

# Cornwall Council

**Pydar House Pydar Street Truro Cornwall TR1 1XU**

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:** PA18/08393

**Applicant:** Mr Mark Williams  
Falmouth Town Council  
Second Floor  
The Old Post Office  
The Moor  
Falmouth  
Cornwall  
TR11 3QA

**Town And Country Planning Act 1990 (As Amended)  
Town And Country Planning (Development Management Procedure) (England)  
Order 2015**

## **Grant of Outline 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 7 September 2018 and accompanying plan(s):

<b>Description of Development:</b>	Proposed replacement skate park (outline with all matters reserved)
<b>Location of Development:</b>	The Playing Field Dracaena Avenue Falmouth Cornwall TR11 2ES
<b>Parish:</b>	Falmouth

**DATED: 29 January 2019**

*Louise Wood* - Service Director Planning and  
Sustainable Development

**CONDITIONS:**

- 1 Details of the access, appearance, landscaping, layout and scale (hereinafter called the reserved matters) shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: In accordance with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended) and in accordance with the requirements of Articles 1, 2 and 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

- 2 An application for approval of reserved matters must be made no later than the expiration of 3 years from the date of this decision and the development hereby approved shall commence no later than 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In accordance with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended) and in accordance with the requirements of Articles 1, 2 and 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

- 3 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.

- 4 The approved remediation scheme as detailed in additional information submitted on 30th October 2018 and forming part of the application shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority before the development hereby permitted is brought into use.

Reason: To ensure that the health 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 the National Planning Policy Framework 2018 with specific reference to paragraphs 170 and 180 and Policy 16 of the Cornwall Local Plan.

**DATED: 29 January 2019**

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**SCHEDULE ATTACHED TO APPLICATION & DECISION NO: PA18/08393**

- 5 No development approved by this permission shall be commenced until the following details are provided:
1. A description of the surface water drainage systems operation;
  2. Details of the final drainage schemes including calculations and proposed layout including levels;
  3. A plan indicating the provisions for exceedance pathways, overland flow routes and proposed detention features;
  4. A timetable of construction;
  5. Confirmation of who will maintain the drainage systems and a plan for the future maintenance and management, including responsibilities for the drainage systems and overland flow routes.
  6. Results of a on-site percolation test

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 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 in accordance with the aims and intentions of Policy 26 of the Cornwall Local Plan.

- 6 No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The Plan shall provide for:
- (i) the parking of vehicles of site operatives and visitors;
  - (ii) loading and unloading of plant and materials;
  - (iii) storage of plant and materials used in constructing the development;
  - (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - (v) wheel washing facilities;
  - (vi) measures to control the emission of dust and dirt during construction;
  - (vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
  - (viii) hours of working;

Reference should be made to the Cornwall Council guidance document 'Noise and Dust Control on Construction and Demolition Sites'.

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In this document are the accepted hours of construction operations (i.e. any noise that will be heard outside the boundary of the site), namely:

Monday to Friday: 0800 - 1800

Saturday: 0800 - 1300

Sundays and Bank Holidays: No working

Any noisy activities needing to be carried out outside these times will require prior consent from the Local Authority, and should extensive work be planned outside of these times it is recommended that an application for prior consent is made under Section 61 of the Control of Pollution Act 1974. It should be noted however, that under Statutory Nuisance powers complaints of unreasonable noise will be investigated and where evidence exists of a Statutory Nuisance, an abatement notice may be served.

The development shall be constructed in accordance with the Construction Environmental Management Plan.

Reason: To ensure that the development is undertaken in a manner which reduces any potential adverse impact upon the residential amenities currently enjoyed by existing residents and businesses in accordance with the aims and intentions of policy 16 of the Cornwall Local Plan.

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

Existing 6882-1 received 10/09/18  
Site/location Plan 1 received 10/09/18

**ANY ADDITIONAL INFORMATION:**

- The developer is advised that should the development encroach on the 3 metre easement, the mains sewer on the site will need to be diverted at the expense of the applicant.

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 Council in accordance with the protocol.

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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 [www.planningportal.co.uk/pcs](http://www.planningportal.co.uk/pcs). A copy of the completed appeal form must also be submitted to the Council.

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.