

# Cornwall Council

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**Application number:** PA22/03642

**Agent:**

Emery Planning Partnership  
Mr Stephen Harris  
4 South Park Court  
Hobson Street  
Macclesfield  
Cheshire  
SK11 8BS

**Applicant:**

Wainhomes (South West) Ltd  
C/O agent - Emery Planning  
1-4 South Park Business Court  
Hobson Street  
Macclesfield  
SK11 8BS

**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 12 April 2022 and accompanying plan(s):

**Description of Development:** Full planning for the erection of 202 dwellings and associated works

**Location of Development:** Land At Ten creek Farm, Plymouth Road, Liskeard, Cornwall, PL14 3PS

**Parish:** Menheniot

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

**DATED: 26 July 2024**

*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 A) Prior to the commencement of Construction Works (save for Enabling Works) a Written Scheme of Investigation ("WSI"), shall have been submitted to and approved by the Local Planning Authority in writing. The WSI shall include:
1. An assessment of significance including research questions;
  2. The programme and methodology of site investigation and recording;
  3. The programme for post investigation assessment;
  4. Provision for analysis of the site investigation and recording;
  5. Provision for publication and dissemination of the analysis and records of the site investigation;
  6. Provision for archive deposition of the analysis and records of the site investigation;
  7. Nomination of a competent person or persons/organisation to undertake the works set out within the WSI

B) No development shall take place other than in accordance with the WSI approved under Part (A).

C) The development hereby approved shall not be occupied until the site investigation and recording and post investigation assessment has been completed in accordance with the programmes set out in the WSI approved under Part (A) and the analysis, publication and dissemination of results and archive deposition has also been secured in accordance with details set out in the WSI approved under Part (A).

Reason: To ensure that provision is made to record finds of archaeological interest in accordance with the aims and intentions of Policy 24 of the Cornwall Local Plan Strategic Policies 2010-2030, Policy 4 of the Menheniot Neighbourhood Development Plan 2021-2030 and paragraph 211 of the National Planning Policy Framework 2023. A pre-commencement condition is necessary in this instance due to the need to ensure that a programme and methodology of site investigation and recording of archaeological features is undertaken before physical works commence on site.

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Informative

The archaeological recording condition will normally only be discharged when all elements of the WSI, including onsite works, analysis, reporting, publication (where applicable) and archive work has been completed.

- 4 Prior to the commencement of Construction Works (save for Enabling Works) a Construction Environmental and Traffic Management Plan ("CETMP") shall have been submitted to and approved in writing by the Local Planning Authority. The CETMP shall include and/or comply with the following details (as applicable):
1. Risk assessment of potentially damaging construction activities;
  2. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (this may be provided as a set of method statements);
  3. Air quality management measures, including an anti-idling policy and details of construction traffic management;
  4. Dust management plan;
  5. Protocols for community and stakeholder relations and workforce training;
  6. The location and timing of sensitive works, with a view to avoiding harm to and mitigating construction period effects on biodiversity features;
  7. The details of and roles and responsibilities of an onsite ecological clerk of works or similarly competent person;
  8. The times during construction when specialist ecologists need to be present on site to oversee works;
  9. Responsible persons and lines of communication between contractors and responsible persons;
  10. Monitoring, reporting and emergency response mechanisms;
  11. Use of protective fences, exclusion barriers and warning signs, areas of the site for storage of plant and materials used in constructing of the development;
  12. Measures to mitigate the effects of and to control lighting during construction including a lighting plan/strategy demonstrating maintenance of dark corridors around hedgerows and woodland;
  13. Measures to mitigate construction effects on features of archaeological and cultural heritage significance;
  14. Measures for the protection of any European and/or nationally protected species from construction period activities.
  15. Measures to ensure that construction activities should not inhibit the public's ability to use local Public Rights of Way 618/15/3 and 618/19/1.
  16. Construction vehicle details (number, size and type);
  17. Vehicular routes and delivery hours;
  18. The parking of vehicles of site operatives and visitors;
  19. Loading and unloading of plant and materials and;
  20. Wheel washing facilities;

The development shall be carried out strictly in accordance with the approved CETMP.

