

PADSTOW TOWN COUNCIL - PLANNING COMMITTEE: TUESDAY 9 JULY 2024

Agenda item 5i: To advise of Cornwall Council planning decisions.

In this report the Support Officer has provided a list of the decisions made by Cornwall Council since the last meeting, along with Padstow Town Council's consultee response to the application. Where Padstow Town Council submitted a specific comment in respect of an application, the Support Officer has checked the approval decision for any conditions relating to the comment and included these in the report below or provided details of the 5 day protocol information.

- a) **[PA24/01543](#): 7 Egerton Road, Padstow, PL28 8DJ**: Demolition of existing garage/store/kitchen, construction of double and single storey extensions and alterations to existing dwelling:

Padstow Town Council: **SUPPORTED provided no overlooking issues.**

Cornwall Council: **APPROVED** with the following 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 Before the extended rear balcony/terrace hereby permitted is brought into use, the proposed 1.8m high privacy screen on the northeast elevation/balcony end shall be installed in accordance with the details shown on approved drawing no. BMB 631/02.C, received 24 May 2024, to at least Pilkington level 5 or equivalent and permanently retained in that condition thereafter. Reason: To protect the privacy of neighbours in accordance with Policy 12 of the Cornwall Local Plan Strategic Policies 2010-2030.

PLANS REFERRED TO IN CONSIDERATION OF THIS APPLICATION: Existing BMB 631/01.B received 20/03/24 Proposed BMB 631/02.C received 24/05/24

ANY ADDITIONAL INFORMATION: • Please note that the proposed development is not liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) because it is less than 100m² of new build that does not result in the creation of a dwelling, and therefore benefits from Minor Development Exemption under CIL Regulation 42. • The applicant's attention is drawn to the South West Water consultation response.

- b) **[PA24/02903](#): 1 Treverbyn Road, Padstow, PL28 8DW**: Proposed extension, revised design to that previously approved under ref [PA23/06198](#).

Previous application [PA23/06198](#): Proposed extension, front dormer, extension of rear dormer and addition of balcony, Juliet balcony to south east and associated works.

Padstow Town Council: **SUPPORTED**

Cornwall Council: **APPROVED** with the following 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 The development hereby approved shall be carried out in accordance with the recommendations within Chapters 4 and 5 of the submitted ecological survey 'Cornwall Environmental Consultants Ltd - Bat and Barn Owl Assessment dated 22 September 2023.' Reason: To protect against and enhance protected species and in accordance with policy 23 of the Cornwall Local Plan 2010-2030 and section 15 of the National Planning Policy Framework 2023.

4 Prior to the first use of the balcony, on the north east elevation, hereby permitted, the balcony shall have a privacy screen, as shown on approved plan 23018/04, installed on the North West elevation to a height of 1.8m and the screen shall be retained thereafter in perpetuity. Reason: To ensure adequate privacy to the adjoining neighbours in accordance with Policy 12 of the CLP Strategic Policies 2010-2030.

PLANS REFERRED TO IN CONSIDERATION OF THIS APPLICATION: Existing 23018/01 received 09/04/24 Proposed 23018/04 received 30/05/24

ANY ADDITIONAL INFORMATION: • Please note that the proposed development is not liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) because it is less than 100m² of new build that does not result in the creation of a dwelling, and therefore benefits from Minor Development Exemption under CIL Regulation 42.

- c) **PA24/01993: Prideaux Place, Tregirls Lane, Padstow, PL28 8RP**: Works to trees subject to a Tree Preservation Order (TPO), works include 1No Fraxinus excelsior (Ash), 1No Laurus nobilis (Bay), 1No Tilia cordata (Lime), 3No Acer pseudoplatanus (Sycamore). We would propose the removal of the trees and once ground works and wall repairs are complete trees will be replanted at least 4m away from the wall in a staggered line. Replacement trees to be 2No Fagus sylvatica, 1No Tilia Cordata, 1No Quercus robur, 1No Lauris nobilis and 5No Ilex aquifolium to give lower evergreen cover during establishment. Trees to be 1.5-2m whips.
Padstow Town Council: **SUPPORTED subject to Tree Officers satisfaction**
Cornwall Council: **APPROVED** subject to the following conditions:

1 The tree work hereby granted consent shall be completed before the expiration of two years from the date of this consent. Reason: To ensure that consented works remain consistent with current best practice and to protect public amenity.

