

Cornwall Council

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Application number: PA22/10371

Agent:

Ivan Tomlin
Planning For Results - Mr Tomlin
Cliffside
12 Hockens Lane
Polruan
Fowey
Cornwall
PL23 1PP

Applicant:

Mr Wayne Brown
c/o Planning for Results Ltd
Cliffside
12 Hockens Lane
Fowey
PL23 1PP
UK

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 21 November 2022 and accompanying plan(s):

Description of Development:	Construction of eight new dwellings; provision of vehicular access road, vehicular parking, external amenity garden spaces; construction of commercial building with kitchen to ground floor and letting rooms to first floor; demolition of existing single-storey extension and replacement with new single-storey pub restaurant extension; demolition of section of boundary wall and out-building; renovation, alteration and repair to listed building
Location of Development:	The Packhorse Inn And Land West Of The Packhorse Inn Fore Street St Blazey PL24 2NH
Parish:	St. Blaise

YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.

DATED: 31 July 2023

Louise Wood - Service Director Planning and
Housing (Chief Planner Officer)

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 No development, other than demolition of any buildings or structures, shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Land contamination risk management (LCRM), (or equivalent British Standard and Land contamination risk management if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:
a survey of the extent, scale and nature of contamination;
the potential risks to:
human health;
property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
adjoining land;
ground waters and surface waters;
ecological systems; and
archaeological sites and ancient monuments.

Reason: To ensure that the health 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 the aims and intentions of the National Planning Policy Framework 2021 with specific reference to paragraphs 174, 183, 184 and 185 and Policy 16 of the Cornwall Local Plan Strategic Policies 2010 - 2030, Adopted November 2016.

A pre-commencement condition is required in this case because it is essential to establish before any works takes place the nature and extent of any ground contamination in order to safeguard the health of workers taking part in the

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development of the site and to ensure the appropriate design and subsequent safe occupation of the development.

- 4 No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use.

Reason: To ensure that the health 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 the aims and intentions of the National Planning Policy Framework 2021 with specific reference to paragraphs 174, 183, 184 and 185 and Policy 16 of the Cornwall Local Plan Strategic Policies 2010 - 2030, Adopted November 2016.

A pre-commencement condition is required in this case because it is essential to establish before any works takes place the nature and extent of any ground contamination in order to safeguard the health of workers taking part in the development of the site and to ensure the appropriate design and subsequent safe occupation of the development.

- 5 The approved remediation scheme specified in condition 4 of this permission shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner that demonstrates the effectiveness of the remediation shall be submitted to and approved in writing by the local planning authority before the development [or relevant phase of development] is occupied.

Reason: To ensure that the health 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 the aims and intentions of the National Planning Policy Framework 2021 with specific reference to paragraphs 174, 183, 184 and 185 and Policy 16 of the Cornwall Local Plan Strategic Policies 2010 - 2030, Adopted November 2016.

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- 6 Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported in writing immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development [or relevant phase of development] is resumed or continued.

Reason: To ensure that the health 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 the aims and intentions of the National Planning Policy Framework 2021 with specific reference to paragraphs 174, 183, 184 and 185 and Policy 16 of the Cornwall Local Plan Strategic Policies 2010 - 2030, Adopted November 2016.

- 7 A) No development shall commence 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 demolition/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.

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Reason: To ensure that any buried archaeology is investigated and recorded and in accordance with the aims and intentions of the National Planning Policy Framework 2021 with specific reference to paragraph 205 and Policy 23 of the Cornwall Local Plan Strategic Policies 2010 - 2030, adopted November 2016.

Prior to commencement reason: Works such as demolition, site clearance and any groundworks have the potential to disturb, damage or destroy valuable archaeological remains

- 8 The proposed development shall be carried out in accordance with the recommended mitigation and enhancement measures as set out in section 5 entitled 'Recommendations for Mitigation' of the 'Preliminary Ecological Appraisal' by Western Ecology Ltd, dated January 2023. The biodiversity enhancements shall be provided and implemented prior to first occupation of the dwelling (or the first planting season thereafter) and retained as such in perpetuity unless otherwise agreed in writing by the local planning authority.

Reason: To ensure appropriate mitigation measures and to ensure a biodiversity net gain in accordance with Policy 23 of the Cornwall Local Plan Strategic Policies 2010-2030.

