

MEETING NO.1225

Minutes of the meeting of Feock Parish Council Planning Committee held on
Wednesday 12th December 2018 at 4pm
At the Parish Council Office, Market Street, Devoran TR3 6QA

Members present: P Allen, Carnon Downs Ward
C Kemp, Carnon Downs Ward
R Brickell, Carnon Downs Ward
B Thomas, Devoran Ward
H Freeman, Feock Ward
L Morgan-Lundie, Feock Ward

In attendance: Debbie Searle, Assistant Parish Clerk

Public present: Richard & Rosemary White
Ian Perry
Edward ffrench-Constant
Joe Brumwell
Sandra Brumwell
Roger Hyde
Bob Richards
Joan Morris
Val Kincaid
Barbara Shipley
Brian Pope
Chris Montagu

1. WELCOME & APOLOGIES

The Chairman welcomed those present. Apologies were received from Cllr Lightfoot.

RESOLUTION: Cllr Thomas proposed that Cllr Alvey can speak at a planning meeting at any appropriate time as determined by the Chairman. This was seconded by Cllr Freeman and unanimously carried by the meeting.

2. MINUTES OF PREVIOUS PLANNING MEETING

RESOLUTION: Cllr Thomas proposed the minutes of the Planning Committee meeting held on 15th November 2018 as a true record of the meeting and be signed by the Chair. This was seconded by Cllr Kemp and unanimously carried by the meeting.

3. DECLARATIONS OF INTEREST

No declarations of interest were received.

4. PUBLIC PARTICIPATION

Richard White spoke in objection to agenda item 1316 (Land Off Pill Creek Pill Lane Feock PA18/11025). He expressed displeasure that he had only just become aware of the application and had not been notified by Cornwall Council by way of a site notice. He stated that the land is a woodland and despite the detailed information within the application the residents could suffer loss of light from the trees and these could slowly disappear. He also wished to make the point that there is plenty of room on the land for other dwellings to be built and is concerned that these would follow. He is also aware of the owl population and is concerned that a building being erected in the woodland would affect them.

Dr Ian Perry spoke in objection to agenda item 1316 (Land Off Pill Creek Pill Lane Feock PA18/11025) stating that he was a neighbour living in Pill Lane and the proposal would impact visually on him. He is concerned

about the loss of woodland and is also very concerned about the drainage. He also expressed annoyance that he had found out about the planning application by accident and he and Richard White are the most affected by the proposal.

Edward French-Constant spoke as the applicant for item 1316 (Land Off Pill Creek Pill Lane Feock PA18/11025) advising that he was present to answer any questions and apologise to the committee that the application had come before he had the opportunity to have a pre-application meeting. He noted that the application detail was voluminous but it is a highly sensitive site on the side of the creek within the AONB and considerable attention has gone into looking at the reassurances of the visual impact from the biological and ecological angles. He felt it important to note that it was not a woodland, it was a garden that had not been well looked after and had become overgrown and many of the plants and trees within it have reached the end of their natural life. He hopes that the documentation within the application will provide reassurances about the sensitive approach to the application which has been 3 or 4 years in the making.

Joe Brumwell spoke in objection to agenda item 1316 (Land Off Pill Creek Pill Lane Feock PA18/11025) stating that he was against building on that side of the Creek as a principle, he felt that there was insufficient information to be able to see how Quay Cottage and Quay House will be affected. He believes the report within the application is full of inaccuracies and quoted parts of the report.

Sandra Brumwell spoke in objection to agenda item 1316 (Land Off Pill Creek Pill Lane Feock PA18/11025) stating that the site is out of the settlement boundary and she understood from a Planning Officer recently that that this is very important in planning terms and the application should be thrown out because of that. She felt that it was inappropriate development in an AONB. Pill Creek has the highest level of protection due to the TPOs. It is within the curtilage of a Grade II listed building. She expressed concern that there will be further houses built incrementally along the Creekside.

Bob Richards spoke in objection to agenda item 1318 (land at Quenchwell Road, Carnon Downs (PA18/10932)). He stated that the application is seeking to completely set aside whole chunks of the Feock NDP, the Cornwall Local Plan and other relevant national planning policy and uses, as its basic argument for approval, issues which are of no relevance. He quoted from the Department for Communities and Local Government's plain English guide to the planning system in England & Wales sections stating the Neighbourhood Development Plans are a new right for communities and it is a legal requirement that applications for planning permission must be decided in accordance with these plans and this application goes against policy and he urged the Committee to object to the application.