2 All work granted by this consent shall be implemented in accordance with good arboricultural practice as specified by BS 3998:2010 - Recommendations - Tree Work. Reason: In the interests of good arboricultural practice and public amenity.

3 In the planting season following the removal of the trees they shall be replaced with feathered whips between 1.5 -2m high at least 4m away from the listed walls. They shall be replaced as specified within the application form consisting of 2no Fagus sylvatica, 1 no Tilia cordata, 1 no Quercus robur, 1 no Lauris nobilis and 5no Ilex Aquifolium The replacement trees shall be retained and if removed, become seriously damaged or diseased or die within 5 years of planting, shall be replaced with the same species and specification. Reason: In the interests of good arboricultural practice and public amenity.

- d) **PA24/02758: 18 Egerton Road, Padstow:** Demolition of the existing 3-bed detached dwelling and replaced with a new 4-bed detached dwelling without compliance with condition 2 of decision notice dated 7.7.22.

Padstow Town Council: **Insufficient information to be able to give full consideration. Note Planning Officer requesting more information from applicant therefore request application be resubmitted with full detail on elevations and floor plans. Unable to comment further at this stage.**

A 5-day protocol for this application was received and responded to on 18 June 2024 as follows:

"Thank you for sending through the 5 day protocol for PA24/02758, 18 Egerton Rd Padstow Cornwall.

After reading through the comments that have been provided by the Planning Officer and in consultation with PTC planning committee members I would like to give the following response.

The Planning Officer has stated that new drawings have been provided and drawn to scale with scale bars and as such it is not a requirement for the ridge heights to be annotated on the drawings. The ridge heights are one of the main concerns that have been raised in the applications submitted on this build, and I do not agree that these should not be shown on the submission of new drawings, and PTC consulted again before a decision is made as it looks a lot higher than the agreed approved plans. The amendments to the staircase leading from the parking area, the change of layout is said to be regrettable.... by the Planning Officer, this is an opinion, not a fact, and awkward parking areas created on the build site will deter parking and cars will park on the street and not complying with the aims and intentions of policy PAD15 and the expectations set out in the travel plan and parking. I am glad to see that the south facing window Bedroom 4 is subject to a condition requiring the glazing to be obscured in addition to the ensuite windows and that the condition will be re-imposed. I agree that the omission of the privacy panel to the northern edge of the first floor balcony is not acceptable. With regards to the surface water drainage strategy along with the change to boundary treatment along the eastern boundary, I think that new drawings will have to be submitted to show the strategy works regarding the surface water and also that the previously approved boundary treatment be reinstated or that additional details are provided to ensure that the character of the street scene is retained. I would like to reiterate that I would like the PTC planning committee to be able to view the new drawings once they have been submitted and contain all of the measurements, ridge heights and agreement to the conditions that the Planning Officer is recommending before a final decision is made. With all of the information that has been given to date I would like the decision of option 2 to be submitted Agree to Disagree".

Cornwall Council: **APPROVED** with the following conditions:

- 1 The development hereby permitted shall be carried out in accordance with the approved plans listed on the original decision notice reference: PA22/04147 except where they are superseded by those listed below:
Proposed Site Layout Plans - 22/705 - G1 02 - REV B - received 17 June 2024;
Proposed Surface Water Plan - 22/705 - G1 03 - REV A - received 17 June 2024;
Proposed Lower Ground Floor - 22/705 - B1 01 - REV B - received 17 June 2024;
Proposed Upper Ground Floor - 22/705 - B1 02 - REV B - received 17 June 2024;
Proposed First Floor - 22/705 - B1 03 - REV B - received 17 June 2024; Proposed

Elevations - 22/705 A1 05 REV C - received 27 June 2024; Proposed Typical Sections - 22/705 A1 06 Rev I - received 27 June 2024; Proposed Typical Sections - 22/705 A1 07 Rev J - received 27 June 2024; Reason: For the avoidance of doubt and in the interests of proper planning.

