



# FALMOUTH TOWN COUNCIL

## Agenda Planning & Licensing Committee

<b>Date</b>	30/09/2024
<b>Time</b>	18:00 - 19:30
<b>Location</b>	Atherton Suite
<b>Chair</b>	S. Eva
<b>Attendees</b>	D Clegg, G F Evans, A Jewell, J Robinson, B Ross, J Spargo and Z Young.
<b>Explanation</b>	I hereby invite you to attend a meeting of the Planning & Licensing Committee to be held in the Atherton Suite on Monday 30th September at 6.00pm for the purpose of transacting the following business.

The meeting will observe the requirements of the Council's commitment to the Civility and Respect Pledge. That is to treat councillors, employees, members of the public, representatives of partner organisations and volunteers with civility and respect in their roles. Behaviour breaching that commitment will not be tolerated.

- 1 Apologies**  
To receive and approve apologies for absence.
- 2 Interests**  
To receive declarations of interests in respect of items on the agenda. Councillors are reminded to declare any dispensation granted.
- 3 Minutes**  
To receive the minutes of the meetings of the Committee held on the 9th September 2024. (1-9)
- 4 Planning Applications**  
(a) To receive a list of planning applications received from Cornwall Council and dealt with under the delegated procedure agreed in accordance with Minute 6/2474 of the meeting held on 3rd April 2000 (Appendix 1) and amended by minute P3017, together with a supplementary list of applications received since publication of the agenda. (10-11)  
  
(b) To receive and consider a list of planning applications received from Cornwall Council, not dealt with under the above-mentioned procedure (Appendix II), together with a supplementary list of applications received since publication of the agenda. (12-13)

**5 Appeal Notification**

Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009

To note appeal decision APP/D0840/W/24/3342304 PA23/05550 - Conversion of ground floor gym to 4. no letting rooms and construction of 6no letting rooms within proposed first and second floor extension. Merchants Manor, Western Terrace, Falmouth. Mr & Mrs N & S Rudlin & Parry-Rudlin. Cornwall Council decision: Refused. (14-15)

**6 Highways / Traffic Management / Road Safety**

Road Traffic Regulation Act 1984 S.14: Temporary Prohibition of Traffic

To note temporary speed restriction of 20 MPH to allow works to be completed over an area of highway being Hillhead Road, Hill Head, Kergilliack between the property named Higher Kergilliack House and grid reference SW78475 33458 for approximately 670 metres from 25th September 2024 to 31st March 2025 (24 hours).

To note road closure on Silverdale Road to Swanpool Road via The West Side Of Swanpool, Falmouth from 1st to 3rd October 2024 (24 hours) for Kier on behalf of South West Water to carry out works.

To note road closure on Bickland Hill, Falmouth from 7th to 8th October 2024 (09:30 to 16:00 hours) for Daniel Eaton at RSK Hi-Line to carry out tree works.

To note road closure on Bar Lane, Falmouth from 9th to 10th October 2024 (09:00 to 15:00 hours) for Sunbelt Rentals to carry out works.

To note road closure for the Mayors Civic Parade over an area of highway being High Street, Market Strand, Killigrew Street, Webber Street, Market Street and Church Street, Falmouth for their entire lengths on 13th October 2024 from 10:00 to 13:00 hours.

To note road closure on Hill Head, Penryn, Hillhead Road, Kergilliack and Kergilliack Road, Falmouth from 4th to 7th November 2024 (09:30 to 15:30 hours) for Sunbelt Rentals to carry out works.

To note the road closure on A39 between Falmouth Road Roundabout and Roundabout East of Hillhead Farm, Penryn from 7th November 2024 to 8th November 2024 (19:00 to 06:00 hours) for Ross Strick at Cormac Solutions Ltd to carry out works.

To report any highways matters received since the publication of the agenda.

**7 Decision List**

To receive and note a list of recent planning decisions made by Cornwall Council. (16-17)

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## **Licensing**

### **Premises License Application**

Cream Cornwall Ltd, 51 Church Street, Falmouth

To consider grant to license for sale of retail of alcohol (off sales) Monday to Saturday 0900 hours to 1800 hours and Sundays 1000 hours to 1600 hours. The sale of alcohol to be part of gift set sales only. (18-40)

### **Pavement License**

Costa Coffee, 51 Market Street, Falmouth

To consider pavement License renewal in respect of the above that is due to expire on 30th September, 2024. The license holder has applied to renew the license, in exactly the same terms as previously granted, until 30th September, 2026. (41-48)

To report any licensing matters received since the publication of the agenda.

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## **Any late received planning applications that the Chair Considers to be of Urgency**

NB: The Local Government (Access to Information) Act 1985 prohibits the consideration of any items which have not appeared on the agenda for the meeting unless the Chairman is prepared to certify that a proposed item is 'urgent'. If urgent, the special circumstances which make it so, must be spelled out to the meeting and included in the minutes.

### **Decision Making Legal Advice (for noting)**

Members have received training on the Code of Conduct, predetermination and bias and therefore, will be aware of their responsibility to determine planning applications on the basis of the information before them at the meeting. Members are reminded that the decision making role must be approached with an open mind as to the merits of the arguments for and against the application, which they must take into account before making a final decision at the meeting. Members are further advised that they must not predetermine, or be seen to have predetermined, the outcome of an application and that the information they receive at the meeting is therefore the basis on which they should make their decision.

## **FALMOUTH TOWN COUNCIL**

Minutes of a Meeting of the Planning & Licensing Committee held on Monday 9<sup>th</sup> September 2024 in the Atherton Suite, The Old Post Office, Falmouth at 6.00 pm.

Present: Councillors S D Eva, D Clegg, G F Evans MBE, A J Jewell CC and J Spargo.

In Attendance: R Gates (Town Manager)  
E Middleditch (Administration Officer)  
H Attree (Administrative Assistant)

Councillor L Magowan CC also attended.

### **P6237 APOLOGIES**

An apology for absence was received and approved from Councillor Ross (ill).

### **P6238 INTERESTS AND DISPENSATIONS**

None.

### **P6239 MINUTES**

It was proposed by Councillor Eva, seconded by Councillor Clegg and

RESOLVED that that the minutes of the Planning and Licensing Committee held on 19<sup>th</sup> August 2024 be approved as a correct record of the proceedings and signed by the Chair.

### **P6240 PLANNING APPLICATIONS**

Members considered a list of planning applications which had been commented on by the Chair and Vice-Chair, under the delegated procedure agreed in accordance with Minute 6/2474 of the meeting held on the 3<sup>rd</sup> April 2000 and amended by Minute P3017.

It was proposed by Councillor Eva, seconded by Councillor Jewell and

RESOLVED that the observations set out in Appendix I, which forms part of these minutes be approved and adopted as the observations of the Town Council.

Members considered a list of planning applications not dealt with under the delegated procedure outlined above. The Chair reported in respect of those applications as appropriate.

It was proposed by Councillor Spargo, seconded by Councillor Jewell and

RESOLVED that the Town Council makes the observations set out in Appendix II which forms part of these minutes.

P6241 **HIGHWAYS/TRAFFIC MANAGEMENT/ROAD SAFETY**

**Road Traffic Regulation Act 1984 S.14: Temporary Prohibition of Traffic**

Members duly noted road closure on Bar Lane, Falmouth from 9th to 10th October 2024 (0900 to 1500 hours) for Sunbelt Rentals to carry out works.

