

# Cornwall Council

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**Application number:** PA23/02209

**Agent:**

Robinson Jary Architecture  
Robinson Jary Architecture  
21 Oxford Road  
Exeter  
EX4 6QU

**Applicant:**

Mr R Lane  
Victoria Depot  
Victoria  
Roche  
PL26 8LQ

**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 15 March 2023 and accompanying plan(s):

**Description of Development:** Proposed new pumping station

**Location of Development:** Land Adjacent Penventinnie House, Penventinnie Lane, Truro, Cornwall TR4 9EG

**Parish:** Kenwyn

**YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.**

**DATED: 18 May 2023**

*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 Prior to the commencement of Construction Works (save for Enabling Works) within a Construction Environmental Management Plan ("CEMP") shall have been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include and/or comply with the following details (as applicable):
  1. Risk assessment of potentially damaging construction activities;
  2. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (this may be provided as a set of method statements);
  3. Air quality management measures, including an anti-idling policy and details of construction traffic management;
  4. Dust management plan;
  5. Protocols for community and stakeholder relations and workforce training;
  6. The location and timing of sensitive works, with a view to avoiding harm to and mitigating construction period effects on biodiversity features;
  7. The details of and roles and responsibilities of an onsite ecological clerk of works or similarly competent person;
  8. The times during construction when specialist ecologists need to be present on site to oversee works;
  9. Responsible persons and lines of communication between contractors and responsible persons;
  10. Monitoring, reporting and emergency response mechanisms;
  11. Use of protective fences, exclusion barriers and warning signs;
  12. Measures to mitigate the effects of and to control lighting during construction;
  13. Measures to mitigate construction effects on features of archaeological and cultural heritage significance;
  14. Measures for the protection of any European and/or nationally protected species from construction period activities.

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

**DATED: 18 May 2023**

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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 and future residents and businesses and features of biodiversity value in accordance with the aims of Policies E4 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 159, 167, 169, 174, 185 and 186 of the National Planning Policy Framework 2021.

A pre-commencement condition is necessary to ensure that the existing biodiversity and habitat potential of the site is not harmed through inappropriate actions and that works can be completed safely and reducing amenity impacts so far as possible.

- 4 Prior to the commencement of Construction Works (save for Enabling Works and the works outlined at condition 3) details of the surface water drainage system shall first have been submitted to and approved in writing by the Local Planning Authority. The details shall include a timetable for construction and a programme for maintaining the system. The system shall be retained and maintained thereafter in accordance with the approved details.

Reason: To prevent the increased risk of flooding within and off site and minimise the impact of surface water within and resulting from the development on the area and manage the potential pollution risk to surface water by ensuring the provision of a satisfactory means of surface water control and disposal in accordance with the aims of Policies E1, E2 and H3 of the Truro and Kenwyn Neighbourhood Plan Review 2023, Policies 16, 23 and 26 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 167, 169, 174 and 180 of the National Planning Policy Framework 2021.

A pre-commencement condition is necessary in this instance to ensure that the construction surface water management is appropriately managed and would not give rise to any harm to the environment.

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

B) Prior to the reinstatement or repair of any Cornish hedge or boundary/hedge furniture identified within the Conservation Statement approved under part (A) or the construction of any new Cornish hedge or boundary, the findings of the Conservation Statement together with the proposed bank material, facing style

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and stone type to be used to make good each breach (informed by the plan/elevation/section drawings) or for any new Cornish hedge or boundary, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the details hereby approved prior to the development hereby permitted being brought into public use.

Reason: To retain control over the appearance of the development and these key historic landscape features that contribute to the character of the area in the interests of visual amenities of the locality and in accordance with the aims and intentions of Policies E4(a), E5 and C3 of the Truro and Kenwyn Neighbourhood Plan Review 2023, Policies 2, 23 and 24 of the Cornwall Local Plan Strategic Policies 2010 - 2030 and paragraphs 174 and 197 of the National Planning Policy Framework 2021.

A pre-commencement condition is necessary in this instance due to the need to secure and agree a programme and methodology for boundary repairs is undertaken before physical works commence on site.

- 6 Prior to the commencement of Construction Works (save for Enabling Works and the works outlined at condition 3) a soft and hard landscaping scheme shall first have been submitted to and approved in writing by the Local Planning Authority.

The soft and hard landscaping scheme shall include and/or comply with the following details (as applicable):

1. A scaled plan showing all existing trees and vegetation, Cornish hedges and landscape features to be retained, as well as proposals for new trees, hedges and planting;
2. A schedule detailing size, number and density of all proposed trees/plants;
3. Identification of the root protection areas of retained trees;
4. Tree pit design, to include (where appropriate) root barriers and underground modular systems;
5. Specifications for operations associated with plant establishment and maintenance that are compliant with best practice at the time;
6. Means of enclosure, including types and dimensions of all boundary treatments;
7. Location, type and materials to be used for hard landscaping including specifications, where applicable for:
  - a. hard surfacing materials to include construction specifications for the access track;
  - b. proposed and existing functional services above and below ground;
  - c. retained and relocated historic features and proposals for restoration or alternative use elsewhere, where relevant;

The development shall be carried out strictly in accordance with approved soft and hard landscaping scheme hereby approved.

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During the implementation of the approved landscaping there shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees.