Joan Morris spoke in objection to agenda item 1311 (Griff, Ropewalk, Devoran TR3 6NS) stating that the new unit is not on the existing footprint as stated in the application. The effect of moving the dwelling forward will impinge greatly on her neighbouring property causing loss of light and view. It will also impinge the flight path of Bats. She felt that there were irregularities in the plans and statement and is incompatible with the adjacent buildings. The abnormal use of the existing bridleway should also be considered. Griff is served by a pre 1950s cesspit which is unlikely to serve the proposed dwelling with 5 bedrooms and 7 bathrooms. She stated that by them putting a balcony on it will cause an overlooking issue.

Val Kincaid spoke in objection to agenda item 1311 (Griff, Ropewalk, Devoran TR3 6NS) stating that she lives in the neighbouring property. She has strong objection based on privacy and the footprint being moved considerably against how it stands currently. The new house is to be brought forward 4m and a further 2m taking the balcony into consideration. The balcony which will have serious impact on her primary living space and her privacy will be completely lost on her patio and main living space. The proposal has large SW corner windows, the upper level will be living space, and this looks directly into her living space. The balcony will give full view over her balcony and main living space. This will detrimentally affect the enjoyment of her home. She made 2 recommendations to the committee that the windows should not be clear, and a covenant should be put on to ensure that it remains one single dwelling house and cannot in the future be separated into two houses which could be easily achieved looking at the plans.

Barbara Shipley spoke in objection to agenda item 1311 (Griff, Ropewalk, Devoran TR3 6NS). She advised that approximately 5 years ago she had built a new property at Ropewalk which had been pushed to the corner of the plot to ensure that it followed the natural building line. She stated that as a village and a community they do welcome new people and takes great offence to the comments made on the online planning register in support of the application which she has taken up with Cornwall Council. What they are fed up of is people buying plots and then developing them with overpowering grand designs.

Brian Pope spoke in objection to agenda item 1311 (Griff, Ropewalk, Devoran TR3 6NS) he started by asking the applicants (who were present) if the plan could be altered to sit on the existing footprint and be lowered by 4ft. He stated that the proposal is 8m further forward than the existing and his plot will suffer from loss of light. He expressed displeasure at the design and is also concerned about damage to the Monterey Pines.

Chris Montagu (CM) spoke as agent for agenda item 1311 (Griff, Ropewalk, Devoran Tr3 6NS) He stated that the existing property was Mundic with limited accommodation and the new proposal is for a single dwelling house. The local area is comprised of many different architecture styles, sizes and designs and there is no prevailing architectural design. The houses are mainly 2 storey in height and there is currently already a degree of mutual overlooking. The siting of the proposed house does not increase the loss of privacy, mutual overlooking will not be made worse, there will be no loss of boundary vegetation. Policies stated that proposals should be respectful and there are examples of houses with flat roofs, balconies and various materials within the immediate area. There is a difference of 90sqm between the existing and proposed, it will coincide with the existing footprint and will not be overbearing. The house has moved forward to protect the root area of the existing tree. There will no overlooking from the balcony. Cllr Freeman questioned the footprint location against the existing. CM confirmed it was 6m further forward. Cllr Freeman questioned if the garage was on the existing footprint. Cllr Blake questioned the height of the building. CM confirmed that it was no higher than the existing at 7.5m.

5. STATUTORY CONSULTATION – PLANNING APPLICATIONS – AGENDA REPORT 1

1311 Griff Ropewalk Devoran TR3 6NS PA18/10433

Cllr Freeman stated that she had no objection to the replacement of the building but felt that the increase in size and scale is excessive and with it extending forward, being closer to the boundary of Stringers and with the addition of the balcony it would interfere with the privacy of neighbours. Cllr Thomas stated that he felt it was against NDP policy D1 in scale and massing and was unneighbourly but he has no objection to a suitably sized replacement. Cllr Blake stated that he has no objection to a replacement dwelling but the proposed is a very large building. He has visited the site and the distance between the adjacent properties and the new dwelling is minimal and light will be affected. The proposed dwelling has a flat roof which is incongruous with the immediate surrounding properties. The balcony will further cause privacy issues. The Cornwall Design Guide (page 71) states that balconies should only be used where they do not affect the privacy of neighbouring properties. We have concern of the cumulative effect and it is against NDP policies LS1, LS2, D1 so he would propose that the Parish Council strongly oppose the application. The Chairman stated that there are numerous modern properties that could be looked on as being a precursor to these designs, we have always given great weight to the comments of neighbours and we always try to advise that developers and neighbours talk to each other and find some common ground. Regarding the issue of balconies, where balconies are concerned and also a change from lower floor to upper floor living the policy is that it must not affect neighbours. Unfortunately this particular design does not fulfil our policies.