Members duly noted Intention Notice for road closure on Market Street, Church Street and Arwenack Street, Falmouth from 14th October 2024 to 1st November 2024 (24 hours) for Ross Strick at Cormac Solutions Ltd to carry out works.

Members duly noted the road closure on Castle Drive, Falmouth from 11th September 2024 to 13th September 2024 (0930 to 1600 hours) for Kelly Traffic Management to carry out ducting work.

**Road Traffic Regulation Act 1984, S.16A**

Members duly noted the road closure on Cliff Road between the junctions of De Pass Road and Queen Mary Court and Queen Mary Court and Queen Mary Road, Falmouth on 22nd September 2024 (0500 to 2000 hours) for the Falmouth Triathlon.

P6242 **DECISION LIST**

Members duly noted a list of recent planning decisions made by Cornwall Council.

P6243 **LICENSING**

None.

P6244 **ANY LATE RECEIVED PLANNING APPLICATIONS THAT THE CHAIR CONSIDERS TO BE OF URGENCY**

None.

There being no further business the Chair declared the meeting closed at 6.30pm.

Signed: ..... Dated: .....

**9<sup>TH</sup> SEPTEMBER 2024**

**APPENDIX I**

1. **Boslowick**                      **PA24/05270**                      **Mr Robert E**  
**(Case Officer: Mark Webb. [Mark.Webb@cornwall.gov.uk](mailto:Mark.Webb@cornwall.gov.uk))**

Works to trees subject to a Tree Preservation Order (TPO), works include reduce Ash and hazelnut tree.  
257 Longfield, Falmouth.

Recommend approval of repeating the pruning to just above the previous pruning points. Both trees have been severely reduced in the past and both have regrown well.

2. **Trescobeas And Budock** **PA24/05498**                      **Mr And Mrs Parker**  
**(Case Officer: Helen Trebilcock. [Helen.Trebilcock@cornwall.gov.uk](mailto:Helen.Trebilcock@cornwall.gov.uk))**

Erection of garage.  
Nandu, Trescobeas Road, Falmouth.

Recommend approval.

3. **Arwenack**                      **PA24/06295**                      **Mr Dodd**  
**(Case Officer: Chloe Britten. [Chloe.Britten@cornwall.gov.uk](mailto:Chloe.Britten@cornwall.gov.uk))**

Notification of works to a tree in a Conservation Area namely fell T1 Norway Maple.  
26 Avenue Road, Falmouth.

*For information only*

4. **Arwenack**                      **PA24/06297**                      **Mr David Scott**  
**(Case Officer: Chloe Britten. [Chloe.britten@cornwall.gov.uk](mailto:Chloe.britten@cornwall.gov.uk))**

Notification of works to trees in a Conservation Area namely remove 1 dying Apple tree (T1) and to crown reduce 2 young Copper Beech trees (T2 and T3).  
Kinbrae House, Gyllyngvase Road, Falmouth.

*For information only*

5. **Arwenack**                      **PA24/06332**                      **Mr Jack Shields**  
**(Case Officer: Chloe Britten. [Chloe.Britten@cornwall.gov.uk](mailto:Chloe.Britten@cornwall.gov.uk))**

Retrospective advertisement consent for 2no. 3mm aluminium composite panels with laminated print to face installed on garden wall.  
The Fitzroy, Cliff Road, Falmouth.

Recommend approval.

**6. Arwenack PA24/06574 John Bawden**  
**(Case Officer: Chloe Britten. [Chloe.Britten@cornwall.gov.uk](mailto:Chloe.Britten@cornwall.gov.uk))**

Works to trees in a Conservation Area for Lime (T1) - remove. Tree is in unsuitable location below BT wires. Replace with Black Mulberry. Sycamore (T2) - remove. Tree is in declining condition (please see photographs). Replace with Black Walnut. Lime (T3) - reduce radial spread from approximately 2.5m to 2m, and raise crown to approximately 2.5m, as pruning works.

Imperial Court, Bar Road, Falmouth.

*For Information Only*

**7. Arwenack PA24/06687 Mrs Jan Winslade**  
**(Case Officer: Chloe Britten. [Chloe.Britten@cornwall.gov.uk](mailto:Chloe.Britten@cornwall.gov.uk))**

Works to trees in a Conservation Area for Oak (T1) - raise to 5.2-5.3m over highway and raise 2.5m over footpath (please see accompanying photo). Copper Beech (T2) - reduce by 1.5-2m (please see accompanying photo). Cornus (T3) - fell. Myrtle (T4) - fell. T3 and T4 to be replaced by 2 Oak trees and 1 Apple tree.

St Ruan Tresahar Road Falmouth Cornwall TR11 4EE

*For Information Only*

**8. Boslowick PA24/06681 Mr & Mrs Richardson**  
**(Case Officer: Abbie Franklin [Abbie.Franklin@cornwall.gov.uk](mailto:Abbie.Franklin@cornwall.gov.uk))**

Proposed single storey rear extension

32 Mongleath Avenue Falmouth Cornwall TR11 4PR

Recommend approval.

**9<sup>TH</sup> SEPTEMBER 2024**

**APPENDIX II**

**1 Arwenack PA24/05685 Mr Paul Lower**

**(Case Officer: Janice Taylor. [jataylor@cornwall.gov.uk](mailto:jataylor@cornwall.gov.uk))**

Demolition of existing single storey extension and part of party garden wall and construction of replacement single storey extension to rear of property.

5 Bar Terrace, Bar Road, Falmouth.

Recommend approval subject that repair and rebuild of party garden wall stonework is replicated as closely as possible to the rest of the historic wall.

**2. Arwenack PA24/05686 Mr Paul Lower**

**(Case Officer: Helen Trebilcock. [Helen.trebilcock@cornwall.gov.uk](mailto:Helen.trebilcock@cornwall.gov.uk))**

Listed building consent for demolition of existing single storey extension and part of party garden wall and construction of replacement single storey extension to rear of property.

5 Bar Terrace, Bar Road, Falmouth.

Recommend approval subject that repair and rebuild of party garden wall stonework is replicated as closely as possible to the rest of the historic wall.

**3. Arwenack PA24/06029 Mr and Mrs David Scott**

**(Case Officer: Abbie Franklin [Abbie.Franklin@cornwall.gov.uk](mailto:Abbie.Franklin@cornwall.gov.uk))**

Demolition in a conservation area, side and front extensions, roof extension and alterations, porch canopy extension and alterations, boundary wall and landscape alterations.

Kinbrae House, Gyllyngvase Road, Falmouth.

Recommend approval subject that the fencing is replaced with Cornish hedge to be more in character with the street scene.

**4. Arwenack PA24/06045 Catherine Self**

**(Case Officer: Helen Trebilcock. [helen.trebilcock@cornwall.gov.uk](mailto:helen.trebilcock@cornwall.gov.uk))**

Change of Use from mixed use C1 Hotel and C3 Dwellinghouse to Sui Generis (HMO) and C3 Dwellinghouse.

Eden Lodge, 54 Melvill Road, Falmouth.

Recommend refusal as the proposal is in the Conservation Area and Character Area 6 'Seaside Resort and Wooded Suburbs'. NDP Policy HMO1 (especially HMO1.1.iii), and Policy BE4 'Protection of existing stock of holiday accommodation' apply. So too do design policies DG3 and DG4. The proposal is in breach of HMO1. The proposal fails to establish that it meets the criteria set out in Policy BE4, and so does not comply.

The application also fails in relation to design policies DG3 and DG4s.