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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 and future residents and businesses and features of biodiversity value in accordance with the aims of Policies 4, 11 and 12 of the Menheniot Neighbourhood Development Plan 2021-2030, Policies 13 and 26 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 165, 173, 175, 180, 191 and 192 of the National Planning Policy Framework 2023. A pre-commencement condition is necessary to ensure that the existing biodiversity and habitat potential of the site is not harmed through inappropriate actions and that works can be completed safely and reducing amenity impacts so far as possible.

- 5 Prior to the commencement of Construction Works (save for Enabling Works) a Landscape and Ecology Management Plan ("LEMP") shall have been submitted to and approved by the Local Planning Authority in writing.

The LEMP shall be prepared in accordance with the Ecological Statement by Tyler Grange dated April 2024. The LEMP shall include and/or comply with the following details (as applicable):

1. Physical protection of retained hedgerows and trees through tree protection measures, throughout the construction period;
2. Avoidance of artificial light spill onto boundary hedges and woodland, during the construction period;
3. Incorporation of native species in planting schemes, hedgerow enhancement measures and landscaping;
4. Management of existing and proposed trees and hedges and associated ecological mitigation measures for the lifetime of the development;
5. Details of habitat linkages and routes of passage for wildlife and mitigation measures for loss of habitat;
6. Appointment of an ecological clerk of works;
7. Timetable for implementation;
8. Details of all other the landscape and ecological mitigation, enhancement and/or compensation measures to be undertaken pursuant to the LEMP;
9. details of the incorporation of bat boxes and bird boxes and bee bricks at a minimum rate of one measure per dwelling; and
10. Details for the management, maintenance and monitoring of all landscape and ecological mitigation, and/or compensation measures to be undertaken pursuant to the LEMP.

The development will be undertaken in accordance with the timetable and details approved under the approved LEMP.

Reason: To ensure the habitats and species are safeguarded and where appropriate enhanced to secure the specified habitat net gain in accordance with Policies 4, 11 and 12 of the Menheniot Neighbourhood Development Plan 2021-

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2030, Policies 2 and 23 of the Cornwall Local Plan Strategic Policies 2010-2030, Policy G1 of the Climate Emergency Development Plan Document February 2023, advice in paragraphs 135, 180 and 186 of the National Planning Policy Framework 2023, and the requirements of the Conservation of Habitats and Species Regulations 2010. A pre-commencement condition is necessary to ensure that the existing biodiversity and habitat potential of the site is not harmed through inappropriate actions and that works can be completed safely and reducing amenity impacts so far as possible and that these can be retained, mitigated and enhanced over the lifetime of the development.

- 6 The development hereby permitted shall be carried out in accordance with the submitted Biodiversity Gain Plan prepared by Tyler Grange and dated April 2024 (ref: 13186\_RO2c\_RR\_AH) to ensure that there is a minimum 10% net gain in biodiversity within a 30 year period as a result of the development and the Plan shall be implemented in full.

No development shall commence until a Biodiversity Monitoring Plan to ensure that there is a minimum 10% net gain in biodiversity within a 30 year period as a result of the development has been submitted to and agreed in writing by the Local Planning Authority. The Biodiversity Management Plan shall include 30 year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports.

Monitoring reports will be submitted to the Council during years 2,5, 10, 20 and 30 from commencement of development unless otherwise stated in the Biodiversity Management Plan, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

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, Policies 4, 11 and 12 of the Menheniot Neighbourhood Development Plan 2021-2030 and Policy G2 of the Cornwall Climate Emergency Development Plan Document. A pre-commencement condition is necessary in order to ensure the successful retention, delivery and establishment of green infrastructure appropriate and commensurate to the approved scheme and to deliver the Biodiversity Net Gain stated within the application.

- 7 Prior to the commencement of Construction Works (save for Enabling Works) details of a scheme for the provision of surface water management and foul water treatment shall have been submitted to and approved in writing by the Local Planning Authority. The details shall include:-
- A description of the foul and surface water drainage systems operation
  - Details of the final drainage schemes including calculations and layout
  - A Construction Environmental Management Plan

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- A Construction Quality Control Procedure
- A plan indicating the provisions for exceedance pathways, overland flow routes and proposed detention features
- A timetable of construction including a plan indicating the phasing of development including the implementation of the drainage systems
- 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

Thereafter, the approved scheme shall be implemented in accordance with the details and timetable so agreed and the scheme shall be managed and maintained in accordance with the approved details. Details of the maintenance schedule shall be kept up to date and be made available to the Local Planning Authority within 28 days of the receipt of a written request.