Planting is to take place in the first planting season after practical completion of the development to which the approved scheme relates or the first occupation of any building in the relevant phase, sub-phase or development parcel, whichever is the sooner.

Unless expressly required by a separate landscaping or other similar condition to this permission (or the conditions attached to Application A), all soft landscaping shall have a ten year maintenance period following planting. This means that any new trees or plants (other than trees) that die, are removed, become severely damaged or diseased within a period of ten years from planting will be replaced.

Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the details hereby approved.

Reason: To ensure that the development does not have a detrimental impact upon the natural environment in accordance with the aims and intentions of Policies E4(a), E4(b), E5, H3 and C3 of the Truro and Kenwyn Neighbourhood Plan Review 2023, Policies 2 and 23 of the Cornwall Local Plan Strategic Policies: 2010 - 2030 and paragraph 174 of the National Planning Policy Framework 2021.

A pre-commencement condition is necessary as construction and engineering operations have the potential to compromise retained trees, damage soil structure and alter drainage and adversely impact upon the establishment of new planting. In order to ensure the successful delivery and establishment of green infrastructure appropriate and commensurate to the approved scheme, it is critical that from the outset all disciplines involved in implementation are aware of approved landscaping and informed of the constraints this poses to site operations, working areas and both the timing and methods of works.

- 7 Prior to the commencement of Construction Works (including Enabling Works) a scheme for the protection of retained trees, in accordance with BS 5837, including a tree protection plan(s) and an arboricultural method statement shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in strict accordance with the details approved for that phase, subphase or development parcel.

Reason: To ensure that the development does not have a detrimental impact upon the natural environment in accordance with the aims and intentions of Policies 2 and 23 of the Cornwall Local Plan Strategic Policies 2010 - 2030, Policies E4(a) and E5 of the Truro and Kenwyn Neighbourhood Plan Review

**YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.**

**DATED: 18 May 2023**

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Management

**SCHEDULE ATTACHED TO APPLICATION & DECISION NO: PA23/02209**

2023 and paragraph 174 of the National Planning Policy Framework 2021. A pre-commencement condition is necessary to ensure that the existing trees within the site are not harmed through inappropriate actions and that works can be completed safely and reducing amenity impacts so far as possible.

Informative

The level of detail to be submitted shall be commensurate to the scale and impact of the approved development on retained trees. The preparation and delivery of such detail should be informed by BS: 5837:2012 Trees in relation to design, demolition and construction - Recommendations and BS: 3998 Tree work - Recommendations.

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**DATED: 18 May 2023**

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**PLANS REFERRED TO IN CONSIDERATION OF THIS APPLICATION:**

Proposed PL 003 received 17/03/23  
Site/location Plan PL 010 received 17/03/23  
Proposed PL 002 received 15/03/23  
Proposed PL 004 received 15/03/23

**ANY ADDITIONAL INFORMATION:**

- "Enabling Works" mean preparatory works to make the application site ready for construction, including surveying (including but not limited to ecological and GPR surveys), testing (including but not limited to soil testing), sampling, monitoring (including but not limited to groundwater monitoring), strip trenching, pegging out, tree protection works, archaeological investigations, construction of temporary boundary fencing and/or hoardings (including for site security); and any necessary service diversions.
- "Construction Works" means material operations as defined in Section 56(4) of the Town and Country Planning Act 1990.
- Please note that the proposed development is not liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) because it is development of building(s) into which people do not normally go or only go intermittently for the purpose of maintaining or inspecting machinery.
- It is recommended that a detailed tree safety inspection and risk assessment is undertaken in consideration of the increased activity beneath the trees prior to commencement and prior to site occupation.
- A pre-construction survey for badger should be undertaken to check whether there is a badger sett concealed to the north of the site.
- Vegetation clearance should be timed to avoid the bird nesting season, and care will be needed during hedgebank dismantling to avoid impacts to reptiles. During construction, trenches should be covered overnight to prevent animals such as badger from falling in and becoming trapped. If this is not suitable then a slope needs to be provided so that any animals can climb out.

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 :

**DATED: 18 May 2023**

*Hayley Jewels* - Head of Development  
Management

**SCHEDULE ATTACHED TO APPLICATION & DECISION NO: PA23/02209**

Discussions/negotiations ongoing with LPA throughout determination of planning application

Dedicated phone number of the case officer for the Applicant/Agent

Close liaison with the Town and Parish Councils in accordance with the protocol.

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## NOTES

### Appeals to the Secretary of State

If the applicant is aggrieved by the decision of the local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then they may appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990. If you want to appeal, then you must do so within 6 months of the date of this notice (or 12 weeks from the date of this notice in the case of householder appeals made in relation to applications submitted on or after 6 April 2009). Appeals must be made to the Planning Inspectorate using a form which can be obtained from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at <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](mailto:addressmanagement@cornwall.gov.uk) or telephone 0300 1234 100.

Robinson Jary Architecture  
Robinson Jary Architecture  
21 Oxford Road  
Exeter  
EX4 6QU

**Your ref:** Pumping Station 2 Revised  
Sch...  
**My ref:** PA23/02209  
**Date:** 18 May 2023

Dear Sir/Madam

**Proposed new pumping station  
Land Adjacent Penventinnie House Penventinnie Lane Truro 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  
Development Management Service  
Tel: 01872 322222 Mob 07483 172703**

Development Management Service  
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