



**TOWN AND COUNTRY PLANNING ACT 1990
AND GENERAL DEVELOPMENT ORDER 1995**

**NOTICE OF GRANT OF
PLANNING PERMISSION**

Nick Witcomb
77 Sea Road
Carlyon Bay
St Austell

Quay Developments (SW) Ltd
77 Sea Road
Carlyon Bay
St Aystell
PL25 3SQ

Application Number : 08/01791
Application Type : Full Planning Major
Proposal : Proposed residential development of 13 Affordable and 6 speculative houses.
Location : Land off St. Cyriac, Luxulyan, Bodmin, PL30 5QA
Date Received : 18 December, 2008

The Council as the Local Planning Authority hereby gives notice of its decision to GRANT PERMISSION for the development specified above and as shown on the submitted plans.

Reasons for Approval

The proposed scheme would provide 13 affordable dwellings out of a total number of 19 dwellings in an area of recognised need and within close proximity to public transport and local facilities including a school, village hall and local store. The proposed access to the development is considered adequate, and the scheme would not adversely affect the existing street scene, or the amenity of neighbouring properties. The proposal would therefore comply with Policies 1, 6, 74, 80 and R29 of the Restormel Local Plan 2001, Policies 1, 26 and 28 of the Cornwall Structure Plan 2004, Planning Obligations and Community Infrastructure Planning Guidance Note - January 2004, Affordable Housing Supplementary Planning Document - September 2008 and advice set out in the Cornwall Design Guide 1995.

Conditions

1. The development hereby permitted shall be begun within three years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no extensions including porches, roof extensions or other roof alterations and buildings within the curtilage of the development shall be

Condition 2 contd...

constructed without the grant of further planning permission from the Local Planning Authority.

Reason: To retain control over future development which could be prejudicial to the character and/or appearance of the building and/or locality and to ensure satisfactory living conditions for prospective occupiers and neighbouring properties to the site.

3. Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building(s) and hard landscaping details shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall thereafter be retained without alteration.

Reason: To safeguard the visual amenities of the locality.

4. Prior to the commencement of development, the following components of a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the Local Planning Authority. That scheme shall include all of the following elements unless specifically excluded, in writing, by the Local Planning Authority:

A. A preliminary risk assessment/desk study identifying:

- (i) all previous uses;
- (ii) potential contaminants associated with those uses;
- (iii) a conceptual model of the site indicating sources, pathways and receptors; and
- (iv) potentially unacceptable risks arising from contamination at the site.

B. An investigation and risk assessment scheme must be completed 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 all receptors; and
- (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'.

C. 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 is subject to the approval in writing of 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.

Condition 4 contd...

D. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed 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 (referred to in Planning Policy Statement 23 - Planning and Pollution Control, as a validation 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.

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 Policy 39 of the adopted Local Plan. (NB. The condition covers the full range of measures that may be needed depending on the level of risk at the site. If the Local Planning Authority is satisfied with the information submitted with the application they can decide to delete any of elements 1 to 4 if no longer required. The Local Planning Authority may still decide to use the whole condition as this would allow them to declare the information no longer satisfactory and require more or better quality information if any problems are encountered in future).

5. No dwelling shall be occupied until the estate road carriageways and footways to be constructed in association with the development hereby permitted shall be laid out and constructed in accordance with Cornwall County Council's current requirements and specification for housing and industrial estate roads, including street lighting, except for the application of the final wearing course, over such lengths as are necessary to provide access from a County road to that particular dwelling.

6. No dwelling shall be occupied until the parking spaces for use in conjunction therewith, turning areas and/or driveways which shall be a maximum gradient of 10% have been constructed, drained and surfaced in accordance with details to be submitted to and approved in writing by the Local Planning Authority and the said parking spaces shall not thereafter be used for any purpose other than the parking of vehicles.

Reason: To ensure satisfactory access and egress to the highway and to ensure the development has adequate parking provision in accordance with Policy 79 of the Restormel Local Plan 2001.

7. Within three months of the occupation of the penultimate dwelling, the road works shall be completed in accordance with Cornwall County Council's Current Requirements and Specification for Housing and Industrial Estates.

Reason: To ensure the road works are completed to an adoptable standard.

8. Before the development hereby permitted is commenced, sight lines shall be provided at the junction between the means of access and the highway (as shown on the approved plan) and retained as such without obstruction to visibility. No vegetation or buildings including walls shall be over 0.5m in height within the visibility splay.