- 2 Approved, the obscured glazed 1.8m high privacy panels shown on approved plans 22/705 B1 03 REV B and 22/705 A1 05 REV C, received 17 and 27 June 2024 respectively shall be constructed on its northern to an obscurity level of Pilkington level 5 or equivalent and shall thereafter remain obscured and shall not be altered without the express consent of the local planning authority. Reason: To protect the residential amenities of the neighbouring property known as 16 Egerton Road in accordance with Policy 12 of the Cornwall Local Plan Strategic Policies 2010-2030.
- 3 Prior to first occupation the system for the disposal of surface water on the site shall be carried out in accordance with the details as set out in approved plan 22/705 G1 03 REV A, received 17 June 2024. The system shall be retained and maintained thereafter in accordance with the aforementioned approved details. Reason: To avoid flooding and in the interests of water quality and the residential amenities of future occupiers, in accordance with the aims and intentions of Policy 26 of the Cornwall Local Plan Strategic Policies 2010-2030, Policies CC3 and CC4 of the Climate Emergency DPD 2023 and Section 14 of the National Planning Policy Framework 2023.
- 4 Prior to the first use of the east facing terrace, accessed from the upper ground floor kitchen/ dining/ sitting room, hereby approved, the 1.5m high obscured glazed privacy panel, as shown on approved plans 22/705 B1 02 REV B and 22/705 A1 05 REV C, received 17 and 27 June 2024 respectively shall be constructed along its southern edge to an obscurity level of Pilkington level 5 or equivalent and shall thereafter remain obscured and shall not be altered without the express consent of the local planning authority. Reason: To protect the residential amenities of the neighbouring property known as 20 Egerton Road in accordance with Policy 12 of the Cornwall Local Plan Strategic Policies 2010-2030.
- 5 Notwithstanding the approved plans and before the development hereby permitted is first occupied, the windows on the north and south elevations serving en-suite bathrooms and bedroom 4 shall be fitted with obscure glazing to at least Pilkington 5 level or equivalent, and thereafter such glazing shall be retained. Reason: To avoid overlooking, in the interests of residential amenities of adjoining occupiers and with regards to Policy 12 of the Cornwall Local Plan and paragraph 135 of the National Planning Policy Framework 2023.
- 6 Notwithstanding the plans hereby approved the roofs shall be finished in natural slate and retained as such thereafter. Reason: In the interests of visual amenity and in accordance with Policy 12 of the Cornwall Local Plan Strategic Policies 2010-2030.
- 7 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, AA, B and C 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 a dwellinghouse by construction of additional storeys; The enlargement of the dwellinghouse consisting of an addition or alteration to its roof; Any other alterations to the roof of the

dwellinghouse; Reason: To protect neighbouring residential amenity in accordance with Policy 12 of the Cornwall Local Plan Strategic Policies 2010-2030.

PLANS REFERRED TO IN CONSIDERATION OF THIS APPLICATION: Proposed 22/705 G1 02 REV B received 17/06/24; Proposed 22/705 G1 03 REV A received 17/06/24; Proposed 22/705 B1 01 REV B received 17/06/24; Proposed 22/705 B1 02 REV B received 17/06/24; Proposed 22/705 B1 03 REV B received 17/06/24; Proposed 22/705 A1 05 REV C received 27/06/24; Proposed 22/705 A1 06 REV I received 27/06/24; Proposed 22/705 A1 07 REV J received 27/06/24

Agenda item 5ii: Applications to consider

On occasion Padstow Town Council is reconsulted on applications which have previously been discussed due to amended plans. Other times Council is asked to consider new applications which are linked to previous applications. To assist Committee in these circumstances, the Support Officer has included information that maybe helpful to the Committee, including Padstow Town Council's earlier comments.

a) **PA24/03884: Prestwood, Boyd Avenue, Padstow**: Proposed conservatory.

