

# Cornwall Council

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**Application number:** PA19/09854

**Agent:**

Enhance Land And Planning Ltd - Ellen  
Lawrence  
Ground Floor, Building A  
Green Court  
Truro Business Park  
Threemilestone  
Truro, Cornwall  
TR4 9LF

**Applicant:**

Delia Webb (Chair)  
8 Talveneth  
Pendeen  
Penzance  
Cornwall  
TR19 7UT

**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 8 November 2019 and accompanying plan(s):

**Description of Development:** Change of use of land to create a community cemetery for burials and memorial and extension of car park

**Location of Development:** Land Adj To Institute Pendeen Cornwall TR19 7SG

**Parish:** St. Just

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

**DATED: 20 January 2020**

*Louise Wood* - Service Director Planning and  
Sustainable Development

**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 development hereby permitted is brought into use, details of the proposed height, siting, appearance and construction of all boundary treatments (means of enclosure) shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment (means of enclosure) shall be completed in accordance with the approved details prior to the use hereby approved is commenced. The boundary treatment (means of enclosure) shall not thereafter be altered or removed, other than by necessary replacement.

Reason: In the interests of visual amenity and in accordance with the aims and intentions of paragraphs 124 and 127 of the National Planning Policy Framework 2019 and policies 2, 12, 23 and 24 of the Cornwall Local Plan Strategic Policies 2010-2030.

- 4 Details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is brought into use. The lighting scheme shall be implemented in accordance with the approved details and retained as such thereafter.

Reason: To minimise unnecessary light spillage above and outside the development site and in accordance with the aims and intentions of paragraphs 127 and 180 of the National Planning Policy Framework 2019 and policies 13 and 16 of the Cornwall Local Plan Strategic Policies 2010-2030.

- 5 All burials in the cemetery hereby approved shall be:

- be at least 250 metres from a well, borehole or spring used to supply water that is used for human consumption, or for use in dairy farms;
- be at least 30 metres from any other spring or watercourse and at least 10 metres from any field drain;
- have at least one metre of subsoil below the bottom of the burial pit, allowing a hole deep enough for at least one metre of soil to cover the remains; and

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**SCHEDULE ATTACHED TO APPLICATION & DECISION NO: PA19/09854**

- have at least one metre of unsaturated zone (the depth to the water table) below the base of any grave. Allowance should also be made to any potential rise in the water table (at least one metre should be maintained).

Reason: To protect the quality of controlled waters in the local area in accordance paragraph 170 of the with National Planning Policy Framework 2019 with specific reference and Policy 16(1.) of the Cornwall Local Plan Strategic Policies 2010-2030.

- 6 Before any of the development hereby permitted is brought into use, parking and turning areas shall be provided in accordance with a detailed scheme which shall have been submitted to and approved in writing by the Local Planning Authority. The parking and turning areas shall not thereafter be obstructed or used for any other purpose.

Reason: To ensure adequate parking and turning facilities off the adjoining highway and in accordance with the aims and intentions of paragraph 108 of the National Planning Policy Framework 2019 and policy 13 of the Cornwall local Plan Strategic Policies 2010-2030 and in the interests of visual amenity in accordance with the aims and intentions of paragraphs 124 and 127 of the National Planning Policy Framework 2019 and policies 2, 12, 23 and 24 of the Cornwall Local Plan Strategic Policies 2010-2030.

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

Proposed 81PEN.001 received 08/11/19

**ANY ADDITIONAL INFORMATION:**

- Cornwall Council advises that developers should be made aware of their obligations regarding the public right of way, as follows:
  - the applicants should ensure that they have private access rights to drive on the public right of way;
  - the surface/width of the bridleway should not be altered - prior consent would be needed to do so;
  - no building materials must be stored on the right of way;
  - vehicle movements must be arranged so as not to interfere with the public's use of the way;
  - the safety of members of the public using the right of way must be ensured at all times;
  - no additional barriers (eg gates) are to be placed across the right of way;
  - there must be no diminution in the width of the right of way available for use by members of the public;
  - no damage or alteration must be caused to the surface of the right of way; and
  - wildlife mitigation fencing must not be placed across the right of way.
- 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 our requirements as detailed below.

There is a public 150mm sewer in the vicinity. Please note this sewer cannot be retained within a burial ground and the sewer will need to be diverted at the expense of the applicant.

Further information regarding the options to divert a public sewer can be found on our website via the link below:  
[www.southwestwater.co.uk/developer-services/sewer-services-and-connections/diversion-of-publicsewers/](http://www.southwestwater.co.uk/developer-services/sewer-services-and-connections/diversion-of-publicsewers/)

Should you require any further information, please contact the Planning Team via email: [DeveloperServicesPlanning@southwestwater.co.uk](mailto:DeveloperServicesPlanning@southwestwater.co.uk).

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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

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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.

Enhance Land And Planning Ltd - Ellen  
Lawrence  
Enhance Land And Planning Ltd - Ellen  
Lawrence  
Ground Floor  
Building A  
Green Court  
Truro Business Park  
Threemilestone  
Truro  
Cornwall  
TR4 9LF

**Your ref:**

**My ref:** PA19/09854

**Date:** 20 January 2020

Dear Sir/Madam

**Change of use of land to create a community cemetery for burials and  
memorial and extension of car park  
Land Adj To Institute Pendeen Cornwall TR19 7SG**

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

**Chantal McLennan**

**Principal Development Officer  
Planning and Sustainable Development Service  
Tel: 01209 616965**

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