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 of Policy 4 of the Menheniot Neighbourhood Development Plan 2021-2030, Policies CC3 and CC4 of the Cornwall Climate Emergency Development Plan Document February 2023, Policy 26 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 165, 167, 173 and 175 of the National Planning Policy Framework 2023. A pre-commencement condition is necessary in this instance to ensure that the drainage system is suitable to serve the proposed development and can be installed in a timely manner, appropriately managed, operated and maintained.

- 8 No more than 3 months prior to the commencement of development, a badger survey shall be completed and the results, along with details of any necessary mitigation measures, shall be submitted to and approved in writing by the local planning authority. All works and measures shall proceed in accordance with the approved details.

Reason: To ensure that the development does not have a detrimental impact on the natural environment in accordance with the aims and intentions of Policies 2 and 23 of the Cornwall Local Plan Strategic Policies 2010 - 2030, Policy 4 of the Menheniot Neighbourhood Development Plan 2021-2030 and paragraph 180 of the National Planning Policy Framework 2023. A pre-commencement condition is necessary to ensure that any badgers present on site are not harmed through inappropriate actions and that if present mitigation measures can be put in place.

- 9 No works beyond slab level shall commence on site until details of the open space and recreation space provision within the application site has been submitted to and approved in writing by the Local Planning Authority. The details shall include:

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1. A minimum of 2.6ha open space
2. A plan identifying public and private areas
3. The typical uses to be including within the open space
4. Specific requirements e.g. a Local Equipped Area of Play

The open space(s)/recreation areas shall be provided on site in accordance with the approved details prior to the occupation of the 151st dwelling on site.

Reason: To improve the health and wellbeing of the community and residents in accordance with policies 12, 13, 16 and 28 of the Cornwall Local Plan Strategic Policies 2010-2030, Policy 4 of the Menheniot Neighbourhood Development Plan 2021-2030 and paragraphs 96, 102, 131 and 135 of the National Planning Policy Framework 2023.

- 10 Prior to the occupation of any of the development hereby approved detailed plans shall have been submitted to and approved in writing by the Local Planning Authority (in conjunction with the Highway Authority) detailing the off site highways improvements including improved crossings and associated footway infrastructure on the A390/Charter Way/Liskerret Road roundabout prior to the occupation of the first dwelling. The approved highway improvements shall be laid out and constructed in accordance with the requirements of a Section 278 Agreement under the provisions of the Highways Act 1980 prior to the first occupation of any part of the development and retained as such thereafter.

Reason: In the interests of maintaining a safe and efficient highway network in accordance with the aims and intentions of Policies 4 and 17 of the Menheniot Neighbourhood Development Plan 2021-2030, Policies 13 and 27 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 114 and 116 of the National Planning Policy Framework 2023.

### Informative

The above would require a S.278/Street Works licence with exact details to be secured via condition, taking into account the latest comments provided on the Designers Response to the Road Safety Audit Stage 1, comments listed below.

- Issue 3.4 - Corduroy tactile paving not proposed. Provide corduroy tactical paving on both sides of the southern arm of the A390 crossing.

- Issue 3.8 - Narrow shared-use path. Designer's response states that footway between A390 northern arm and Liskerret Road is not shared-use, which is fine. But as above, if the footway linking the Charter Way crossing with the Charter Way on-road cycle lane is to be shared-use, then agree, this is sub-standard width for shared-use and should be widened. That said the footway does not go anywhere for pedestrians so you're not going to be getting pedestrians walking on this short stretch and it would only be a one-way route for cyclists, in which

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case, it could be kept as it is width-wise and designated for cyclists only, with appropriate tactile paving and signing.

- Increase width of Charter Way Island to 3m to comply with LTN1/2
- Provision of Diag. 956 sign facing towards Liskarrett Road on the Charter Way arm
- Remove existing dropped kerb crossing adjacent to the bus stop on Charter Way and reinstate kerbing.
- Increase separation distance for entry onto the shared use facility for southbound cyclists on Charter Way, from the bus stop by an additional two kerb lengths.