There has been one previous application for this property, detailed below:

PA12/11502: Conversion of garage to an annexe with bedroom extension above.

Padstow Town Council: **SUPPORTED**

Cornwall Council: **APPROVED** with conditions as follows:

- 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 The annexe hereby approved at ground floor shall only be occupied by members of the family, or non-paying guests, of the occupiers, of the dwelling known as Prestwood and shall not be used at any time as a separate residential unit of accommodation.

Reason: The Local Planning Authority consider that the proposed annexe would be inappropriate for occupation independent of the main dwelling by virtue of the physical relationship between the annexe and the main house which would create inadequate levels of residential amenity for the occupiers of both in accordance with Policy 1 and 2 of the Cornwall Structure Plan, DVS1 and DVS3 of the North Cornwall Local Plan, Section 7 and Paragraph 17 of the National Planning Policy Framework 2012

REASON(S) FOR APPROVAL:

The proposed development by virtue of design, bulk, position and external finish would be in character with the existing dwelling and would have no significant impact upon the visual amenities and character of the surrounding area or the streetscene.

The use of the proposal would also have no significant impact upon the residential amenities of the occupiers of adjoining properties through any overshadowing or overlooking. This is because of its location and design in relation to neighbouring properties.

Ample parking will be retained on site which is served by a safe vehicular/pedestrian access.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. This application has been determined in accordance with approved development plan Saved Policies:

Cornwall Structure Plan 2004:

Policy 1 Principles for Sustainable Development
Policy 2 Character Areas, Design & Environmental Protection

North Cornwall Local Plan Part 1 and Part 2 (adopted 1999):

DVS1 General Design and Amenity Considerations
DVS3 Amenity Considerations

National Planning Policy Framework 2012

Section 7 - Requiring good design.

Paragraph 17 - Core planning principles.

The proposal has been approved because it is considered that the development proposal accords with the said policies and there are no other overriding material considerations, which justify refusing planning permission.

- b) **[PA24/04348](#): 97 Sarahs View, Padstow**: Side extension to dwelling, extension of balcony to the rear of the dwelling and extension of domestic garage (part retrospective).

No previous planning applications have been received for this property.

With regard to the 'part retrospective' proposals in this application, the Design and Access Statement reports that "... the description of the development includes the term 'part retrospective' because the balcony to the rear of the dwelling was extended in 2021. The building operations required to extend the balcony and install a glass balustrade commenced in April 2021"... " (1.3); and "...the installation of a glass balustrade was intended to be a modern addition to the rear of the dwelling; an improvement on the aging metal balustrade that preceded it. This particular building operation was undertaken in good faith and has not – to the best of the applicant's knowledge – resulted in any complaints or objections...." (6.5)

- c) **[PA24/04595](#): 6 Dennis Road, Padstow**: Demolition of existing garage and creation of holiday/annexe.

Previous applications for this property include:

[PA22/11280](#) (March 2023): To convert and extend the detached garage into a Habitual Annex to the main house.

Padstow Town Council: **NOT SUPPORTED until the appropriate planning information is provided.**

The Town Council received a 5-day protocol request from the Planning Officer and responded to the Planning Officer on 26 April 2023 with the following comments: "Thank you for sending through the 5 day protocol for planning application PA22/11280 6 Dennis Road Padstow. After looking at the information that has now been supplied by Cornwall Council, that was missing from the information previously supplied I am still in favour of Not Supporting the application as I consider that it is overdevelopment of the site, out of character with the street scene, issues with access to 4 Dennis Road and Lenloven. along with these reasons that I have listed, and also the reasons that have been given by the Planning Officer on looking to refuse the application I would like to give the response of, 1. Agree with the Planning Officers recommendations".

Application **WITHDRAWN**

[PA21/01078](#) (February 2021): Removal of pitched roof on existing side extension to provide a new roof terrace and associated works.

