and for a subsequent



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period to be agreed in writing with the local planning authority, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11.

Reason: To ensure that risks from land contamination to the 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 in accordance with paragraph 121 of the National Planning Policy Framework.

- 12 No development on any phase of the development hereby approved shall commence until a waste management strategy for that phase has been submitted to and approved in writing by the local planning authority. The strategy shall be implemented in accordance with the approved details.

Reason: To ensure that a suitable waste management strategy is secured and implemented for the development in accordance with section 7 of the National Planning Policy Framework.

- 13 No building works shall be begun on any phase until full details of both hard and soft landscaping works for that phase have been submitted to and approved in writing by the local planning authority. The details shall include a timetable for the completion of the works relative to the development in that phase, proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines, manholes); retained historic landscape features and proposals for restoration where relevant. Soft landscape works shall include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme. The works in each phase shall be completed in accordance with the approved details.



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Reason: To ensure that the landscape proposals for all external areas of the site form an integral part of the design for the site as a whole in accordance with section 7 of the National Planning Policy Framework.

- 14 Before development commences in any phase, details of the position of fencing for the protection of trees on the site for that phase (and sub-phases) shall be submitted to and approved in writing by the Local Planning Authority. Such fencing shall be erected in accordance the specification outlined in BS5837 in the positions shown on an approved plan for each sub-phase or such other substantially similar details as approved in writing by the Local Planning Authority before any works associated with the development commence and thereafter retained until completion of the development in that sub-phase. The parts of the tree or trees contained by the fencing shall not be harmed and nothing shall be stored or placed in any fenced area, nor shall the ground levels within those areas be altered.

Reason: To ensure that the development does not affect the health or result in the loss of visually important trees and in accordance with paragraph 118 of the National Planning Policy Framework.

- 15 Prior to the commencement of any works in any phase of the development hereby permitted a landscaping scheme depicting the plants to be planted post development on that phase (and in any sub-phase) shall be submitted and approved in writing by the Local Planning Authority. The scheme shall identify plant species, densities, sizes, planting methodology, an aftercare maintenance regime and a commitment to replace any plants that fail. This scheme shall be implemented in the first planting season following the substantial completion of the development or following the occupation of the building/s on that phase (or sub-phase) whichever comes first. The landscape planting shall be implemented in accordance with the agreed scheme.

Reason: To ensure that the development enhances biodiversity in accordance with paragraph 118 of the National Planning Policy Framework.

- 16 Details of a sustainable urban drainage scheme (SUDS) for each phase shall be submitted with the first reserved matters application for that phase for and approval in writing by the local planning authority. The SUDS details for each phase shall be designed in accordance with the Surface Water Management Strategy detailed in the approved Flood Risk Assessment (as amended) dated February 2013 by Callidus and shall include:
(a) detailed ground investigation to assess the appropriateness of infiltration drainage;



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- (b) details of the final drainage scheme;
- (c) a construction quality control procedure;
- (d) provision for overland exceedance flow routes from surface water.
- (e) measures to ensure that surface water run-off from all areas accessible to vehicles is passed through an oil interceptor prior to discharge
- (f) a timetable for implementation of the works by sub-phase area.

The scheme shall be completed in accordance with the approved timetable No dwelling within an individual phase (or sub-phase) of the development shall be occupied until it has been demonstrated to the satisfaction of the LPA that the SUDS for that phase (or sub-phase) has been completed in accordance with the approved details agreed. The SUDS scheme shall thereafter be managed and maintained in accordance with the approved details or such other substantially similar details as approved in writing by the Local Planning Authority.

Reason: To prevent flooding by ensuring the satisfactory management of surface water from the site during construction and to prevent pollution of controlled waters and for ecological safeguarding, including impacts on the Fal and Helford SAC in accordance with paragraph 103 of the National Planning Policy Framework.

- 17 No phase of the development shall be commenced until a scheme for the disposal of sewage and foul drainage for that phase (or sub-phase) has been submitted to and approved in writing by the local planning authority.

