

Cornwall Council

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Application number: PA23/02583

Agent:

Cornwall Planning Group
Cornwall Planning Group
Chi Gallos
Marine Renewables Business Park
North Quay
Hayle
Cornwall
TR27 4DD

Applicant:

Mr Phillip Drew
58 Queensway
Hayle
Cornwall
TR27 4NX
United Kingdom

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

Description of Development: Creation of a green space for the residents of Hayle to include creating an inclusive pathway through the site with raised beds and associated locally grown plants and shrubbery, proposed sensory section.

Location of Development: Old Hawkins Motor Site Hayle Terrace Hayle Cornwall

Parish: Hayle

YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.

DATED: 26 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 No development shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - o all previous uses
 - o potential contaminants associated with those uses
 - o a conceptual model of the site indicating sources, pathways and receptors
 - o potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Reason:

To ensure the nature and extent of any land contamination is understood and that appropriate mitigation measures are implemented as part of the development in accordance with the aims and intentions of policy 16 of the Cornwall Local Plan (2010-2030) and with paragraphs 174, 183 and 184 of the NPPF (2023).

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A pre-commencement condition is required in this case because it is essential to establish, before any works takes place, the nature and extent of any ground contamination in order to safeguard the health of workers taking part in the development of the site.

- 4 No new development above existing ground level shall commence until details of the stone to be used in the construction/finish of the existing and proposed boundary walls enclosing the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason: To safeguard the character of this development (which is in a Conservation Area and WHS) in accordance with the aims and intentions of policies SD1 and HB1 of the Hayle Neighbourhood Plan (2014-2030) with policies 2, 12 and 24 of the Cornwall Local Plan (2010-2030) and with paragraphs 130, 197, 199, 202 and 203 of the NPPF (2023).

- 5 Prior to the commencement of the development hereby approved, details of measures to protect the existing historic wall on the western boundary of the site shall be submitted to and approved in writing by the local planning authority. The agreed measures shall be put in place prior to the commencement of development and retained in place in accordance with the agreed details.

Reason:

To ensure that the historic wall is not damaged during the construction phase of the development and in accordance with the aims and intentions of policies SD1 and HB1 of the Hayle Neighbourhood Plan (2014-2030), with policy 24 of the Cornwall Local Plan (2010-2030) and with paragraphs 130, 197, 199, 202 and 203 of the NPPF (2023).

A pre-commencement condition is required in order to ensure that the wall is not damaged during the construction phase.

YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.

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PLANS REFERRED TO IN CONSIDERATION OF THIS APPLICATION:

Proposed 007 received 26/10/23
Site/location Plan 001A received 11/09/23
Proposed 004A received 11/09/23
Proposed 003A received 08/09/23

ANY ADDITIONAL INFORMATION:

- Environmental Permitting Regulations (Flood Risk Activity Permit)
Under the Environmental Permitting (England and Wales) Regulations 2016 a Flood Risk Activity Permit is required for many activities which will take place:
 - o on or within 8 metres of a main river (16 metres if tidal)
 - o on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)

There are, however, some activities which are excluded or exempt from permitting requirements. To check whether your proposal will require a Flood Risk Activity Permit under the Environment Permitting Regulations please refer to <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

If there are any activities proposed that would require a Flood Risk Activity Permit please provide details to our local Flood and Coastal Risk Management Partnership and Strategic Overview teams for Cornwall (psocornwall@environment-agency.gov.uk) or Devon (SW_Exeter-PSO@environment-agency.gov.uk).

It is important to note that a Flood Risk Activity Permit is separate to and in addition to any requirements for planning permission. It should not be assumed that a permit will automatically be forthcoming once planning permission has been granted.

- 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.

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SCHEDULE ATTACHED TO APPLICATION & DECISION NO: PA23/02583

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

YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.

DATED: 26 October 2023

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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 or telephone 0300 1234 100.

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North Quay
Hayle
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TR27 4DD

Your ref: Garden, Old Hawkins Site,
Hay...
My ref: PA23/02583
Date: 26 October 2023

Dear Sir/Madam

**Creation of a green space for the residents of Hayle to include creating an inclusive pathway through the site with raised beds and associated locally grown plants and shrubbery, proposed sensory section.
Old Hawkins Motor Site Hayle Terrace Hayle 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

Phil Brookes

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

Development Management Service
Cornwall Council

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