- 11 Prior to the occupation of any dwelling hereby approved details of the link to the neighbouring footpath as detailed on approved plan TNC-LHC-00-ZZ-DR-L-0201 REV 34 shall be submitted to and approved in writing by the Local Planning Authority. The development shall be laid out and constructed in accordance with the details hereby approved prior to the occupation of any dwelling and retained as such thereafter.

Reason: To achieve comprehensive and sustainable development of the site and ensure safe pedestrian access and site permeability can be achieved, in accordance with policies 12, 13 and 27 of the Cornwall Local Plan Strategic Policies 2010-2030, Policy 4 of the Menheniot Neighbourhood Development Plan 2021-2030 and paragraphs 114, 116 and 135 of the National Planning Policy Framework 2023.

- 12 Prior to the installation of the materials to be used in the construction of the external surfaces details of all external surface facing materials shall be submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason: In the interests of visual amenity and the character and appearance of the area in accordance with the aims of Policies 4 and 13 of the Menheniot Neighbourhood Development Plan 2021-2030, Policy 12 of the Cornwall Local Plan Strategic Policies 2010-2030, Policy C1 of the Climate Change Emergency DPD February 2023 and paragraphs 131 and 135 of the National Planning Policy Framework 2023.

- 13 Prior to the occupation of any dwelling hereby approved a scheme of lighting, to include security lighting, and CCTV must be submitted to and approved in writing by the Local Planning Authority. The scheme shall be installed and be

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operational prior to the first occupation of any home to which it relates. The scheme shall be retained for the life of the development.

Reason: To satisfactorily protect the character and appearance of the area and the residential amenities of nearby occupiers in accordance with the aims of Policies 4, 10 and 13 of the Menheniot Neighbourhood Development Plan 2021-2030, Policies 13 and 16 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 96, 97, 131 and 135 of the National Planning Policy Framework 2023.

- 14 Before the first operation of the development hereby approved, a Travel Plan, shall be submitted to and approved by the Local Planning Authority. The approved Travel Plan shall detail incentives for encouraging access to the site by modes other than the car and shall be implemented in all respects following the commencement of the operation of the use hereby approved.

Reason: In order to deliver sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking & cycling in accordance with the aims of Policies 13 and 27 of the Cornwall Local Plan Strategic Policies 2010-2030, Policies 4 and 17 of the Menheniot Neighbourhood Development Plan 2021-2030, Policies C1 and T1 of the Climate Emergency Development Plan Document February 2023 and paragraphs 114, 116 and 117 of the National Planning Policy Framework 2023.

- 15 Prior to the occupation of any dwelling hereby approved the access arrangements to serve said dwelling from the public highway and the associated parking and turning areas to serve said dwelling shall be laid out and constructed in accordance with approved drawing TNC-LHC-00-XX-DR-L-93.02 REV P9. 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 in accordance with the aims of Policies 13 and 27 of the Cornwall Local Plan Strategic Policies 2010-2030, Policies 4 and 17 of the Menheniot Neighbourhood Development Plan 2021-2030, Policies C1 and T1 of the Climate Emergency Development Plan Document February 2023 and paragraphs 114 and 116 of the National Planning Policy Framework 2023.

- 16 No dwelling after the 151st dwelling shall be occupied until details of the management and maintenance of the public open space(s)/recreation space agreed via condition 9 of this permission has been submitted to and approved in writing by the Local Planning Authority. The details shall include a maintenance management plan including confirmation of who will maintain the area(s) of public open space, the timings of all maintenance, an associated health and safety statement and a plan for the future funding to cover the operational costs

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of the ongoing maintenance and management including full details of any management company proposed and how it will operate.

The approved scheme shall be implemented, managed and maintained in accordance with the approved details. Details of the maintenance schedule shall be kept up to date and be made available to the Local Planning Authority within 28 days of the receipt of a written request.

Reason: To improve the health and wellbeing of the community and residents in accordance with policies 12, 13, 16 and 28 of the Cornwall Local Plan Strategic Policies 2010-2030, Policy 4 of the Menheniot Neighbourhood Development Plan 2021-2030 and paragraphs 96, 102, 131 and 135 of the National Planning Policy Framework 2023.