Reason: In accordance with paragraph 93 of the NPPF in order to ensure that the development has adequate sewerage provision.

- 18 There shall be no discharge of foul or contaminated drainage or trade effluent from the site into either groundwater or any surface waters, whether direct or via soakaways.

Reason: In accordance with paragraph 93 of the NPPF in order to prevent pollution of the water environment.

- 19 No phase of the development shall be occupied or otherwise brought into use until improvement works to the public sewerage system downstream of the site, as necessary to accommodate sewage to be discharged from that phase (or sub-phase) of the development, have been completed in accordance with the approved scheme for that phase (pursuant to the foul sewer requisition to be made to the statutory sewerage undertaker in accordance with the approved scheme for that phase) or as otherwise agreed in writing with the Council.



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Reason: In accordance with paragraph 93 of the NPPF in order to ensure that the development has adequate sewerage provision.

- 20 No development shall take place until details have been submitted to and approved in writing by the Local Planning Authority (in conjunction with the Highway Authority) relating to line, level and layout of the access road junction shown on approved plan [PL104] and its means of construction and surface water drainage. The approved access road junction shall be laid out and constructed in accordance with the approved or such other substantially similar details as approved in writing by the Local Planning Authority.

Reason: In accordance with paragraph 32 of the NPPF in the interests of maintaining a safe and efficient highway network.

- 21 No dwelling shall be occupied until the estate road carriageways and footways necessary to provide access from a County Road to that dwelling has been completed (except for the application of the final wearing course) in accordance with the Cornwall Council's specification for housing estate roads, including street lighting.

Reason: In accordance with paragraph 32 of the NPPF in the interests of maintaining a safe and efficient highway network.

- 22 Notwithstanding the provisions of the Town and Country Planning General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order) the use of any garage shall be limited to the domestic and private needs of the occupier and shall not be used for any business or other purpose whatsoever.

Reason: To ensure that the access roads leading to the site are available for that purpose and not used for commercial vehicle movements in accordance with paragraph 32 of the NPPF.

- 23 No building shall be occupied until the parking and turning spaces for that building with properly consolidated and surfaced turning spaces for vehicles have been completed in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such parking and turning spaces shall be kept clear of obstruction at all times.

Reason: To ensure adequate parking and turning facilities off the adjoining highway in accordance with paragraph 32 of the NPPF.



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- 24 No commercial buildings shall be occupied or otherwise brought into use until provision for the loading and unloading of goods vehicles for that building has been made in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.
- Reason: To ensure adequate parking and turning facilities off the adjoining highway in accordance with paragraph 32 of the NPPF.
- 25 No dwelling or other building shall be occupied until cycle parking facilities to serve that dwelling or building have been completed in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.
- Reason: In order that the development promotes public transport, walking and cycling and limits the reliance on car based travel in accordance with paragraph 32 of the NPPF.
- 26 Before any building or engineering works are carried out on the site, the construction access and contractors' parking/storage/compound areas shall be laid out, surfaced and drained in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.
- Reason: To ensure that a satisfactory means of access is provided before the commencement of development in accordance with paragraph 32 of the NPPF.
- 27 Power lines shall be sited underground unless otherwise agreed in writing with the Local Planning Authority. Any installation or maintenance of underground or overhead utility services shall be agreed in writing with the local planning authority prior to installation and undertaken in accordance with the National Joint Utilities Group publication 10 'Guidelines for the Planning, Installation and maintenance of Utility Services in Proximity to Trees'.
- Reason: To ensure that no underground or overhead utility services have an adverse impact on the health of trees and mature hedgerows that are an intrinsic part of the landscape character and are identified as being retained within the development site, to accord with paragraph 109 of the National Planning Policy Framework.
- 28 No vegetation shall be cleared from the Site during the bird breeding season of 1st March to 30th September inclusive, except where a suitably qualified ecologist appointed by the Applicant has confirmed that such clearance works would not affect any nesting birds, or unless otherwise approved in writing by the Council.



