

**Milly Southworth**

---

**From:** Davina Pritchard <Davina.Pritchard@cornwall.gov.uk>  
**Sent:** 23 June 2021 11:45  
**To:** Milly Southworth  
**Cc:** Cllr John Tivnan  
**Subject:** PA20/02211 - Land at Fisgard Way, Trevol - Retrospective application for the erection of three commercial buildings

Information Classification: CONTROLLED

Dear Milly,

Further to our previous correspondence on this, I can confirm that following the Peer Review of the submitted Noise Assessment and the subsequent response from the applicant's noise consultant, the matter has been reconsidered by the Council's Public Health and Protection Team.

Public Health and Protection have confirmed that they have reviewed the HA Acoustic response to the Inacoustic critique of the report and that their original consultation feedback remains unchanged, but with the following supplements:

- During the original consultation process, the Community Protection Team raised a number of queries with the applicant and noise consultant. These included the location of the background monitoring, derivation of the background sound level, derivation of the surface area values in the HA assessment, source of the Rw values, clarification of the use of SIP panels, and whether extraction systems and generators needed to be included in the assessment. We were satisfied with the response to our queries, and two further versions of the noise report, which were subsequently produced.
- Overall, taking into account the fact that the activities themselves (i.e. spraying, blasting etc) are already approved under existing planning consents, and that the application only relates to the erection of the buildings, we considered that the final noise report was sufficiently robust and proportionate to the situation.
- Furthermore, in consideration of the fact that the erection of buildings and the siting of insulated and self-contained booths within the building for the blasting and spraying activities can only have the positive effect of reducing noise emissions from the site on neighbouring residential properties, we fully support the planning application, subject to the attachment of our previously recommended conditions to any approval.

In light of this, it is my intention to recommend the application for approval. I consider that we have now exhausted a review of the noise assessment and that an approval of the application is justified.

I have set out below my initial Local Council Protocol email for your attention:

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.'

Kind regards

Davina Pritchard

Group Leader Area Teams 7 and 8  
Economic Growth and Development Directorate  
Planning and Sustainable Development Service  
Cornwall Council  
Tel: 01579 341417  
Internal: 441417  
[Davina.Pritchard@cornwall.gov.uk](mailto:Davina.Pritchard@cornwall.gov.uk)  
Room 57, Luxstowe House, Liskeard, Cornwall, PL14 3DZ

[www.cornwall.gov.uk](http://www.cornwall.gov.uk)

To keep up to date with changes in the Planning & Sustainable Development Service, please check "What's new in Planning" on the [cornwall.gov.uk](http://cornwall.gov.uk) website.

Please let us know if you need any particular assistance from us, such as facilities to help with mobility, vision or hearing, or information in a different format.

Please consider the environment. Do you really need to print this email?

The Planning & Sustainable Development Service has had to change its procedures with regards to Planning Committees, site notices, visiting our offices and on the availability of information by hard copy. Please refer to the FAQs on our [Covid-19 impact on planning processes](#) page on our website for further details on revised processes implemented by the Service.

This e-mail and attachments are intended for above named only and may be confidential. If they have come to you in error you must take no action based on them, nor must you copy or show them to anyone; please e-mail us immediately at [enquiries@cornwall.gov.uk](mailto:enquiries@cornwall.gov.uk). Please note that this e-mail may be subject to recording and/or monitoring in accordance with the relevant legislation and may need to be disclosed under the Freedom of Information Act 2000 or the Environmental Information Regulations 2004. Security Warning: It is the responsibility of the recipient to ensure that this e-mail and any attachments are virus free. The Authority will not accept liability for any damage caused by a virus.