- 9 Prior to the commencement of the development hereby approved a Method Statement and phasing plan for the control and eradication of Variegated Yellow Archangel (and any other Schedule 9 Invasive Non-Native Species/INNS found on the site) shall be submitted to the Local Planning Authority for approval. The Method Statement will include post-treatment monitoring of the site to ensure a continuous 12 month period where no Variegated Yellow Archangel or other INNS are identified growing on the whole site. In the event that any Variegated Yellow Archangel or any other INNS are identified as growing during the 12 month monitoring period then treatment shall resume and continue until a 12 month period of no growth of Variegated Yellow Archangel or other INNS occurs. The agreed Method Statement shall thereafter be implemented as per the approved details.

Reason: To control the spread of invasive plant species and in accordance with paragraph 174(f) of the NPPF 2021 and section 114(2) of the Wildlife and Countryside Act 1981 (as amended)

Prior to commencement reason: Any works, including ground clearance and demolition, have the potential to spread INNS across and beyond the site if they are left in situ and untreated.

- 10 All planting, seeding or turfing shown in the approved landscaping plans 897/01, 897/02 and 141/04/PL/002 shall be carried out in the first planting and seeding

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seasons following the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 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 similar size and species. All works of hard landscaping shown in plan numbers 897/01, 897/02 and 141/04/PL/002 shall be completed before occupation of the first dwelling or commercial commencement of the public house development, which ever is the sooner.

Reason: In the interests of visual and residential amenity and in accordance with the aims and intentions of paragraphs 174 of the National Planning Policy Framework 2021 and Cornwall Local Plan policy 23.

- 11 Prior to any works above foundations level for the residential element of the development hereby approved the applicant shall supply to the local planning authority for their review and written approval details of the following:
- Roofing slate (which shall be nail fixed, not clipped with close mitred hips) and the slate for the slate hanging
 - Ridge tiles and rainwater goods
 - Joinery details for doors and windows
 - a stone sample panel for the new buildings, the boundary walls and retaining walls
 - details of cills and lintels
- Once approved in writing the development shall be completed in accordance with the approved details and shall remain so in perpetuity unless otherwise agreed in writing by the local planning authority.

Reason: To preserve the setting of the listed building and ensure good design and materials, and in accordance with Cornwall Local Plan policies 12 and 24.

- 12 Prior to the commencement of works on the public house site, including works of ground clearance and demolition, a destructive asbestos survey of any buildings or parts of buildings to be demolished and methodology for the removal and disposal of the asbestos waste materials shall be submitted to and approved in writing by the LPA (local planning authority). Development shall not be carried out other than in accordance with the approved details.

Reason: Details are required to be submitted prior to commencement of works to the public house to ensure that risks from asbestos to the environment, future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors and in accordance with Cornwall Local Plan policy 16.1.

- 13 Prior to occupation of the first dwelling or commercial commencement of the public house development, whichever is the sooner, a "lighting design for bats"

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shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory for travel, foraging or having access to their resting places.

Once approved in writing by the Local Planning Authority all external lighting shall then be installed in accordance with the specifications and locations set out in the design, and the installation works shall be completed prior to occupation of the first dwelling. These external lighting features shall be maintained thereafter in accordance with the approved specifications and design. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interests of protecting and minimising impacts on biodiversity in accordance with paragraph 180 of the National Planning Policy Framework 2021 and saved Policy 23 of the Cornwall Local Plan Strategic Policies 2010-2030.

- 14 The proposed surface water drainage systems shall be in accordance with the principles set out in EDS Ltd Flood Risk Assessment and Drainage Strategy Ref J-2589 (dated 02/12/2022).

Part A. No development approved by this permission shall be commenced until the Local Planning Authority has been provided with and approved in writing the results of further ground investigations. Such investigations should include:

1. Infiltration testing and groundwater monitoring
2. Identify any locations of potential instability and inform any remedial works
3. Inform the appropriate surface water drainage design and construction techniques

Part B. No development approved by this permission shall be commenced until finalised details of a scheme for the provision of surface water management has been submitted to and approved in writing by the Local Planning Authority. The details shall include:

1. A description of the foul and surface water drainage systems operation
2. Details of the finalised drainage scheme including calculations, layout and bespoke surface water drainage solutions (based on the findings of the site investigations) A factor of safety of 5 should be applied to the design calculations
3. A Construction Surface Water Management Plan
4. A Construction Quality Control Procedure
5. A plan indicating the provisions for exceedance pathways and overland flow routes
6. A timetable of construction

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7. A plan for the management and maintenance of the drainage systems. This must confirm who will maintain the drainage systems and overland flow routes, and provide a maintenance schedule.

