

# Cornwall Council

Correspondence Address: Cornwall Council Planning, PO Box 676, Threemilestone, Truro, TR1 9EQ

Email: [planning@cornwall.gov.uk](mailto:planning@cornwall.gov.uk)

Tel: 0300 1234151

Web: [www.cornwall.gov.uk](http://www.cornwall.gov.uk)



**Application number:** PA23/04950

**Agent:**

Mr Jeremy Downing  
MyPlace Design  
12 Mount Lidden  
Penzance  
TR18 4PA

**Applicant:**

Mr Tim Hudson  
4 Tregeseal Terrace  
St Just  
Penzance  
Cornwall  
TR19 7PL  
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 15 June 2023 and accompanying plan(s):

**Description of Development:** First floor extension to existing building to form Class E unit and replacement shopfront

**Location of Development:** Cornish Locksmiths 47A Market Jew Street Penzance  
Cornwall TR18 2HZ

**Parish:** Penzance

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

**DATED: 3 October 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 The first floor of the development hereby approved shall only be used for uses within Use Classes E(a), E(b), E(c), E(e) and/or E(g) and for no other purpose (including any other purpose within Use Classes E(d) and/or E(f) of the Schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification).

Reason: In the interest of residential amenity in accordance with the aims and intentions set out within Policy 12 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraph 130 of the National Planning Policy Framework 2023.

- 4 Prior to the installation of the natural slate roof hereby approved, details of the materials to be used, including slate and ridge tile samples, shall be submitted to and approved in writing by the Local Planning Authority. The slates shall be fixed using copper nails and shall not be clipped. The works shall be carried out in accordance with the approved details and retained as such thereafter.

Reason: To preserve the character and appearance of the Penzance Conservation Area and the setting of the adjacent listed buildings in accordance with the aims and intentions set out within Policy C1 of the Climate Emergency Development Plan Document 2023, Policies 1, 2, 12 and 24 of the Cornwall Local Plan Strategic Policies 2010-2030, paragraphs 8, 130 and 199 of the National Planning Policy Framework 2023 and Sections 66 (1) and 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**DATED: 3 October 2023**

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

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

Site/location Plan 214/ L 01 received 15/06/23  
Block Plan 214/ L 02 received 15/06/23  
Proposed 214/ P 02 received 15/06/23  
Proposed 214/ P 01 received 15/06/23  
Proposed 214/ P 04 received 15/06/23  
Proposed 214/ P 03 received 15/06/23  
Existing 214/ E 01 received 15/06/23  
Existing 214/ E 06 received 15/06/23  
Existing 214/ E 05 received 15/06/23  
Existing 214/ E 04 received 15/06/23  
Existing 214/ E 03 received 15/06/23  
Existing 214/ E 02 received 15/06/23  
Proposed 214/ P 05 R1 received 28/09/23  
Proposed 214/P 06 R1 received 28/09/23  
Existing AB23045-3-1 received 04/07/23  
Existing AB23045-2-1 received 04/07/23

**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 100m<sup>2</sup> 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/agent is advised to contact South West Water if they are unable to comply with South West Waters requirements as detailed below.

South West Water will need to know about any building work over or within 3 metres of a public sewer or lateral drain.

South West Water will discuss with you whether your proposals will be affected by the presence of their apparatus and the best way of dealing with any issues as you will need permission from South West Water to proceed.

Further information regarding South West Water's build over of sewers process can be found on their website via the following link:

[www.southwestwater.co.uk/buildover](http://www.southwestwater.co.uk/buildover)

**DATED: 3 October 2023**

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**SCHEDULE ATTACHED TO APPLICATION & DECISION NO: PA23/04950**

In dealing with this application, the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application, on this occasion this has included :

Discussions/negotiations ongoing with LPA throughout determination of planning application

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

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

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

**DATED: 3 October 2023**

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

## 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.

Mr Jeremy Downing  
MyPlace Design  
12 Mount Lidden  
Penzance  
TR18 4PA

**Your ref:** 47a Market Jew Street  
**My ref:** PA23/04950  
**Date:** 3 October 2023

Dear Sir/Madam

**First floor extension to existing building to form Class E unit and replacement shopfront  
Cornish Locksmiths 47A Market Jew Street Penzance 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

**Kerra Goody**

**Senior Development Officer  
Development Management Service  
Tel: 01872 322222**