5. **Boslowick** [PA24/06071](#) **Mr & Mrs Ridgeon**  
(Case Officer: Abbie Franklin [Abbie.Franklin@cornwall.gov.uk](mailto:Abbie.Franklin@cornwall.gov.uk))

Proposed two story side extension and front porch.  
6 Carrick Road, Falmouth.

Recommend approval.

6. **Arwenack** [PA24/06125](#) **Ms Natasha Harvey**  
(Case Officer: Helen Trebilcock. [helen.trebilcock@cornwall.gov.uk](mailto:helen.trebilcock@cornwall.gov.uk))

Erection of dwellinghouse and garage and associated landscaping without compliance with Condition 2 of appeal decision notice APP/D0840/W/21/3277614 dated 06.12.2021.  
Stansville, Boscawen Road, Falmouth.

Recommend refusal due to the larger amended garage design that would have a negative impact on the street scene within the Conservation Area which is in breach of the existing planning conditions.

7. **Arwenack** [PA24/06278](#) **Mr & Mrs Buist**  
(Case Officer: Abbie Franklin [Abbie.Franklin@cornwall.gov.uk](mailto:Abbie.Franklin@cornwall.gov.uk))

Internal and external alterations to the existing dwelling with a proposed two-storey side extension, external landscaping and solar panels.  
Otta House, 2 Spernen Wyn Road, Falmouth.

Recommend refusal as the proposals are overbearing and would significantly change the character of the property in the Conservation Area.

**TOWN AND COUNTRY PLANNING ACT 1971**

**FOR SUBMISSION TO THE COUNCIL ON 9<sup>th</sup> SEPTEMBER 2024**

Mr David Hemlock	Demolition of existing domestic garage and erection of a new dwelling with landscaping. 130 Dracaena Avenue, Falmouth. PA24/00715	Approved*
Mrs Susie Fishwick	Replace existing painted timber windows at street and rear elevations with heritage uPVC windows. 3 Gyllyng Street Falmouth <u>PA24/0610</u>	Approved *
Mr McMillan	Works to trees in a Conservation Area for Elm (T1) - reduce crown height by approx. 2m and reduce lateral spread by 1.5m, then crown lift over neighbouring property and garden (please see accompanying photo). Tree is growing in a small courtyard garden and the works will help maintain the overall size of the tree while keeping good shape. Mimosa (T2) - reduce crown height and spread by approx. 3m, and crown lift to 2.5m above pavement (please see accompanying photos). Tree is a nice feature of Avenue Road but getting too large for the location and is heavily one sided. The works will reduce the overall size and help balance the crown. 2 Glyn Cottages, Avenue Road, Falmouth. PA24/05528	Decided not to make a TPO
Mr David Lord	Notification of works to a tree in a Conservation Area namely remove three leylandi trees. Falness , 4 Castle Drive, Falmouth. <u>PA24/05656</u>	Decided not to make a TPO
Mr Ian Shorthouse	Demolition of one house Construction of 5 apartments and 2 houses with associated parking and landscaped amenity space Without compliance of condition 2 of decision notice PA20/04042 dated 26/01/2021. Waters Edge, 22 North Parade, Falmouth. PA24/03991	Approved
Russell Buck	Works to trees in a Conservation area (TCA) 3 x lawsons cypress 4 x hollies & 1 x arbutus and 1 x medium / mature holm oak works as per Tree survey. 2 Stracey Road, Falmouth. PA24/05490	Decided not to make a TPO

Carl Ortega	Works to trees subject to a Tree Preservation Order for 2 x Oaks - crown raise by 2m on garden side due to overshadowing. Works will allow more light into garden and will not have a detrimental effect on the amenity of the trees. Nothing over 60mm diameter at stem to be removed. 1 The Links, Falmouth. PA24/04389	Approved
Mr Audis	Application for a Lawful Development Certificate for a proposed mono pitch garden room in rear garden. 24 King Charles Street, Falmouth. <u>PA24/05820</u>	Granted
Cyderhouse Co Ltd (c/o Joe Healey)	Use of outdoor area for restaurant space; replacement of canopy with a zinc roof, to include a terrace for the two existing apartments; and upgrade of windows and doors to main cafe and apartments above the cafe, and conversion of first floor office to an en-suite bedroom. Gyllyngvase Beach Café, Cliff Road, Falmouth. PA24/04113	Approved
Mr Mike Underwood	Works to trees subject to a Tree Preservation Order (TPO), works include G1 - This group consists of mainly Ilex oak, cut back to boundary by approximately 0.5 metre. 100 Swans Reach, Falmouth. PA24/05725	Approved
Mr & Mrs Clements	Demolition of conservatory and construction of extension. Trees, 5 Kergilliack Road, Falmouth. PA24/05194	Approved
Mr & Mrs J Bryant	Proposed rear extension and installation of solar panels to roof. 20 Arwenack Avenue, Falmouth. PA24/03961	Approved
Mr Charles Ross	Extension of existing construction hall and demolition of existing structures and amendments to forecourt layout. Pendennis Shipyard Ltd, Bridon Building Third Floor. Falmouth Docks, Falmouth. PA24/01841	Approved

Mr Hugo Luck	Listed Building Consent to repaint exterior of property in alternative colours to current. 17 Stratton Terrace, Falmouth. PA24/05157	Approved
Mr And Mrs J & H Peters	Proposed replacement garage. 91A Marlborough Road, Falmouth. PA24/05266	Approved
Mr Spargo	Works to trees in a conservation area (CA), works include T1 - Cypress - Fell tree. The tree has been planted too close to the boundary wall and has now outgrown its place. The tree also has an included union at the base and showing some signs of decay in the buttress. T2 - Laurel - remove marked limbs which overhang the car park and the boundary wall to prevent further damage. Reduce remaining tree to approx 12' height to maintain a more suitable height and spread for the location. 60 Kimberley Park Road, Falmouth. PA24/05977	Decided not to make a TPO
Bull	Works to trees subject to a tree preservation order TPO - Beech and oak trees as per map to be crown raised to 8 metres. 6 Roscarrack Close, Falmouth. PA24/04243	Approved



- 6. Arwenack PA24/06885 Amanda Baker**  
**(Case Officer: Chloe Britten: [Chloe.Britten@cornwall.gov.uk](mailto:Chloe.Britten@cornwall.gov.uk))**  
Works to Tree(s) within a Conservation Area (TCA) - T1 - Multi-stemmed Pittosporum - Remove 2 x major stems interrupting fence-line; plus prune remaining secondary material overhanging garden. T2 - Silverberry - Fell. T3 - Multi-stemmed Myrtle - Prune back newly exposed material to limit overhanging material to 1m laterally from boundary line.  
Pantiles 4 Stracey Road Falmouth

Recommend Approval.

- 7. Arwenack PA24/06909 Peter Hooper**  
**(Case Officer: Abbie Franklin)**  
Works to trees subject to a Tree Preservation Order (TPO), works include: The mature Monterey Pine, whilst a real feature of the property and surrounding area, is dominating the garden, removing the 4 lowest limbs would benefit the property significantly, whilst retaining the overall presence of the tree to the area.  
Chy Lowarth, 9 Tresahar Gardens, Falmouth.

Recommend refusal as the removal of the four bottom limbs is excessive and would have a negative impact on the tree.