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 50% for the impacts of climate change. Flows discharged from the site will be no greater than 2 l/sec for all rainfall events or a rate agreed with South West Water Ltd, whichever is the lesser.

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 and in accordance with Cornwall Local Plan policy 26.

Prior to commencement reason: to ensure adequate drainage and prevent surface water flooding impacting land on a lower elevation than the site

Advisory Note

Variable infiltration rates and raised groundwater levels can be found throughout Cornwall. The Lead Local Flood Authority advises that infiltration testing and groundwater monitoring should be undertaken, and the results of such testing used to inform the drainage design. Failure to complete such testing could result in failure of the drainage systems and place the development approved by this consent and surrounding property at risk of flooding. Should the development proceed without adequate drainage provision, this will be at the developers own risk.

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no development within Classes A, B, C, D and E of Part 1 of Schedule 2 to the said Order shall be carried out without an express grant of planning permission, namely:
- The enlargement, improvement or other alteration of the dwellinghouse;
 - The enlargement of the dwellinghouse consisting of an addition or alteration to its roof;
 - Any other alterations to the roof of the dwellinghouse;

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SCHEDULE ATTACHED TO APPLICATION & DECISION NO: PA22/10371

- The erection of construction of a porch outside any external door of the dwelling;
- The provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwelling house as such, or the maintenance, improvement or other alteration of such a building or enclosure.

Reason: In the interests of the amenities of the occupiers of adjoining dwellings and visual amenities of the area, and to preserve the setting of designated heritage assets, and in accordance with policies 12, 13, 23 and 24 of the Cornwall Local Plan Strategic Policies 2010-2030.

- 16 No dwelling hereby approved shall be occupied until the approved works to and for the public house have been substantially completed.

Reason: To ensure that works to preserve and enhance the listed building are completed before occupation of the dwellings and in accordance with paragraph 208 of the National Planning Policy Framework 2021 and Cornwall Local Plan policy 24

- 17 The development of accommodation in the public house as shown on plan number 141/04/PL/011, that is hereby permitted, shall be used as holiday accommodation only and shall not be occupied as a person's sole or main place of residence. The owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of each individual unit on the site, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

Reason: To accord with development plan housing policies under which permanent residential accommodation would not normally be permitted on the site and the accommodation, by reason of its construction and/or design, is unsuitable for continuous occupation and in accordance with the aims and intentions of Cornwall Local Plan policy 5

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PLANS REFERRED TO IN CONSIDERATION OF THIS APPLICATION:

Proposed ABC614
Proposed 141/04/PL/002
Proposed J-2589 2001 Rev B
Proposed J-2589 2008 Rev B
Proposed 141 04 PL 004
Proposed 141 04 PL 006
Proposed 141 04 PL 008
Proposed 141 04 PL 010
Proposed 141/04/PL/021 Rev A received 17/01/23
Proposed 141 04 PL 009
Proposed 141 04 PL 003
Proposed 141 04 PL 005
Proposed 141 04 PL 007
Proposed 141 04 PL 011
Proposed 141 04 PL 012
Proposed 141/04/PL/001
Landscaping 897/02
Proposed PV23016-01
Landscaping 897/01

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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 <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.

Ivan Tomlin
Planning For Results - Mr Tomlin
Cliffside
12 Hockens Lane
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Cornwall
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Your ref: Land rear of Packhorse Inn
My ref: PA22/10371
Date: 31 July 2023

Dear Ivan

**Construction of eight new dwellings; provision of vehicular access road, vehicular parking, external amenity garden spaces; construction of commercial building with kitchen to ground floor and letting rooms to first floor; demolition of existing single-storey extension and replacement with new single-storey pub restaurant extension; demolition of section of boundary wall and out-building; renovation, alteration and repair to listed building
The Packhorse Inn And Land West Of The Packhorse Inn Fore Street St
Blazey PL24 2NH**

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

Alex Lawrey

**Senior Development Officer
Development Management Service**

Development Management Service
Cornwall Council

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planning@cornwall.gov.uk