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Reason: to prevent disturbance to nesting birds and to compensate for the loss of habitat used by BAP species in accordance with the aims and intentions of paragraphs 109 and 118 of the National Planning Policy Framework.

- 29 The development of each phase shall not commence until a detailed lighting scheme including the design, height, lux levels, positioning and phasing is submitted to and approved in writing by the Local Planning Authority for that phase (or sub-phase). The lighting scheme shall be developed in consultation with an ecologist, and informed by survey information, to ensure that the lighting avoids adverse effects to bats, whilst also complying with related highway details as required under conditions 20 and 21 of this permission. The lighting scheme shall be implemented in accordance with the approved details or such other substantially similar details as approved in writing by the Local Planning Authority and retained and maintained thereafter in accordance with the approved details.

Reason: To protect the residential amenity of the surrounding occupants, the visual amenities of the area and protected species in accordance with paragraph 123 of the National Planning Policy Framework.

- 30 Details of monitoring of bat activity during construction and details of monitoring of bat roost provision and activity in years 1 and 3 after construction together with any required further mitigation and a timetable for implementation shall be submitted to and approved in writing by the local planning authority and thereafter implemented in accordance with the recommendations as approved.

Reason: In the interests of bats in accordance with paragraph 109 of the National Planning Policy Framework.

- 31 No development shall take place until, the applicant, or their agent or successors in title, shall first have submitted to, and agreed in writing with, the Local Planning Authority an Archaeological Mitigation Strategy setting out a phased programme of works for the investigation of the site. Once approved by the Local Planning Authority, this document will provide a framework and timetable for the completion of archaeological evaluation, the review and assessment of the results, mitigation prior to and/or during demolition and construction, as well as off-site post-excavation analysis, publication and archiving. Prior to commencement of each stage of the Archaeological Mitigation Strategy the applicant (or their agent or successors in title) shall first have submitted to, and agreed in writing with, the Local Planning Authority a Project Design.



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Reason: In order to require the developer to record and advance understanding of the significance of heritage assets before they are lost in accordance with paragraph 128 of the National Planning Policy Framework.

- 32 No demolition/development shall take place other than in accordance with the Archaeological Mitigation Strategy approved under condition 31 of this permission, and once commenced the Mitigation Strategy shall be implemented in full.

Reason: In order to require the developer to record and advance understanding of the significance of heritage assets before they are lost in accordance with paragraph 128 of the National Planning Policy Framework.

- 33 The rating level of noise emitted at the retail development (fixed plant, petrol filling station, car parking) hereby approved shall not exceed 35 dB LAeq,5min as measured or calculated 3.5m from the façade of any residential property at a height of 1.2 or 1.5m) at the closest night-time noise sensitive windows and or 45 dB LAeq,1hr in outdoor amenity spaces during the day. (as measured or calculated 3.5m from the façade of any residential property at a height of 1.2 or 1.5m).

Reason: To minimise disturbance to neighbouring occupiers in accordance with section 7 of the National Planning Policy Framework.

- 34 Any noise created by loading/unloading of deliveries or other events at the retail development during the night shall not exceed an absolute limit of 60 dB LAFmax (as measured or calculated 3.5m from the façade of any residential property at a height of 1.2 or 1.5m). Reasonable means shall be employed at all times to minimise construction noise through the implementation of recommendations set out in BS5228.

Reason: To ensure that the development is undertaken in a manner which reduces any potential adverse impact upon the residential amenities currently enjoyed by existing residents and businesses in accordance with section 7 of the National Planning Policy Framework.

- 35 The development hereby permitted shall not commence until a Dust Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include, but not be limited to, details of roles and responsibilities, monitoring and reporting, emergency responses, community and stakeholder relations and training. The development shall be carried out in accordance with the approved Dust Management Plan or such other substantially similar details as approved in writing by the Local Planning Authority.