Padstow Town Council: **SUPPORTED; provided no overlooking issues.**

Cornwall Council: APPROVED with the following 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 first use of the roof terrace, the screening hereby approved as shown on the approved plans shall be installed in accordance with the details shown and shall be retained thereafter. Reason: In order to protect the privacy of the occupiers of 8 Dennis Road.

PLANS REFERRED TO IN CONSIDERATION OF THIS APPLICATION:

Existing 2002_P04 received 04/02/21; Existing 2002_P05 received 04/02/21; Existing 2002_P06 received 04/02/21; Proposed 2002_P08 received 04/02/21; Proposed 2002_P09A received 12/05/21; Proposed 2002_P10A received 12/05/21; Existing 2002_P03 received 04/02/21; Proposed 2002_P07A received 12/05/21; Block Plan 2002_P02 received 04/02/21; Site/location Plan 2002_P01 received 04/02/21.

[PA17/07814](#): Variation of condition 2 (plans approved) in respect of decision [PA13/10757](#) dated 13.02.14 minor alterations following Building Regulation application

Padstow Town Council: **SUPPORTED**

Application **WITHDRAWN**

[PA16/06844](#) (August 2016): Demolition of garage, reconfiguration of site access and construction of dwelling (decision PA13/10757) with variation of condition 2 to allow substitution of plans

Padstow Town Council: **NOT SUPPORTED i) Out of keeping; ii) area is above conservation area.**

Cornwall Council: **APPROVED** variation of condition 2 of [PA13/10757](#) ("Plans referred to in consideration of this application").

[PA13/10757](#) (December 2013): Demolition of garage, reconfiguration of site access and construction of dwelling

Padstow Town Council: **NOT SUPPORTED:** Out of character with street scene
14.01.14

Cornwall Council: **APPROVED** with the following 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 any work on site details and a sample of the stone and slate to be used in the construction shall be submitted to and approved by the Local Planning Authority. Reason: To ensure a high quality finish to the development to protect the visual amenities of the area in accordance with saved policy DVS1 of the North Cornwall Local Plan - April 1999 and the guidance contained within the National Planning Policy Framework (NPPF) 2012 with particular reference to section 7.

- 4 The development hereby permitted shall not be brought into use until the parking spaces to serve both the development hereby approved and the host dwelling namely No. 6 Dennis Road have been constructed in the positions as shown on the approved plans and thereafter the said parking spaces shall be used solely for the parking of vehicles to serve these dwellings and no other use. Reason: To ensure adequate parking to serve the site in accordance with saved policy DVS6 of the North Cornwall Local Plan - April 1999 and the guidance contained within the National Planning Policy Framework 2012 with particular reference to section 4.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (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;
 - 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 dwellinghouse 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 the visual amenities of the area, and in accordance with saved policies DVS1 and DVS3 of the North Cornwall Local Plan - April 1999 and the guidance contained within the National Planning Policy Framework 2012 with particular reference to the Core Planning Principles and section 7.

PLANS REFERRED TO IN CONSIDERATION OF THIS APPLICATION:

Site/location Plan 1229_300 received 05/12/13; Proposed 1229-305 received 22/11/13; Proposed 1229-306 received 22/11/13; Proposed 1229-307 received 22/11/13; Illustrative Purposes only 1229-309 received 22/11/13; Proposed 1229-304 received 22/11/13; Proposed 1229-301 received 22/11/13; Proposed 1229-303 received 22/11/13; Block Plan 1229-302 received 22/11/13; Proposed SURVEY received 22/11/13

[PA12/06768](#) (August 2012): Construction of dwelling and reconfiguration of site access (garage to be demolished).