- 8. Boslowick PA24/07074 Mr Tom Bennetts**  
**(Case Officer: Chloe Britten: [Chloe.Britten@cornwall.gov.uk](mailto:Chloe.Britten@cornwall.gov.uk))**  
Application for works to a Tree subject to Tree Preservation Order namely life the height of the crown approximately 4 metres and thin the crown to allow more light though (T19 – Beech tree).  
The Poundings, Swanpool, Falmouth.

Recommend approval as the works will improve access to the property.

- 9. Arwenack PA24/07099 Mr Toby Nanning**  
**(Case Officer: Chloe Britten: [Chloe.Britten@cornwall.gov.uk](mailto:Chloe.Britten@cornwall.gov.uk))**  
Notification of works to a tree in a Conservation Area namely removal of limb back to join with main tree trunk.  
University College Falmouth, Woodlane, Falmouth.

Recommend approval as the removal of the limb is necessary for the integrity of the tree and for the safety of the public.



8. **Penwerris**                      **PA24/07157**                      **Dunford and Legassick**  
**(Case Officer: Abbie Franklin)**  
Alterations and extension to dwelling.  
33 Glasney Road, Falmouth.
9. **Trescobeas**                      **PA24/07188**                      **Ms Anna Crouse**  
**(Case Officer: Abbie Franklin)**  
Proposed demolition of existing verandah and steps, and construction of single storey  
extension to rear of property.  
5 Tresco Place, Falmouth.



Falmouth Town Council  
Town Clerk  
Falmouth Town Council  
Municipal Buildings  
The Moor  
Falmouth  
TR11 2RT

Your ref:  
My ref: PA23/05550  
Date: 10 September 2024

Dear Sir/Madam

**Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009**

I am writing to let you know that an appeal has been made to the Ministry of Housing, Communities and Local Government in respect of the following planning application:

MHCLG ref:	<b>APP/D0840/W/24/3342304</b>
Cornwall Council ref:	<b>PA23/05550</b>
Appeal start date:	<b>4 September 2024</b>
Proposal:	<b>Conversion of ground floor gym to 4no letting rooms and construction of 6no letting rooms within proposed first and second floor extension</b>
Location:	<b>Merchants Manor Western Terrace Falmouth Cornwall TR11 4QJ</b>
Appellant:	<b>Mr &amp; Mrs N &amp; S Rudlin &amp; Parry-Rudlin</b>
Cornwall Council decision:	<b>REFUSED</b>

The appeal is to be decided on the basis of an exchange of written statements by the parties and a site visit by an Inspector.

You may view the documents relating to this case online at <http://planning.cornwall.gov.uk/online-applications> or at the Council offices during normal working hours.

We have forwarded all the representations made to us on the application to the Planning Inspectorate and the appellant (unless they are expressly confidential). These will be considered by the Inspector when determining the appeal.

**If you wish to make further comments, or modify/withdraw your previous representation, you can do so online using the Planning Inspectorate website at: <https://acp.planninginspectorate.gov.uk>.**

**If you do not have access to the internet, you can send your comments to: The Planning Inspectorate, Room 3, Temple Quay House, 2 The Square, Bristol, BS1 6PN.**

All representations must be received by 9 October 2024. Any representations submitted after the deadline will not usually be considered and will be returned. The Planning Inspectorate does not acknowledge representations. All representations must quote the MHCLG appeal reference.

Please ensure that you only provide information, including personal information belonging to you, that you are happy will be made available to others in this way. If you supply information belonging to a third party, please ensure that you have the permission to do so. More detailed information about data protection and privacy matters is available on the Planning Inspectorate Web Site.

You can get a copy of The Planning Inspectorate's booklet, "Guide to taking part in planning appeals" free of charge from this office or from GOV.UK at <https://www.gov.uk/government/collections/taking-part-in-a-planning-listed-building-or-enforcement-appeal>

The Council's reasons for refusing permission for this development are as follows:

- 1 The proposed development would by reason of its scale, massing, height and design result in harm to the character of the original host building and the character and appearance of this part of the Falmouth Conservation Area. The proposed development would be contrary to Policies 1, 2, 12 and 24 of the Cornwall Local Plan Strategic Policies 2010-2030, Policies BE 3, DG 2, DG 3, DG 6 and DG 7 of the Falmouth Neighbourhood Development Plan 2021-2030, advice in Section 4 of the Cornwall Design Guide 2021, and advice in paragraphs 8, 135, 195, 201, 203, 205, 206, 208 and 212 of the National Planning Policy Framework December 2023.

Should you require any further information in connection with this appeal, please contact me.

Yours faithfully

**Claire Broughton**

**Senior Development Officer**  
**Development Management Service**  
Tel: 01872 322222  
Email: [planningappeals@cornwall.gov.uk](mailto:planningappeals@cornwall.gov.uk)

**TOWN AND COUNTRY PLANNING ACT 1971**

**FOR SUBMISSION TO THE COUNCIL ON 30<sup>th</sup> SEPTEMBER 2024**

Mr Shirley	Proposed flat development to provide 2 no flats. 3 Avenue Road, Falmouth. PA24/01482	Approved *
Mr & Mrs Oakleigh Wood	Construction of a side extension and associated works. 7 Arwenack Avenue, Falmouth. PA24/05569	Approved
Mr Manson	Construction of external staircase and associated works. 20 Gyllyngvase Terrace, Falmouth. PA24/03635	Approved
Mr & Mrs Boulton	Extension to the existing first floor structure without compliance with condition 2 of decision PA22/06345 dated 04/10/2022. 12 North Parade, Falmouth. PA24/05345	Withdrawn
Mr Mike Shields	Non material amendment in relation to decision notice PA23/02857 dated 25.07.2023: Change of window details to use 14mm Heritage units including glazing dividers and applied timber bars (all hardwood) as opposed to the individual Finneo panes. Flat 1, 43 High Street, Falmouth. PA24/06311	Approved
Mr and Mrs Rupert and Helen Waters	Proposed demolition of existing extension and part of boundary wall and outbuilding and replacement extension and associated works. 10 Basset Street, Falmouth. PA24/05918	Approved
Mr and Mrs Curtis-Adkins	Relocation of front door and 2 storey rear extension 31 Boslowick Road, Falmouth. PA24/05781	Approved
Catherine Self	Change of Use from mixed use C1 Hotel and C3 Dwellinghouse to Sui Generis (HMO) and C3 Dwellinghouse Eden Lodge 54 Melvill Road, Falmouth. PA24/06045	Withdrawn

Mr David Scott	Notification of works to trees in a Conservation Area namely remove 1 dying Apple tree (T1) and to crown reduce 2 young Copper Beech trees (T2 and T3) Kinbrae House Gyllyngvase Road, Falmouth. PA24/06297	Decided not to make a TPO (TCA apps)
Mr Dodd	Notification of works to a tree in a Conservation Area namely fell T1 Norway Maple 26 Avenue Road, Falmouth. PA24/06295	Decided not to make a TPO (TCA apps)
Mrs Colgan	Notification of works to a tree in a Conservation Area namely to remove 3 low branches from a fairly mature Arbutus tree located 5 Basset Place, Falmouth. PA24/06155	Decided not to make a TPO (TCA apps)
Wildstone Estates Limited	Erection of one free standing D6 advertisement display. 60 Dracaena Avenue, Falmouth. PA24/05748	Approved
Mr and Mrs Parker	Erection of garage. Nandu, Trescobeas Road, Falmouth. PA24/05498	Approved
Mrs Jan Winslade	Works to trees in a Conservation Area for Oak (T1) - raise to 5.2-5.3m over highway and raise 2.5m over footpath (please see accompanying photo). Copper Beech (T2) - reduce by 1.5-2m (please see accompanying photo). Cornus (T3) - fell. Myrtle (T4) - fell. T3 and T4 to be replaced by 2 Oak trees and 1 Apple tree. St Ruan, Tresahar Road, Falmouth. PA24/06687	Decided not to make a TPO (TCA apps)



Before completing this form – Do you know whether any exemptions apply to the activities you intend to offer? Do you have all the licences from the Council that you need?