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Reason: To ensure that the development is undertaken in a manner which reduces any potential adverse impact upon the residential amenities currently enjoyed by existing residents and businesses in accordance with section 7 of the National Planning Policy Framework.

- 36 The net retail sales area of the supermarket hereby permitted shall not exceed 4700 square metres, with no more than 1900 square metres of the net sales area to be used for the sale of comparison goods. The supermarket unit hereby permitted shall not be subdivided into separate retail units.

Reason: To avoid harm to the vitality and viability Truro City centre in accordance with paragraph 23 of the National Planning Policy Framework

- 37 No development hereby permitted shall commence until a scheme for the provision of a pedestrian underpass crossing the A390 has been submitted and approved in writing by the Local Planning Authority (in conjunction with the Highway Authority) and no part of the development shall be occupied or brought into use until the underpass has been provided in accordance with the approved scheme.

Reason: In order that the development promotes public transport, walking and cycling and limits the reliance on car based travel in accordance with section 4 of the National Planning Policy Framework.

- 38 No phase of the development hereby approved shall be commenced until a detailed Travel Plan for that phase which accords with the Framework Travel plan forming part of this permission has been submitted to and approved by the Council, such Travel Plans to include the following:

- a) proposed footpath and cycle routes within the Land which link the Development to key destination points including employment uses, education, and leisure facilities in accordance with the layout contained in the Reserved Matters Approvals;
- b) a car parking management strategy for the control of the parking of vehicles within the Development and for each Phase including proposals for the enforcement of parking controls;
- c) a communication strategy including real time passenger information at identified bus stops within the Development, a community travel website, personal travel planning facilities, pedestrian and cycle signage to identified key destination points;
- d) the general locations of electric car and bicycle charging points;
- e) the measures designed to ensure that the Modal Shift Target is met.



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- f) proposals for the monitoring of trips by private car generated by the Development to be undertaken annually (or at other intervals to be agreed) including the location of permanent traffic counters (such equipment to be maintained in operation by the Owners for at least one year after the Development is Occupied);
- g) proposals for a car club scheme, where the Owners consider it appropriate;
- h) arrangements for the content, timing and submission of reports to the Council providing the results of monitoring and the TRICS surveys to determine whether the Modal Shift Target has been met and whether the requirements of the Travel Plan have been complied with; and
- i) timescales for the provision of each of the above.

Reason: In order that the development promotes public transport, walking and cycling and limits the reliance on car based travel in accordance with section 4 of the National Planning Policy Framework.



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PLANS REFERRED TO IN CONSIDERATION OF THIS APPLICATION:

Proposed 1309-23 PL101 E received 10/06/15
Proposed 1309-23 PL102 A received 10/06/15
Proposed 1309-23 PL103 B received 10/06/15
Proposed 1309-23 PL106 A received 12/11/14
Proposed 1309-23 PL107 A received 12/11/14
Submitted Plan 1309-23 PL105 C received 10/06/15
Proposed 1309-23 PL104 D received 08/07/15
Site/location Plan 005 received 12/11/14
Submitted Plan 091 B received 12/11/14
Submitted Plan 177 received 12/11/14
Submitted Plan 176 received 12/11/14
Submitted Plan 175 received 12/11/14
Submitted Plan 171 received 12/11/14
Submitted Plan 170 received 12/11/14
Submitted Plan 139 D received 12/11/14
Submitted Plan 138 B received 12/11/14
Submitted Plan 137 A received 12/11/14
Submitted Plan 136 C received 12/11/14
Submitted Plan 135 C received 12/11/14
Submitted Plan 124 B received 12/11/14
Submitted Plan 123 C received 12/11/14
Submitted Plan 125 C received 12/11/14
Submitted Plan ACV5811 603 A received 12/11/14
Submitted Plan ACV5811 602 A received 12/11/14
Submitted Plan ACV5811 601 A received 12/11/14
Submitted Plan ACV5811 600 A received 12/11/14