- 17 The site shall be landscaped strictly in accordance with the approved details as shown on approved plans 21019-LHC-00-00-DR-L-9403 REV P8, 21019-LHC-00-XX-DR-L-9202 REV P4, 21019-LHC-00-XX-DR-L-9203 REV P6, 21019-LHC-00-XX-DR-L-9206 REV P2, TNC-LHC-00-XX-DR-L-93.02 REV P8, TNC-LHC-00-XX-DR-L-93.03 REV P8, TNC-LHC-00-XX-DR-L-94.04 REV P7, TNC-LHC-00-XX-DR-L-94.05 REV P7, TNC-LHC-00-XX-DR-L-94.06 REV P7, TNC-LHC-00-XX-DR-L-94.07 REV P5, TNC-LHC-00-XX-DR-L-94.08 REV P4, TNC-LHC-00-00-DR-L-92.04 REV P6 and TNC-LHC-00-00-DR-L-92.05 REV P6 in the first planting season after completion or first occupation of the development, whichever is the sooner.

During the implementation of the landscaping hereby approved there shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees. Unless required by a separate landscape management condition, all soft landscaping shall have a written five-year maintenance programme following planting. Any new trees or plants (other than trees) that die, are removed, become severely damaged or diseased within a period of five years from planting will be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.

Reason: To ensure that the development does not have a detrimental impact upon the natural environment in accordance with the aims and intentions of Policies 4, 11, 12 and 13 of the Menheniot Neighbourhood Development Plan 2021-2030, Policies 2 and 23 of the Cornwall Local Plan Strategic Policies: 2010 - 2030 and paragraph 180 of the National Planning Policy Framework 2023.

Informative: The preparation and delivery of such a scheme should be informed by the relevant British Standards and current industry best practice.

- 18 The mitigation and enhancement measures set out at Section 3 and Table 3.1 of the document 'Ecological Assessment Land at Tencreek Farm, Liskeard' prepared

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by Tyler Grange and dated April 2024, shall be carried out in accordance with the approved details.

Reason: In order to safeguard species which are specially protected by law, and in accordance with Policies 4, 11 and 12 of the Menheniot Neighbourhood Development Plan 2021-2030, Policy 23 of the Cornwall Local Plan Strategic Policies 2010- 2030 and paragraphs 180 and 185 of the National Planning Policy Framework 2023.

- 19 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 to the dwellings hereby approved known as plots 42-44, 56-59, 66-70, 87, 97-107 and 187-202 on approved plan TNC-LHC-00-ZZ-DR-L-0201 REV 34 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 ensure the dwellings remain affordable and meet an identified local need in accordance with Policy 8 of the Cornwall Local Plan Strategic Policies 2010-2030.

- 20 The internal road layout of the development hereby approved shall provide for unfettered vehicle/pedestrian access to the remainder of the safeguarded land, that is allocated within the Menheniot Neighbourhood Development Plan 2021-2030 as set out in policy 4 and lying to the East and South of the site of the development hereby approved.

Reason: To achieve comprehensive and sustainable development of the site, in accordance with policies 2 and 3 of the Cornwall Local Plan Strategic Policies 2010-2030 and Policy 4 of the Menheniot Neighbourhood Development Plan 2021-2030.

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

Mixed - Existing and Proposed FM-DM-013 received 25/07/24

Proposed 24-00985 PL01 REV A received 25/07/24

Proposed Tencreek Engineering Drawings List received 26/07/24

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**ANY ADDITIONAL INFORMATION:**

- It should be noted that some of the conditions attached to this consent are required to be complied with prior to the commencement of the development hereby approved, if those conditions are not fully adhered to, then the consent cannot lawfully be implemented, therefore a new application will be requested and consideration will be given to the expedience of enforcement action.

Please note that from the 6th April 2008 a fee is now payable for the discharge of any conditions where details are required to be submitted pursuant to that condition. Details of the exact amount and the procedure to be followed can be found on the Council's website.

When submitting information pursuant to conditions attached to this consent:

An individual 1APP form has been enclosed for condition(s) that require submission of details.