Reason: To ensure the provision of a satisfactory means of access in accordance with Policy 80 of the Restormel Local Plan 2001.

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9. During the construction phase, no earth moving or building operations or associated vehicular movements which might be audible inside any adjacent dwelling shall be undertaken outside the hours of 7.00 am to 7.00 pm on Mondays to Fridays, 7.00 am to 1.00 pm on Saturdays or at any time on Sundays or Bank/Public Holidays.

Reason: In the interests of the residential amenities of the local residents.

10. All electricity and telephone cables and other utility cabling required to serve the development hereby approved shall be laid underground.

Reason: In the interests of visual amenity.

11. The development hereby permitted shall not be commenced until there has been submitted to and approved by the Local Planning Authority a scheme of mitigation measures in relation to Dormice, this should either be in the form of a Dormouse survey or alternatively a construction method statement, the development shall be carried out in accordance with such approval.

Reason: To safeguard against the presence of protected species at the site.

12. Before this development is commenced, details of the levels of the building(s), and road(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason: To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, and the amenities of adjoining occupiers.

13. No development shall take place until there has been submitted to and approved by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment and landscaping to be erected to the east and south west boundaries of the site i.e to the side of plot 13 and rear of plots 14, 15, 16, 17, 18 and 19. The boundary treatment and landscaping shall be completed before occupation of that part of the development to which it relates, in accordance with the approved details and shall thereafter be retained without alteration.

Reason: In the interests of visual amenity and to provide acceptable landscaping of the development in the interest of visual amenity in accordance with Policy 6 of the Restormel Local Plan 2001.

14. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or 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, unless the Local Planning Authority gives written consent to any variation.

Reason: To provide acceptable landscaping of the development in the interest of visual amenity in accordance with Policy 6 of the Restormel Local Plan 2001.

15. No walls or fences about the height of 1.5m shall be erected along the side boundaries of plots 10 and 11 that adjoin the proposed public footpath.

Reason: In the interests of public safety of the users of the public footpath.

16. Prior to the commencement of the development hereby permitted, details of the system of surface water drainage which shall not rely on the leat to the southwestern boundary of the site shall be submitted to and approved by the Local Planning Authority and the development hereby permitted shall not be occupied until the approved system of surface water drainage has been brought of use.

Reason: To prevent the risk of flooding on the site and elsewhere and to ensure the adjacent leat is not adversely affected.

17. No dwelling shall be occupied until the means, siting and construction of the proposed foul water drainage system and its associated drains shall be submitted to and approved by the Local Planning Authority and such arrangements shall be installed in accordance with the approved details and ready for use prior to the development being occupied.

Reason: To ensure a satisfactory means of sewerage disposal is provided.

18. The development hereby permitted shall not commence until details of the new access that shall have a maximum gradient of 10% and estate roads have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a timetable for the provision of the new access and estate roads and shall be carried out in accordance with the approved details.

Reason: To ensure the provision of a satisfactory means of access in accordance with Policy 80 of the Restormel Local Plan 2001.

19. Before the development hereby permitted commences, a Construction Management shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The details submitted in respect of the Construction Management Plan shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site, a method statement for the provision of on-site wheel cleaning facilities, excavation, site preparation and construction stages of the development, management of the construction process to avoid interference with existing and new residents/occupants, including hours of work, the provision of on-site car parking facilities for contractors during all stages of development (excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials.

Reason: In the interests of the free flow of traffic, highway safety and to minimise noise and disturbance to local residents.

20. No development shall take place within the site until the applicant has secured and implemented a programme of archaeological work in accordance with a written scheme of investigation to be submitted by the applicant and approved in writing by the Local Planning Authority in consultation with the County Archaeologist.

Reason: To enable archaeological investigation of the site.

Informative:

1. This permission is subject to a Section 106 planning agreement relating to phasing, affordable housing and education infrastructure.

Informative contd...

2. The applicant is hereby advised that there is a leat alongside the southwestern boundary of the application. Sections of this leat both upstream and downstream of the application site are in extremely poor condition therefore this leat must not be used in any capacity to drain the proposed development.

3. The applicant is hereby advised that planning permission, if granted does not absolve them from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in Part IV B of the Circular 06/2005.

4. The applicant is hereby advise that the proposal impacts on a public footpath and an application to divert the route would need to be applied for under the Town & County Planning Act 1990 section 257 prior to the commencement of development.

Dated : 7/12/09

Signed : 
Authorised Officer

IMPORTANT – YOUR ATTENTION IS DRAWN TO THE NOTES ATTACHED