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ANY ADDITIONAL INFORMATION:

- The proposals as submitted involve works to the public highway which in this instance will require a detailed Road Safety Audit. The applicant is therefore encouraged to commence discussions with the Road Safety Audit team based at the Western Group Centre, Radnor Road, Scorrier, Redruth, Cornwall TR16 5EH Tel No. 0300 1234 222. Prior to works commencing on site the Applicant is advised that plans, sections, specifications and calculations of any proposed retaining walls must be submitted to the Council and subsequent approval of the Highway Authority in accordance with Section 167 of the Highways Act 1980. (For information, this relates to retaining walls, which are wholly, or partly within 3.7m of a street and which is at any point of a greater height than 1.37m above the level of the ground at the boundary of the street nearest that point.)
- Access for fire appliances within the site will be considered satisfactory providing it complies with Part B5 of the Building Regulations, 2000.
- Adequate water supplies for firefighting purposes will be achieved by: complying with the requirements in W100 and W101 or guidance note(s). Compliance with Part B5 of the Building Regulations 2000, 2006 edition, Section 15: Fire Mains and Hydrants
- It is likely that in order to cater for this site Western Power Distribution will ultimately need to establish a new 33kV circuit between Truro 132 / 33kV substation near Shortlanesend and the site together with an on-site 33/11kV substation.
- Gas pipes owned by others may be present in the area. Information with regards to such pipes should be obtained from the owners. Safe digging practices in accordance with HS (G) 47 must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used.
- If excavating on the site in the vicinity of either any electrical or telecom apparatus you must comply with Health and Safety guidance laid down in HS (G) 47, Avoiding Danger from underground services.



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- It should be noted that some of the conditions attached to this consent 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. Details of the fees payable 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. 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 a little as few days provided that all the necessary information is submitted and found to be satisfactory. Photographs, manufacturer's 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 a fee is 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.
- A separate consent is required from the Environment Agency under the terms of the Water Resources Act 1991 for any proposed sewage or trade effluent discharge to a watercourse or their controlled waters, and may be required for discharge to a soakaway. (Controlled waters include rivers, streams, groundwater, reservoirs, estuaries and coastal waters.) If an existing consent is held this may require formal variation. For information, this process can take up to four months to complete and no guarantee can be given regarding the eventual outcome of an application until all investigations associated with the determination have been completed and an evaluation of the proposal has been made. The applicant should contact the Regulatory Water Quality Section of the Environment Agency for further advice.



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- Your attention is drawn to the relevant provisions of the Chronically Sick and Disabled Persons Act 1970 which requires by statutory obligation that 'any person undertaking the provision of any building or premises to which the public are admitted, whether on payment or otherwise, shall, in the means of access both to and within the building or premises and in the parking facilities and sanitary conveniences to be available (if any), make reasonable provision for the needs of members of the public visiting the building or premises who are disabled'. 'Appropriate provision' is deemed to mean facilities provided in accordance with BS8300:2001
- It is important that the appropriate Health and Safety measures are undertaken and maintained during the course of the development to ensure that all persons whether they are connected to the development or not are not placed in danger. The Health and Safety Executive have powers under Section 3 of the Health and Safety at Work Act to ensure the safety of the public. The 'Construction Design and Management' Regulations are also relevant. Particularly with regard to ensuring of a safe means of pedestrian access and egress from the site.
- 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 to 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.
- 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.