Padstow Town Council: **NO COMMENT due to the proximity to a councillor's residence**

Cornwall Council: **REFUSED** 30 October 2012 for the following reasons:

- 1 The proposal by reason of its scale and design combined with the materials proposed for the first floor 'pod' would fail to respect the character and appearance of the area and would therefore have a detrimental impact on the street scene failing to add to the overall quality of the area and would be contrary to saved policy DVS1 of the North Cornwall Local Plan - April 1999, saved policy 2 of the Cornwall Structure Plan - October 2004 and the guidance contained within the National Planning Policy Framework (NPPF)(Section 7) and the adopted Supplementary Planning Guidance contained within the North Cornwall Design Guide (Sections A - E) 1997.
- 2 The development if approved would have an adverse impact on the residential amenities of No. 10 Dennis Road by reason of proximity and overlooking from the pod and balcony and would be adversely affected by the existing development of numbers 4 and 6 Dennis Road by reason of overlooking resulting in loss of privacy to the dwelling and outdoor area and by the use of an integral garage by no. 6 Dennis Road under the principal bedroom. It would therefore be contrary to saved policies DVS3 and DVS4 of the North Cornwall Local Plan - April 1999 and the adopted Supplementary Planning Guidance contained in the North Cornwall Design Guide - October 1998 - Section D.

Appeal submitted to the Planning Inspectorate on 8 February 2013. Planning Inspectorate Appeal Decision dated 1 August 2013: **DISMISSED**.

A copy of the Planning Inspectorate's Decision is attached to this report as Appendix 1 for information.

- d) [PA24/04881](#): **Land North East of Trevone Farm, Trevone Road, Padstow:** Erection of an affordable dwelling and the provision of new vehicular access at land North East of Trevone Farm without compliance of Condition 2 of Decision Notice [PA22/00802](#) dated 23 February 2022.

Padstow Town Council: **SUPPORTED as long as it remains a primary residence.**
Cornwall Council **APPROVED** with the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission. Reason: In accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
- 2 The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this

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

- 3 Notwithstanding 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; The erection or construction of a porch outside any external door of a dwellinghouse; 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 dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure. Reason: To retain control over the size of the dwelling to ensure it remains within the limitations of an affordable home in accordance with policy 8 of the Cornwall Local Plan Strategic Policies 2010-2030.
- 4 The development hereby permitted shall not commence until the installation of a system for the disposal of surface water on the site has been completed in accordance with the details which shall first have been submitted to and approved in writing by the Local Planning Authority. The details shall include a programme for maintaining the system. The system shall be retained and maintained thereafter in accordance with the approved details. Reason: To avoid flooding and in the interests of water quality and the residential amenities of future occupiers, in accordance with the aims and intentions of policy 26 of the Cornwall Local Plan Strategic Policies 2010-2030.

A pre commencement condition is required as the site is within an area susceptible to surface water flooding and the development has potential to increase this risk without suitable surface water management within the site.

PLANS REFERRED TO IN CONSIDERATION OF THIS APPLICATION: Site/location Plan 21265/05 received 13/02/23 Block Plan 21265/06 received 13/02/23 Proposed 21265/03 received 13/02/23 Proposed 21265/04 received 13/02/23 Proposed 21265/02 received 13/02/23

Application [PA24/04881](#) for Removal or Variation of a Condition following Grant of Planning Permission or Listed Building Consent states "To enable the amendment of the roof finish. To amend to a natural Brazilian slate roof finish" and "I would like proposed drawing 21265/04 replaced with drawing 21265/04A".

Original Design and Access statement for [PA22/00802](#): 4.1 Materials and Design:"The elevations of the proposal will be clad up to soffit level using Mill Hill Quarry blue cut natural stone. Above this level, gable ends will be clad vertically using treated natural Western Red Cedar ship lap boarding. Fascias and soffits will be formed using grey PVCu with grey powder coated aluminium box section gutters and circular down pipes. The roof will be finished in lead grey Sarnafil single ply roofing membrane"...

- e) **[PA24/04755](#): Land South East of Treceus Riding Stables, Treceus, Padstow:** Reserved Matters application for appearance, landscaping, layout and scale for class C2 use class extra care development and discharge of Conditions 8, 9, 10, 11 and 12 in respect of Outline Approval [PA22/03102](#) dated 14 December 2022.

Application PA22/03102: Padstow Town Council: **NOT SUPPORTED i) not beneficial to the local community; ii) access concerns – too dangerous; and iii) major drain on Drs Surgery**

A 5-day protocol request was issued. Padstow Town Council responded on 9 August 2022 as follows:

"After reading the Planning Officers reasons why he thinks that the proposal is acceptable, I would like to give the decision to Agree to Disagree, as I still feel that this is not the location that is best suited for such a development of this scale on the outskirts of Padstow.