To find out you could take advantage of our pre-application advice service. If you do require a licence you may also want to use our application assistance and check & send services to help you get your application right first time.

The fixed fees for our **Licensing Direct** services include VAT and cover the cost of administration and delivery and are not for profit.

Access these services by calling **01872 324210** and select the option for licensing. Alternatively, email us at [licensing@cornwall.gov.uk](mailto:licensing@cornwall.gov.uk) and we will contact you. Our support services can help you save time and money.

**Application for a premises licence to be granted under the Licensing Act 2003**

**Please read the following instructions first**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Cream Cornwall Ltd  
*(Insert name(s) of applicant)*

**apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003**

**Part 1 – Premises details**

Postal address of premises or, if none, ordnance survey map reference or description <b>51 Church Street</b>			
<b>Post town</b>	Falmouth	<b>Postcode</b>	TR11 3DS

Telephone number at premises (if any)	██████████
Non-domestic rateable value of premises	£ 39,000

## Part 2 - Applicant details

Please state whether you are applying for a premises licence as **appropriate** **Please tick as**

a)	an individual or individuals *		please complete section (A)	
b)	a person other than an individual *			
	i	as a limited company/limited liability partnership	x	please complete section (B)
	ii	as a partnership (other than limited liability)		please complete section (B)
	iii	as an unincorporated association or		please complete section (B)
	iv	other (for example a statutory corporation)		please complete section (B)
c)	a recognised club			please complete section (B)
d)	a charity			please complete section (B)
e)	the proprietor of an educational establishment			please complete section (B)
f)	a health service body			please complete section (B)
g)	a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales			please complete section (B)
ga)	a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England			please complete section (B)
h)	the chief officer of police of a police force in England and Wales			please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
- statutory function or
- a function discharged by virtue of Her Majesty's prerogative

**(A) individual applicants** (fill in as applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b>		I am 18 years old or over		Please tick yes	
<b>Nationality</b>					
Current residential address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service (please see note 15 for information)					

**Second individual applicant** (if applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b> or over		I am 18 years old		Please tick yes	
<b>Nationality</b>					
Current residential address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service:  
(please see note 15 for information)

**(B) Other applicants**

**Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.**

Name Cream Cornwall Limited
Address 51 Church Street, Falmouth, Cornwall. TR11 3DS
Registered number (where applicable) 09936453
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any) <span style="background-color: black; color: black;">XXXXXXXXXX</span>
E-mail address (optional) <span style="background-color: black; color: black;">XXXXXXXXXXXX@XXXXXX</span>

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY
0	1	1024

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

The premises is a double fronted shop on the high street in Falmouth. The shop operates on the ground floor, with offices and a store room in the basement.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)		Please tick all that apply
a)	plays (if ticking yes, fill in box A)	
b)	films (if ticking yes, fill in box B)	
c)	indoor sporting events (if ticking yes, fill in box C)	
d)	boxing or wrestling entertainment (if ticking yes, fill in box D)	
e)	live music (if ticking yes, fill in box E)	
f)	recorded music (if ticking yes, fill in box F)	
g)	performances of dance (if ticking yes, fill in box G)	
h)	anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	

<b>Provision of late night refreshment</b> (if ticking yes, fill in box I)	
<b>Supply of alcohol</b> (if ticking yes, fill in box J)	Yes

**In all cases complete boxes K, L and M**

## A

<b>Plays</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of a play take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon				<b><u>Please give further details here</u></b> (please read guidance note 4)	
Tue					
Wed			<b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 5)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat					
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 7)			<b><u>Will the exhibition of films take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	
Day	Start	Finis h		Outdoors	
Mon				Both	
			<b><u>Please give further details here</u></b> (please read guidance note 4)		
			<b><u>State any seasonal variations for the exhibition of films</u></b> (please read guidance note 5)		
			<b><u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 7)			<b><u>Please give further details</u></b> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 5)
Wed			
Thur			<b><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	
				Outdoors	
Day	Start	Finish		Both	
Mon			<b>Please give further details here</b> (please read guidance note 4)		
Tue					
Wed			<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 5)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat					
Sun					

**E**

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	
				Outdoors	
Day	Start	Finish		Both	
Mon				<b>Please give further details here</b> (please read guidance note 4)	
Tue					
Wed			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 5)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat					
Sun					

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b><u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	
Day	Start	Finis h		Outdoors	
				Both	
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue					
Wed			<b><u>State any seasonal variations for the playing of recorded music</u></b> (please read guidance note 5)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat					
Sun					

## G

<b>Performances of dance</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon				<b><u>Please give further details here</u></b> (please read guidance note 4)	Both
Tue					
Wed			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 5)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat					
Sun					

H

<p><b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p><b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)</p>	Indoors	
Mon				Outdoors	
				Both	
Tue			<p><b><u>Please give further details here</u></b> (please read guidance note 4)</p>		
Wed					
Thur			<p><b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 5)</p>		
Fri					
Sat			<p><b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)</p>		
Sun					

I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	
				Outdoors	
Day	Start	Finish		Both	
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue					
Wed			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 5)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat					
Sun					

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)	On the premises	
				Off the premises	x
				Both	
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)  None		
Mon	9:00	18:00			
Tue	9:00	18:00			
Wed	9:00	18:00			
Thur	9:00	18:00			
Fri	9:00	18:00			
Sat	9:00	18:00			
Sun	10:00	16:00			
			<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		

**State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):**

<b>Name</b>	Jennifer Ayres
<b>Date of birth</b>	██████████
	██████████ ████████████████████ ██████ ██████████ ██████████
<b>Postcode</b>	██████████
<b>Personal licence number (if known)</b>	
<b>Issuing licensing authority (if known)</b>	

**K**

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).**  
 Not applicable.

**L**

<p><b>Hours premises are open to the public</b>                  Standard days and timings (please read guidance note 7)</p>			<p><b>State any seasonal variations</b> (please read guidance note 5)</p>          <p><b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 6)</p>
Day	Start	Finish	
Mon	9:00	18:00	
Tue	9:00	18:00	
Wed	9:00	18:00	
Thur	9:00	18:00	
Fri	9:00	18:00	
Sat	9:00	18:00	
Sun	10:00	16:00	

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## M

Describe the steps you intend to take to promote the four licensing objectives:

**a) General – all four licensing objectives (b, c, d and e)** (please read guidance note 10)

The premises operates as a retail shop and, therefore, no alcohol will be consumed on the premises. Alcohol products will be sold to adults only. We will adopt Challenge 25 to ensure that we have a rigorous internal process to verify the age of customers wishing to purchase alcohol products. Children under 18 unaccompanied by an adult are closely monitored whilst in store and we do not employ any staff under the age of 18.

The Premises Licence Holder or DPS will fully train all staff involved in the sale of alcohol in their responsibilities under The Licensing Act, this will include Challenge 25 training and the contents of the premises licence including times of operation, licensable activities, conditions and restrictions. Written, signed training records will be kept and made available by one of the responsible authorities on request. Training records will be kept for at least 12 months.