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- Note to the Applicant (Badgers): All work using machinery within 20m or hand held tools within 10m of a sett entrance requires a licence under the Protection of Badgers Act 1992. These licences are issued by the English Nature. English Nature recommends that, where possible, exclusion zones of 30m are established around setts.
- Cornwall Council advises that developers should be made aware of their obligations regarding the public right of way, as follows:
 - o the applicants should ensure that they have private access rights to drive on the public right of way;
 - o the surface/width of the bridleway should not be altered - prior consent would be needed to do so;
 - o no building materials must be stored on the right of way;
 - o vehicle movements must be arranged so as not to interfere with the public's use of the way;
 - o the safety of members of the public using the right of way must be ensured at all times;
 - o no additional barriers (e.g gates) are to be placed across the right of way;
 - o there must be no diminution in the width of the right of way available for use by members of the public;
 - o no damage or alteration must be caused to the surface of the right of way;
 - o and wildlife mitigation fencing must not be placed across the right of way.
- Overland surface water flows (exceedance flows) must be managed robustly. To this end the proposed drainage layout includes features that will intercept and route surface water to soakaways and/or attenuation features. An important area, which will require careful consideration at the detailed design stage, is where the overland flow route crosses the proposed NAR highway on the western boundary of the site. Provision will need to be made to prevent surface water flowing from the site across the NAR in a westerly direction. An appropriate feature (possibly a speed hump) will be required on the road to manage this flow path. The surface water drainage design for 'west north' zone requires offsite works to ensure that the surface water is directed to the watercourse without causing flood risk. It is envisaged that these works are viable based on the fact that they involve work on Quiet Lane, rather than on private land.
- The submitted foul drainage strategy - TEI076/505/C considers three options for the provision of foul drainage from the site:
 - i) by gravity to Higher Newham Sewage Treatment Works (STW)
 - ii) construct a new STW to Kenwyn River



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iii) pumped from the site to a new gravity foul only sewer to the Calenick Pumping Station with treatment at Newham STW.

The Strategy indicates that South West Water (SWW) has confirmed that the third option is likely to be the one that would go forward for a sewer requisition. The other two options have been discounted on the grounds of cost and feasibility. The preferred indicative drainage route is shown on drawing, Indicative foul drainage strategy drawing TEI076/303A. To protect water quality in the receiving Fal Estuary and shellfishery there are certain design standards for the Calenick Pumping Station (CPS) and Newham STW. This proposal will result in an increase in flow and loading to this infrastructure. SWW have confirmed that they are making improvements to the Newham STW so that it can manage the increase in loading arising from this proposal. The Threemilestone Developments Sewerage Evaluation report ref. R00700BMN001/A (referred to in appendix A of the drainage strategy) identified that improvements would also be required at the CPS to ensure compliance against legislation to protect the receiving water quality and shellfishery and not risk deterioration in the Water Framework Directive classification. The EA would like to work closely with the developer and SWW to ensure an appropriate sewer is designed and constructed.

- The Phase 1 desk top (RPS Planning ref JER4681 AP 100324 Willow Green Farm v8) study has identified potential risks to controlled waters not addressed in the Phase 2 report (report ref 55267.FSI dated 4 December 2012). The applicant should take steps to identify any private abstractions that may exist in the vicinity of the development. Should any be identified, the developer should assess construction and post construction phase risks to these features.
- Japanese knotweed has been identified on land outside the application site which will be affected by highway improvement works. It will require supervised excavation and removal off site and thereafter the affected site will need to be monitored and steps taken if necessary to prevent regrowth. The excavation works will be controlled via the section 38/278 Agreement which will be needed to enable the developer to carry out the highway improvements and the developer will be required to monitor the site during the highway maintenance period. If, at the end of the maintenance period it appears likely that the Council will incur additional maintenance costs following adoption due to the need to monitor and control the Japanese knotweed, a section 38/278 requirement will be imposed on the developer to pay a commuted sum to cover the additional maintenance.