I accept that they have included a number of affordable dwellings to comply with the Padstow NDP, but when asked they have never been able to come forward with a price tag that they will be putting on the dwellings to determine whether they are classes as affordable or not to the local community. I would also like to raise the point on whether there is a need for such a large scale care home incorporated in the development as this has never been mentioned by the community when they were consulted for the Padstow NDP this is just the views of someone employed in the accommodation with care sector giving her own opinion.

It is said that the proposal would secure a contribution to healthcare facilities, but I don't agree that it is just a case that a financial contribution will solve the problem the doctors surgery in Padstow has, it is so far overstretched and under staffed that is cannot cope with what a 80 bed care home facility needs, could bring to the town.

Highways are saying that the proposed access is in their mind safe and suitable for the nature of the development proposed, but the road is the main road into and out of Padstow which becomes very busy from early in the mornings right through to late in the evenings with sand lorries, buses as well as all the residential and tourism traffic that uses this road - another junction, to add to the junction a little further on into the new housing estate will only further add to the increased risk of accidents occurring on the busy road without a more adequate road layout being incorporate into the proposed scheme.

I would finally just like to say that were it that the care home facility was not found to be a viable option after a certain amount of time, would the developers then decide to sell it off to have it turned into a hotel/Travelodge which the town definitely do not want or require".

Cornwall Council: **APPROVED** On 14 December 2022 with conditions.

Conditions 8-12 that the Applicant is seeking to discharge are detailed below:

- 8 No development shall take place in any individual phase until a Travel Plan covering the whole of that phase has been submitted to and approved in writing by the Local Planning Authority in line with Cornwall Council guidance: 'Travel Plans - Advice for Developers in Cornwall'. The Travel Plan shall include (but shall not be limited to) the following: - measures and mechanisms that effectively promote public transport, walking and cycling and limits the use of car-based travel. - details of a programme of monitoring and review that establishes submission and approval mechanisms of the Local Planning Authority at regular intervals. - details of EV charging facilities. No part of the relevant phase shall be occupied prior to implementation of those parts identified in the approved Travel Plan as capable of being implemented prior to occupation. Those parts of the approved Travel Plan

that are identified therein as capable of implementation after occupation shall be implemented in accordance with the timetable contained therein for 5 years from the first occupation of the relevant phase of the development hereby approved. Reason: In order that Travel Plan is updated to reflect circumstances at the time of development so as to more effectively promote public transport, walking and cycling and limits the use of car-based travel and in accordance with guidance contained in paragraphs 104, 105, 112 and 113 of the National Planning Policy Framework 2021.

- 9 No development shall take place in any individual phase until a Landscape and Ecology Management Plan (LEMP) incorporating hard and soft landscaping and ecological mitigation and enhancement measures that covers the whole site shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of development in that phase.

The LEMP must include details of:

- landscape and ecological mitigation, compensation and enhancement measures (including lighting plan, bat and bird nesting, bee bricks);
- Full hard and soft landscaping details and management;
- A Fields in Trust compliant Local Equipped Area of Play (LEAP) together with ongoing maintenance and management arrangements;
- all means of enclosure;
- Enhancement of existing hedgerows;
- tree and hedgerow protection measures in accordance with BS5837 (or its successor);
- an implementation timetable;
- a plan for the future monitoring, maintenance and management of the landscape and ecological mitigation, compensation and nature conservation measures.

Development shall be undertaken strictly in accordance with the approved details and in accordance with the approved implementation timetable. The scheme shall thereafter be managed and maintained in accordance with the approved details thereafter. Reason: To ensure a comprehensive strategy is devised and implemented to ensure that the landscape character, habitats and species are safeguarded and enhanced in accordance with Policies 12, 23, and 25 of the Cornwall Local Plan Strategic Policies 2010-2030.