The Designated Premises Supervisor shall ensure that a written notice of authority is kept at the premises for all staff who sell alcohol. The notice shall be made available for inspection upon request of the police or an authorised officer of the Licensing Authority.

**b) The prevention of crime and disorder**

Alcohol purchases are not for consumption on the premises, and we will have an internal policy to ensure that alcohol products are not sold to anyone who appears to be drunk or who they believe is buying for someone who appears to be drunk. All instances of crime and disorder will be reported to the Police as soon as reasonably practicable.

**c) Public safety**

We have conducted suitable Fire Risk Assessments at the premises and implemented the necessary control measures.

Adequate and appropriate First Aid equipment and materials are available on the premises.

The premises have all necessary safety certificates which are kept current.

The premises has current and suitable Public Liability Insurance of £2,500,000

**d) The prevention of public nuisance**

The shop is only open during normal business daytime operating hours.  
 The shop plays only ambient, background music that does not cause any noise disturbances.  
 The premises has a waste collection contract with Suez who remove waste.  
 Staff clean the premises daily to ensure a clean and healthy environment.  
 No activities are undertaken on the premises that could potentially cause a public nuisance. We primarily sell homewares – tableware, kitchen linens, lighting, decorative objects.

**e) The protection of children from harm**

Alcohol products will be sold to adults only. We will adopt Challenge 25 to ensure that we have a rigorous internal process to verify the age of customers wishing to purchase alcohol products. Children under 18 will not be allowed onto the premises unaccompanied by an adult and we do not employ any staff under the age of 18.

If a young person, who appears to be 25 or under asks for alcohol, they will be required to prove their age before they are served, unless the retail staff are certain (from personal knowledge or because they have seen proof of age on a previous occasion) that the person is 18 or over. The forms of proof of age that will be accepted are a passport, a photo driving licence, or a proof of age card that has a PASS accreditation hologram on it. Photocopies will not be accepted. All staff will be trained in this policy and reminded about it frequently. Records of training will be kept. A notice advising customers that they may be required to prove their age before they can buy alcohol will be displayed.

As our premises is a shop selling homeware products, aside from the sale of limited alcohol products, our business activities do not present any obvious safety issues for children.

**Checklist:**

**Please tick to indicate agreement**

•	I have made or enclosed payment of the fee.	x
•	I have enclosed the plan of the premises.	x
•	I have sent copies of this application and the plan to responsible authorities and others where applicable.	x
•	I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.	x
•	I understand that I must now advertise my application.	x
•	I understand that if I do not comply with the above requirements my application will be rejected.	x
•	[Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).	

It is an offence, under Section 158 of the Licensing Act 2003, to make a false statement in or in connection with this application. Those who make a false statement may be liable on summary conviction to a fine of any amount.

It is an offence under Section 24b of the Immigration Act 1971 for a person to work when they know, or have reasonable cause to believe, that they are disqualified from doing so by reason of their immigration status. Those who employ an adult without leave or who is subject to conditions as to employment will be liable to a civil penalty under section 15 of the Immigration, Asylum and Nationality Act 2006 and pursuant to Section 21 of the same act, will be committing an offence where they do so in the knowledge, or with reasonable cause to believe, that the employee is disqualified.

**Part 4 – Signatures** (please read guidance note 11)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

<b>Declaration</b>	<ul style="list-style-type: none"> <li>[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li> <li>The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)</li> </ul>
Signature	██████████
Date	3 September 2024
Capacity	Managing Director

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant’s solicitor or other authorised agent** (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
[REDACTED] [REDACTED] [REDACTED]			
Post town	F [REDACTED]	Postcode	[REDACTED]
Telephone number (if any)	[REDACTED]		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
jenayres@creamcornwall.co.uk			

**Notes for Guidance**

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
  - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
  - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
  - Live music: no licence permission is required for:

- a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
- a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
- a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
- a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
- a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;

- any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
  4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
  5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
  6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
  7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
  8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
  9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
  10. Please list here steps you will take to promote all four licensing objectives together.
  11. The application form must be signed.
  12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
  13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
  14. This is the address which we shall use to correspond with you about this application.
  15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:
    - A licence may not be issued to an individual or an individual in a partnership which is not a limited liability partnership who is resident in the UK who:
      - does not have the right to live and work in the UK; or
      - is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have the right to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

They do this in one of two ways:

- 1) by providing with this application, copies or scanned copies of the documents which an applicant has provided, to demonstrate their entitlement to work in the UK (which do not need to be certified) as per information published on gov.uk and in guidance.
- 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

### **Home Office online right to work checking service.**

As an alternative to providing a copy of original documents, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth, will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be shared digitally. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copies of documents as set out above.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

## Business and Planning Act 2020

### APPLICATION FOR THE GRANT OF A PAVEMENT LICENCE



All applications to be emailed to [licensing@cornwall.gov.uk](mailto:licensing@cornwall.gov.uk)

SECTION 1: APPLICANT DETAILS (INDIVIDUAL APPLICANTS)	
Title	
First name(s)	
Surname	
Home address* (including postcode)	
Email address*	
Phone numbers* (include home & mobile)	
*Please note applications will be published on the Council's website, however personal details include home address, email and phone numbers will be removed before publishing.	

SECTION 2: APPLICANT DETAILS – OTHER APPLICANTS (e.g. companies)	
Name	Bernita Lorentson, Agent on behalf of Scoffs Cornwall Ltd
Registered address (including postcode)	Architecture Design Ltd, Fitted Rigging House, Chatham Historic Dockyard, Chatham, Kent. ME4 4TZ
Registered number (if applicable)	
Phone numbers (include daytime & mobile)	██████████
Email address	██████████
Phone numbers (include daytime & mobile)	

SECTION 3: BUSINESS PREMISES DETAILS	
Trading name	Costa Coffee
Postal address (including postcode)	51 Market Street, Falmouth, Cornwall, TR11 3AB.

**SECTION 4: USE OF THE BUSINESS PREMISES**

4.1 Which of the following is the above business premises used for? (please select ONE of the following options) by marking X in the box.

Use as a public house, wine bar or other drinking (i.e. alcohol) establishment	
Other use for the sale of food or drink for consumption on or off the premises	X
Both of the above uses	

**SECTION 5: AREA OF HIGHWAY PROPOSED TO BE USED**

5.1 Please provide a description of the area of the highway to which this application relates. Please note plans will also need to be provided showing the proposed area to be covered by the Pavement licence in relation to the highway, which is either to scale or includes measurements. In addition, a plan clearly showing the layout/positioning of furniture to be used must be provided.

To occupy an outside seating area directly outside the store frontage with a pedestrian walkway separating the shop front and the seating area as per attached plan.

**SECTION 6: COMPLIANCE WITH STATUTORY GUIDANCE & CONDITIONS**

6.1 Please explain how you will be able to comply with the statutory guidance regarding the mandatory 'no obstruction' condition, particularly with regard to mobility impaired and visually impaired people? Here a link to the [Government Guidance](#)

The proposed seating area allows for pedestrian thoroughfare and there are no planters. One A-board is present.

6.2 Once the furniture is in place, what will be the remaining width of footway between the edge of the footway and the furniture? (local condition 7 states there should be a minimum of 1.5 metres although in busy streets, there may be a requirement for a greater width)

1.5 metres

6.3 Please also explain how you will comply with the smoke-free seating condition and other general conditions of licence?

'No smoking' notices will be in place.