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- The Construction Environmental Management Plan (CEMP) should name an Environmental Clerk of Works (ECW) responsible for managing the environmental risks and site waste management through the construction phase, including an environmental induction for the workers, sub-contractors, and utilities entering the site. It should maintain 24 hour emergency contact numbers and early liaison with the local Environment Agency Environment Officer and the maintenance and management of pollution control measures such as spill kits. The ECW should contact the local Environment Officer as soon as appointed to discuss pollution control and waste management during the construction phase. The soil on site should be considered as a resource and not a waste. The CEMP should address soil health during stripping, storage and reuse to ensure that re-used sub soils and top soils have a good structure to maintain infiltration rates prior to final but timely landscaping works. A soil assessment should be carried out and if necessary soil is ripped when it is at the correct moisture levels to restore 'green field' drainage to landscaped areas. This is particularly important for any areas that act as swales. Part of the excess top soil can be redirected to any allotment and garden areas to give deeper more level soils. This should not include any contaminated soils or soils with elevated arsenic. The CEMP will need to address this in more detail to ensure that soil handling and storage does not generate silt pollution. Pollution Control measures should be planned to avoid silt run-off, ensuring measures are in place before the main ground works e.g. soil stripping are begun. Often, silt control can be created where SUDs infrastructure is to be sited and refurbished at the landscaping phase, once all other surfaces are sealed on the site. Biodiversity and Green Infrastructure (GI) features to be retained as part of the development must be protected throughout the construction phase and the correct ground conditions left for the landscaping phase and biodiversity enhancements. The areas set aside for the GI and biodiversity should be protected by fencing before any works begin and should not be used for access, storage or setting down. The Statutory Waste Management Plan should be linked to the environmental staff induction.
- This permission is granted following the completion of a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 (as amended) entered into between: The Cornwall Council (1); Willow Green Farm Limited (2); Edith Florence Pascoe, Lynn Katherine Pascoe, Susan Margaret Pascoe and Christopher Paul Pascoe (3); Donald Graham Pascoe, Philip Lionel Pascoe, John Martin Pascoe, Dennis John Butler, Kevin Butler and Nigel Christopher Butler (4); Pamela Pascoe and John Martin Pascoe (5); and LXB (Willow Green) Limited (6) and dated the 25th July 2016.



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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

Liaison with the Parish Council in accordance with the protocol.

REASONS FOR APPROVAL:

The proposals are considered to accord with the relevant provisions of the NPPF and the saved policies of the Development Plan taken as a whole. The proposals also accord with objectives and associated key principles for the proper planning of the area and associated advice on this provided by the Development Brief. The application is supported by an Environmental Statement demonstrating that there would be no unacceptable impacts on features of designated or recognised importance provided proposed mitigation measures are put in place and controlled by conditions. Satisfactory measures are proposed and are subject of conditions to ensure that the proposed development will be properly served by all necessary attendant infrastructures including for: education; public open space; community facilities; significant new and improved transport and highway facilities consistent with the transport strategy for anticipated wider growth of the area.

The overall design concept, layout, mix of uses and masterplan are of a high standard, and details pursuant to them are subject of a Design Code and Parameter Plans which subsequent reserved matters must comply with. The adverse impacts of the development on the area, including: disruption to wildlife; significant increased pressure on local infrastructure; demands on the local transport network; adverse impacts upon the health of Truro city centre; and the loss of 28 Ha of farmland are outweighed by the aforementioned benefits, particularly in terms of housing delivery and economic investment and jobs in the form of a sustainable, mixed use new community including a new district centre and associated economic and social benefits.



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DATED: 25 July 2016

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/pes 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 Jonathan Orton
Origin3
Tyndall House
17 Whiteladies Road
Clifton
Bristol
BS8 1PB

Your ref: Willow Green Farm, Truro
My ref: PA14/10755
Date: 25 July 2016

Dear Sir/Madam

Outline approval with all matters other than access reserved for 435 dwellings, nursing home, food store, petrol station; 1 form entry primary school, community hall, public house/restaurant, central component of the Northern Access Road (NAR) (including vehicular/pedestrian/cycle details), public open space, service diversions and foul and surface water drainage infrastructure, ground remodelling works including moving of material on and off-site and demolition of existing buildings and detailed approval of access point from the A390.

Willow Green Farm 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.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)

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

Tim Marsh

**Principal Development Officer
Planning and Enterprise Service
Tel: 01872 224343**

COND

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