- 10 An application for approval of reserved matters which includes "layout" shall include a Biodiversity Net Gain Plan (BNGP) and Management Plan (MP) together with appropriate mechanisms that secure a minimum 10% net gain in biodiversity within a 30 year period as a result of the development. The net biodiversity impact of the development shall be measured in accordance with the DEFRA biodiversity metric as applied in the area in which the site is situated at the time of planning permission. The Biodiversity Management Plan shall include 30 year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports. No development shall commence until the BNGP and MP has been approved in writing by the LPA. The development hereby permitted shall be carried out in full accordance with the approved Biodiversity Gain Plan and Biodiversity Management Plan and ensure that there is a minimum 10% net gain in biodiversity within a 30 year period as a result of the development. Reason: In the interests of ensuring measurable net gains to biodiversity and in accordance with Policy 23 of the Cornwall Local Plan Strategic Policies 2010 - 2030 and paragraphs 174 and 180 of the National Planning Policy Framework 2021 and Policy G2 of the emerging Cornwall Climate Emergency DPD.

- 11 The proposed surface water drainage systems shall be in accordance with the principles set out in the Advance Consulting Engineers Ltd Flood Risk Assessment and Drainage Strategy Ref C21219-ADV-RP-FRA-1000 (dated 18/03/2022). A scheme for the provision of surface water management that covers the whole site area must be submitted with any reserved matters application which includes "layout". No development approved by this permission shall be commenced until details of a scheme for the provision of surface water management has been submitted to and approved 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 final drainage schemes including ground investigation and groundwater monitoring results, calculations and layout
3. Details of consents and agreements for surface water flow discharges
4. A Construction Surface Water Management Plan
5. A Construction Quality Control Plan
6. A plan indicating the provisions for exceedance pathways, overland flow routes and proposed detention features
7. A timetable of construction
8. Confirmation of who will maintain the drainage systems and a plan for the future management and maintenance, including responsibilities for the drainage systems and overland flow routes. The plan must include a drawing which clearly indicates the management responsibility for each drainage element, and schedule of maintenance.

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 the current allowance for the impacts of climate change. Flows discharged from the site for all rainfall events will be no greater than the 1 in 10 year greenfield runoff rate or rate agreed with South West Water Ltd, whichever is the lesser rate. 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. **INFORMATIVE:** In preparing a scheme to discharge the above condition the applicant's attention is drawn to the consultation response of the Council's Drainage Officer dated 27.04.2022

- 12 No development shall commence (other than that required to be carried out as part of an approved scheme of remediation) until criteria 1-4; have been complied with (as necessary). 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 criteria 4 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 and a written report of the findings of the investigation and risk assessment is to be submitted to and approved in writing by 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 and pipes, - adjoining land, - groundwaters and surface waters, - ecological systems, - archaeological sites and ancient monuments;

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 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 that demonstrates the effectiveness of the remediation carried out must be submitted to 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, and submitted in writing to the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, and submitted in writing to the Local Planning Authority in accordance with criteria 3. 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 the aims and intentions of Policy 16 of the Cornwall Local Plan Strategic Policies 2010-2030. Informative: The reason why this needs to be a pre-commencement condition is to ensure in the interests of the health and safety of construction workers and residents that the relevant mitigation is put in place pursuant to the aforementioned policies of the development prior to development commencing.

Other application previously submitted for this address: [PA23/08341](#): Reserved matters application for appearance, landscaping, layout and scale for 28 dwellings and discharge conditions 8, 9, 10, 11 and 12 in respect of outline approval [PA22/03102](#) for mixed use development comprising of a C2 use class care/nursing home of up to 80 bedrooms (up to 4,500sqm), up to 28 dwellings, formation of access from the A389 and associated parking, drainage, open space and other infrastructure.

Padstow Town Council: **SUPPORTED**

Cornwall Council: **APPROVED** with conditions.

The Support Officer will send another report to Councillors regarding comments gathered on applications being discussed. Councillors are reminded that they can check comments that have been submitted by viewing the Cornwall Council Online Planning Register at www.cornwall.gov.uk.