Complete the details and return to the Council offices addressed directly to the Case Officer, this will avoid any unnecessary delays. A decision as to the acceptability of the information submitted will only be given in writing. Please note that the Local Planning Authority has up to eight weeks to agree or disagree with the details submitted before an appeal can be lodged. However the timescale required is usually much shorter and can be as a little as few days provided that all the necessary information is submitted and found to be satisfactory.

Photographs, manufacturers leaflets/brochures will be acceptable as descriptions of materials provided they identify the specific material. We will be happy to view sample panels placed on site for retention until the condition is discharged.

Please note that from the 6th April 2008 a fee is now payable for the discharge of any conditions where details are required to be submitted pursuant to that condition. Details of the exact amount and the procedure to be followed can be found on the Council's website.

Please liaise with the case officer if you have any concerns.

- "Enabling Works" mean preparatory works to make the application site ready for construction, including surveying (including but not limited to ecological and GPR surveys), testing (including but not limited to soil testing), sampling, monitoring (including but not limited to groundwater monitoring), strip trenching, pegging out, tree protection works, archaeological investigations, construction of temporary boundary fencing and/or hoardings (including for site security); and any necessary service diversions.

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"Construction Works" means material operations as defined in Section 56(4) of the Town and Country Planning Act 1990.

- This permission is granted following the Planning Obligation under Section 106 of the Town and Country Planning Act 1990 (as amended) entered into between Cornwall Council and Haviland John Kendall and Katie Louise Shuttkacker and Kim Dodge and Wain Homes (South West) Limited dated the 25th of July 2024.
- Please note that the proposed development set out in this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). A CIL Liability Notice will be sent to the applicant, and any other person who has an interest in the land, under separate cover. The Liability Notice will contain details of the chargeable amount and how to claim exemption or relief, if appropriate - relief must be claimed and approved before the development commences. This development must not commence until the following forms have been submitted to the Council: CIL Form 2: Assumption of Liability and Form 6: Commencement Notice, otherwise surcharges will be applied. Please contact [cil@cornwall.gov.uk](mailto:cil@cornwall.gov.uk) or the Infrastructure Team with any queries. There are further details on this process on the Council's website at [www.cornwall.gov.uk/cil](http://www.cornwall.gov.uk/cil).
- Care should be taken during any felling operation or surgery works to trees, to avoid damage or disturbance to birds during the nesting season. In Cornwall this can typically be from February to August, with many species producing second to third broods in appropriate habitat. Under the terms of the Wildlife and Countryside Act 1981 (As Amended in 1986 and 1991) Part 1 (1), it is an offence intentionally or recklessly take, damage or destroy any wild birds or its nest while being built or in use, or to take or destroy its eggs or chicks.

It is also an offence to kill, injure or take a bat or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. Under the Habitat Regulations it is an offence to damage or destroy a breeding site or resting place of any bat.

- Cornwall Council as highway authority reminds the applicant that Planning Consent for the development hereby permitted has been granted based on the submitted plans that are referred to above in this Notice. It is considered that these submitted drawings indicate that the construction of the permitted development should not have any injurious impact upon the adjacent alleged right of way provided that the permitted development is carried out as shown in the approved drawings. If subsequent inspections of the development site reveal that construction has been carried out that is not in accordance with the approved drawings and that such works have caused a diminution in the width or extent of the adjacent alleged highway, then the authority has powers under the Highways Act 1980 to secure the removal of obstructions and to restore the full extent and surface of the alleged highway.

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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

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

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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](mailto:addressmanagement@cornwall.gov.uk) or telephone 0300 1234 100.



Emery Planning Partnership  
Emery Planning Partnership  
Mr Stephen Harris  
4 South Park Court  
Hobson Street  
Macclesfield  
Cheshire  
SK11 8BS

**Your ref:** 21-579:SH:Tencreek - Full  
202...  
**My ref:** PA22/03642  
**Date:** 26 July 2024

Dear Sir/Madam

**Full planning for the erection of 202 dwellings and associated works  
Land At Tencreek Farm Plymouth Road Liskeard**

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:

**£145 (per request)** for applications not falling within fee categories 6 or 7 (non-householder applications)

**£43 (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

**Matthew Doble**

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