**SECTION 7: RELEVANT PURPOSE THE APPLICATION RELATES TO:**

7.1 Which of the following relevant purposes do you wish to put furniture on the highway for? (please select all relevant boxes by marking X)

Consumption of food	x
Consumption of non-alcoholic drinks	x
Consumption of alcohol	
Sale of food	
Sale of non-alcoholic drinks	
Sale of alcohol	

If alcohol or late night refreshment is to be provided, separate permissions may be required under the Licensing Act 2003.

**SECTION 8: DAYS AND TIMES**

Please note it is intended that licences issued will last for a maximum of 2 years.

An application fee is payable and a licence fee depending on length of licence. Please note the application fee will not be refunded if your application is unsuccessful.

8.1 During what times do you propose to place furniture on the highway on each of the following days: Please use the 24hr clock, e.g. 10:00 to 20:00.

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
From	07:00	07:00	07:00	07:00	07:00	08:00	08:30
To	18:00	18:00	18:00	18:00	18:00	18:00	17:30

8.2 Period of licence requested  
(2 years is the maximum)

Start Date 1/10/2024

End Date 30/09/2026

**SECTION 9: DESCRIPTION OF FURNITURE TO BE PLACED ON THE HIGHWAY**

9.1 Please provide a description and the volume of furniture proposed to place on the highway (photographs of the proposed furniture must accompany this application). All furniture must be removable (i.e. not permanent fixed structures). Furniture must be stored away during the times that they are not included on any Pavement Licence. Furniture which may be used:

- counters or stalls for selling or serving food or drink;
- tables, counters or shelves on which food or drink can be placed;
- chairs, benches or other forms of seating; and
- umbrellas, barriers, heaters and other articles used in connection with the outdoor consumption of food or drink.

Please be mindful of people who may be visually impaired – it may be appropriate that barriers or enclosures would be expected depending on the location/volume of furniture.

4 x Tables

8 x Chairs.

Furniture description, dimensions and photos are attached to the plan.

9.2 Where will the furniture and associated items be stored outside of the permitted hours of use?
All furniture will be removed at close of business and stored inside the store until next trading day.

<b>SECTION 10: PUBLIC LIABILITY INSURANCE</b>	
The licence holder is required to indemnify Cornwall Council against all claims, injuries or accidents whatsoever and provide evidence of insurance providing cover up to £5million for any one incident for the full period of the licence.	
10.1 Do you currently have public liability insurance?	Yes
If YES, please provide a copy. If NO, please note this can be produced if a licence is approved; you must have public liability insurance prior to using the area requested. Failure to produce evidence of insurance on issue of licence may result in your licence being revoked.	

<b>SECTION 11: EXISTING OR PENDING TABLES &amp; CHAIRS LICENCE</b>
11.1 Do you already hold a Pavement Licence or a Tables & Chairs Licence or an application pending? YES
11.2 if yes, please provide details. 1 year pavement license due to expire 30/09/24.

<b>SECTION 12: ADDITIONAL DETAILS</b>
12.1 Please provide any additional information which is relevant to your application (if applicable)

<b>SECTION 13: APPLICANT CHECKLIST / SUPPORTING DOCUMENTS</b>	Please 'X'
Proof of Public Liability Insurance if currently in force (must be produced prior to operating)	X

Please note that your application will not be considered complete and the public consultation period of 14 days will not begin unless all of the following documents and fee (if applicable) have been submitted with your application: -	
A plan clearly showing the proposed area to be covered by the Pavement licence in relation to the highway, which is either to scale or includes measurements	X
A plan clearly showing the layout/positioning of furniture to be used	X
Photos or brochures showing the proposed type of furniture to be used	X
Application/Licence Fee - Please use this link to make payment online <a href="https://secure.cornwall.gov.uk/form/auto/licen_temp_pavement">https://secure.cornwall.gov.uk/form/auto/licen_temp_pavement</a>	
A list of fees is available here: <a href="#">Licensing fees - Cornwall Council</a>	X

#### SECTION 14: PRIVACY NOTICE

**How we will use the information about you?** The Council has a general discretion to grant a Pavement Licence. We will use the information to consider if a licence can be issued, renewed or remain in force. We may use your contact details to provide you with information or to ask your views on certain matters. This could include for example:- changes in law, policy, or procedures. Provision of training & seminars. Seeking views on customer satisfaction.

**Who else will we share your information with?** We will use your information in relation to your application and any licence issued - this may include checks with internal and external partners as follows:-

Police, Fire, Town/Parish Council, Cornwall Councillors, Chambers of Commerce, Business Improvement Districts, Localism (Community Link Officers), Disability Groups, Highways, Planning, Community Safety, Licensing Compliance, Trading Standards, Environmental Health, Health & Safety, Public Health, Harbour Authority, Environment Service, Parking Services, Street Works, Waste Management, Legal Team, Council's Licensing Act Committee/Pavement Licence Sub-Committee.

Cornwall Council is under a duty to protect the public funds it administers. To this end we may use the information you have provided on this form for the prevention and detection of fraud. We may share your information with bodies who audit or administer public funds. This would include the Police and the Department for Work and Pensions.

Information is also provided to Government Cabinet Office under its National Fraud Initiative. For further information see [www.cornwall.gov.uk/nfi](http://www.cornwall.gov.uk/nfi)

**Safeguards.** Your data will need to be held within Cornwall Council's secure network and premise. It will not be processed outside of the UK, the EEA. Access to your information will only be made to authorised members of staff. Staff are must process it for the purposes outlined in this privacy notice.

**How long will we keep this information for?** Your information will need to be kept for 3 years. This is from the date you last accessed the service, or, for 3 years after any licence issued ceases to have effect.

**What are my data rights?** Your personal information belongs to you and you have the right to:

- be informed of how we will process it

- request a copy of what we hold about you (in a commonly used electronic format if you wish). If you provided this to us electronically for automated processing, we will return it in the same way)
- have it amended if it's incorrect or incomplete
- have it deleted (where we do not have a legal requirement to retain it)
- withdraw your consent if you no longer wish us to process
- restrict how we process it
- object to us using it for marketing or research purposes
- object to us using it in relation to a legal task or in the exercise of an official authority
- request that a person reviews an automated decision where it has had an adverse effect on you

**How do I exercise these rights?** If you would like to access any of the information we hold about you. If you have concerns about the way we have processed your information, please contact:- Simon Mansell, Data Protection Officer Assurance, Cornwall Council, County Hall, TRURO, TR1 3AY. Tel: 01872 326424 Email: [dpo@cornwall.gov.uk](mailto:dpo@cornwall.gov.uk)

### SECTION 15: BUSINESS SUPPORT

Our **Business Regulatory Support Service** is your first point of contact for business support across environmental health, trading standards, fire, planning, building control and licensing. This service offers a wide range of regulatory support and advice. Whether you are a new or established business, or looking to invest in Cornwall, we can help you with your regulation enquiries to ensure you are compliant with the law. This service aims to help you save time, money and get it right first time.

Our services include free signposting as well as business support packages (charged at cost price).

If you have not completed this section on one of our forms in the last 12 months then please answer the following questions:-

Do you wish to receive information about our regulatory support products, services & legislative updates?

Yes  No

If you have ticked "Yes", please indicate which forms of communication you would prefer:

Post  Email  Phone

In addition we can offer (when available) SMS/Text

By opting in you are giving consent on behalf the business (not as an individual).

