

## Milly Southworth

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**From:** Davina Pritchard <Davina.Pritchard@cornwall.gov.uk>  
**Sent:** 12 March 2021 11:16  
**To:** Milly Southworth  
**Cc:** John Crago CC  
**Subject:** PA20/02211 - Retrospective application for the erection of three commercial buildings on land at Fisgard Way, Trevol Business Park

Information Classification: CONTROLLED

Dear Milly

With regards to the above application, I note that the Town Council objected back in May 2020 for the following reason:

Torpoint Town Council strongly objects to the retrospective planning permission for the erection of three commercial buildings on the land at Fisgard Way on Trevol Business Park and wishes to make the following observations:

1. Agree the comments from the Community Protection Officer (John Butterwick) Cornwall Council and request a noise assessment is undertaken and specifically request this is NOT undertaken during the current COVID-19 lockdown period.
2. Lack of sound proofing of the existing buildings is causing noise pollution/harm to residents in close proximity to the site.
3. A contaminated land assessment should be provided, due to the proximity of the site to contaminated land adjacent to the site.
4. Water run-off from the work being undertaken at the site requires more in-depth consideration and investigation.
5. The negative and damaging impact on the residents' living at Lamorna Park who have been completely disregarded by the operational activities of the company.

Since this time, we have been working with the applicant to try to secure further information regarding the noise impacts from the proposal, together with a contaminated land assessment. These documents can be viewed on the Council's online planning register.

Taking each of the Town Council's points in turn:

- 1) and 2) In relation to noise impacts, this application seeks retrospective approval for the erection of 3 buildings, two of which are already in place (Buildings A and B), with the third (Building C) having progressed to the framework stage. The updated noise assessment has now been assessed by the Council's Public Health and Protection team who have confirmed that the outcome of the proposed development will be a reduction in existing noise emissions from the site due to the proposed relocation of the main noise emitting activities to Building C, and due to the fact that the main noise emitting activities are proposed to be operated within new sound insulated booths. Building C will also provide a barrier between the externally located generator and the residential properties. The Ultra High Pressure (UHP) Plant will be stored and operated within Building B and its use is restricted to maintenance and service. The Noise Impact Assessment predicts that the cumulative noise emissions from the site (in terms of a rating level) will not exceed the background sound level at residential properties. This is a worst case scenario prediction that assumes concurrent operation of all stated machinery/plant/equipment. Consequently, Public Health and Protection have now reached a point where they no longer object to the development subject to conditions as follows:

With the exception of the Ultra High Pressure (UHP) Plant, operation of any vehicle/machinery/equipment/plant, including but not restricted to those described in the application supporting documentation, is prohibited on Sundays and Bank Holidays and otherwise restricted to the following hours:

Monday ' Friday 08:00 ' 18:00 (excluding Bank Holidays)  
Saturday 08:00 - 13:00

Operation of an Ultra High Pressure (UHP) Plant, as described in the application supporting documentation or similar, is restricted to maintenance and service use only and prohibited on Saturdays, Sundays and Bank Holidays. Its use is otherwise restricted to the following hours:

Monday ' Friday 08:00 ' 18:00 (excluding Bank Holidays)

With the exception of a generator, any machinery/equipment/plant, including but not restricted to those described in the application supporting documentation, may only be operated within the relevant Building A, B or C, as described in the application documentation. All external doors in Buildings A, B and C must remain closed during operation of said machinery/equipment/plant, other than for ingress and egress of personnel.

A generator may only be operated in the position indicated on the plan contained in Appendix A ' Site Plan (SP2) Showing site layout, including units A, B and C of Noise Impact Assessment (Ref: HA Acoustics HA/AC85/V6 ' 15 January 2021).

3) In respect of contamination, a contaminated land assessment has now been submitted alongside the application. Again, this has been reviewed by the Council's Public Health and Protection Team who have confirmed that due to potential asbestos contamination in the areas proposed for soft landscaping, conditions should be imposed on any approval to secure further information and remediation.

4) In terms of potential concerns regarding surface water run-off, the site is not within Critical Drainage Area or a Flood zone. We typically deal with surface water run off via planning condition, so in this case, we would seek to impose a condition to secure a detailed surface water drainage scheme to ensure that any run off from the new buildings is appropriately dealt with to avoid increasing run off elsewhere.

5) In terms of the impact on the occupiers of Lamorna Park, it is appreciated that the retrospective nature of this application is not helpful. However, the fact the application is in retrospect is not a material consideration. We must therefore assess the application on its merits and as set out above, Public Health and Protection have confirmed that they are now content that the development will not cause unacceptable impacts in respect of noise, subject to detailed planning conditions. The construction of Building C should have a positive impact in reducing the noise levels currently experienced by neighbouring residential occupiers. It would therefore seem prudent to proceed with an approval of this application in order that the applicants can complete Building C, locate the noise emitting activities to that building and reduce overall impacts on neighbours.

In light of the above considerations, it is my intention to recommend the application for approval.

I would respectfully request that your Council consider the following options as set out within the Protocol for Local Councils:

1. Agree with my recommendation
2. Agree to disagree
3. Having made strong planning reasons to maintain your original position on the proposal against my recommendation, it is requested that the application is determined by the Planning Committee\*

Please tell me which option you wish to choose within 5 working days from the date of this communication. It may not always be appropriate to take an application to Committee if the planning position is so clear-cut that it would not be right to make a different decision to the one being recommended. In these rare circumstances we will consult the Divisional Member and explain our reasoning when making the planning decision.

If I do not hear from you within 5 working days, a delegated decision will be issued in accordance with my recommendation.

If our recommendation changes for any reason we will notify you so that you may reconsider your own position.

\* Due to the current pandemic situation, we are not able to operate planning committees in person and a new protocol is in place to deal with the applications that require planning committee involvement. Please see our Covid-19 impact on planning processes FAQs for more information.'

If you have any queries, please do not hesitate to contact me.

Kind regards

Davina Pritchard  
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