If you have ticked any of the boxes you have the right to withdraw consent at any time. To do so please email us on [licensing@cornwall.gov.uk](mailto:licensing@cornwall.gov.uk) or call 01872 324210

### SECTION 16: DECLARATIONS BY APPLICANT

I understand that I am required to give notice of my application in accordance with the requirements of the Business and Planning Act 2020 and that failing to do so will lead to the revocation of any licence granted.

I understand I must hold and maintain public liability insurance up to a value of £5million.

I understand my application will not be considered to be complete until all the required documents and information have been provided and the application fee has been paid.

I understand that the application fee paid is non-refundable if my application is refused or if any licence granted is subsequently surrendered or revoked.

I understand that the Authority is under a duty to protect the public funds it administers, and to this end may use the information I have provided on this form for the prevention and detection of fraud.

I understand that it may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

I declare that the information given above is true to the best of my knowledge and that I have not wilfully omitted any necessary material. I understand that if there are any wilful omissions, or incorrect statements made, my application may be refused without further consideration or, if a licence has been issued, it may be liable to revocation.

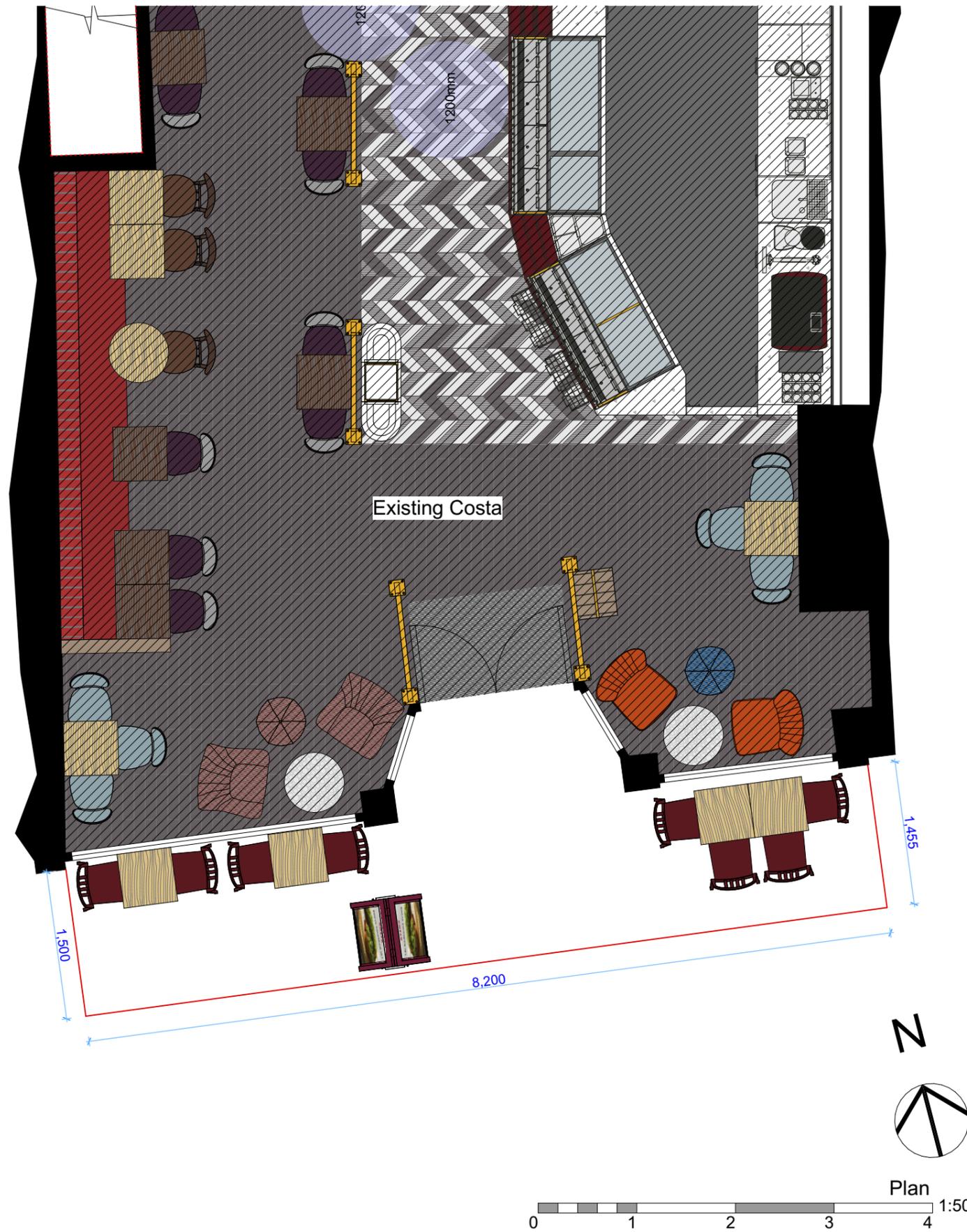
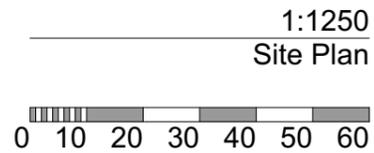
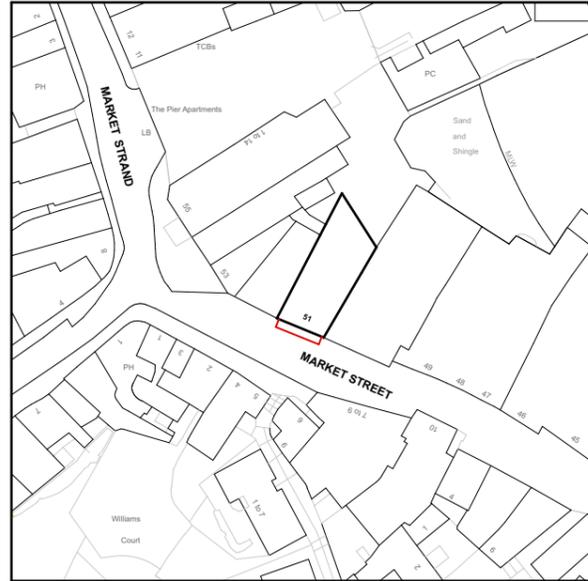
I understand a person who applies for a pavement licence is to be taken to have agreed that the applicant's address for the purposes of such communications is the address incorporated into, or otherwise logically associated with, the person's application.

I understand that the Authority is collecting my data for the purposes described on this form and will not be used for any other purpose, or passed on to any other body, except as required by law, without my consent.

I understand that by inserting my full name below, I am agreeing that my electronic signature is the legal equivalent of my manual signature on this application form.

Full name	Bernita Lorentson	Date	19/09/2024
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Please email completed application form together with accompany documents to [licensing@cornwall.gov.uk](mailto:licensing@cornwall.gov.uk)



**EXTERNAL SEATING:**

Name: Exterior Table  
 Client Ref: T29  
 Warings Ref: W2604T/W25TT7  
 Image:



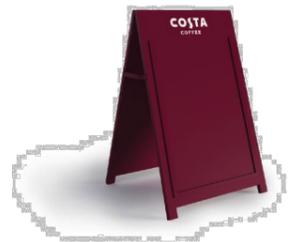
DETAILS: Black Tripod Exterior Mill Base with a fixed Square 2 seater Millboard plank top (NON FOLDING)

Name: Reef Exterior Chair  
 Client Ref: C27  
 Warings Ref: W34C  
 Image:



DETAILS: Wine RAL 3004 C27A

Name: AFR-01



DETAILS: Metal 'A' Frame board