RESOLUTION: Cllr Blake proposed the consultee comment for the application as: **The Parish Council strongly object to the proposed development by reason of its size, depth, width, height and massing which would have an unacceptably adverse effect on the amenities of the properties immediately adjacent to the site and surrounding area by reason of overlooking, loss of privacy and visually overbearing impact. It is against Feock NDP policies LS1, LS2 and D1 and the effect of the balconies on neighbours is contrary to the Cornwall Design Guide.** This was seconded by Cllr Thomas and unanimously carried by the meeting.

1312 40 Devoran Lane Devoran TR3 6PD PA18/10714

The photographs of the dwelling were viewed and discussion followed regarding the management of construction traffic.

RESOLUTION: Cllr Thomas proposed the consultee comment for the application as: **The Parish Council have no objection to this application but do have concerns over traffic management during the project which could cause major disruption to the main road into the village, we would therefore request a strict construction traffic management plan be conditioned to any planning approval granted.** This was seconded by Cllr Brickell and unanimously carried by the meeting.

1313 Carnon Downs Caravan Park Gig Lane Devoran TR3 6JJ PA18/10750

Cllr Kemp questioned the issue of permanent occupancy and discussion followed.

RESOLUTION: Cllr Kemp proposed the consultee comment for the application as: **The Parish Council have no objection in principle but would which to see a condition of use attached to any planning permission granted that it is tied to the occupancy of the Site Warden.** This was seconded by Cllr Freeman and unanimously carried by the meeting.

1314 Arbennek Restronguet Point Feock TR3 6RB PA18/11249

The photographs indicating the proposed works were viewed and discussion followed.

RESOLUTION: Cllr Allen proposed the consultee comment for the application as: **The Parish Council is happy to accept the professional advice of Cornwall Council's Tree Officer for this application.** This was seconded by Cllr Morgan-Lundie and unanimously carried by the meeting.

1315 The Dene Churchtown Feock TR3 6SA PA18/10950

The reason for the resubmission of the previously refused plans was clarified and discussion followed regarding the comments of objection made for the previous application. Cllr Alvey confirmed that Planning Officers will take into consideration previous refusals for the site and described the process for dealing with the application in more detail.

RESOLUTION: Cllr Allen proposed the consultee comment for the application as: **The Parish Council maintain our objection to this application which is against NDP policies D1, LS1 and LS2 and also the Cornwall Design Guide regarding the proposed balconies. The proposal represents an inappropriate form of development within the AONB and is against Cornwall Local Plan policies. We would also comment about the timing of this resubmission and feel that not all local residents will have time to reiterate their previous objections and would ask the Planning Officer to please take note of the objections previously made under PA18/04121. We would also comment that this identical application was overwhelmingly refused at the Central Sub-Area Planning Committee meeting in August 2018.** This was seconded by Cllr Blake and unanimously carried by the meeting.

1316 Land Off Pill Creek Pill Lane Feock PA18/11025

The Chairman advised that this application site was in the AONB, the Council has changed its position on the AONB and is now given the highest level of protection and we have found that in recent years the cumulative effect of development in this and other areas has come to a stage where it is detrimental. The built environment should be subservient to the natural environment. Cllr Morgan-Lundie commented that of all the recent designs of properties in the area that have been presented to the Committee this is probably the best scheme, however because of the location and the woodland setting she would have to object to the application. The level of TPO protection was explained by Cllr Blake and the date of the TPO protecting the area confirmed. Cllr Blake referenced NDP policies BIO2 and BIO3 and policy H1 stating that it was outside of the settlement boundary. This must be respected and there should be no development allowed outside of the settlement boundaries. The

rounding off policy involves rounding off of a settlement and should not extend into the open countryside. The Chairman summarised that there is provision within the NDP for rounding off but this application would intrude into the open countryside and is within a sensitive settlement edge and does not therefore comply. Cllr Thomas stated that it also contravenes NDP policy LS1 as it does not protect and enhance the environment. Cllr Freeman stated that the recent neighbouring application refused by Cornwall Council had the same issues which would apply to this application and that this application also has the issue of being outside of the settlement boundary. Cllr Brickell stated that he would not be in favour of the proposal due to its woodland location and it being against policy.

RESOLUTION: Cllr Freeman proposed the consultee comment for the application as: **The Parish Council object to this proposal which is contrary to NDP policies LS1, LS2, D1, BIO2, BIO3 and H1. It is outside the settlement boundary and is in a sensitive settlement edge within the AONB. It does not fit the criteria for infill or rounding off and would jeopardise the new TPO which covers the area.** This was seconded by Cllr Morgan-Lundie and unanimously carried by the meeting.

1317 Carnon Downs Village Hall Carnon Downs TR36 GH PA18/11091

The plans were viewed and discussion followed.

RESOLUTION: Cllr Allen proposed the consultee comment for the application as: **The Parish Council have no objection to this application.** This was seconded by Cllr Thomas and unanimously carried by the meeting.

1318 Land At Carnon Downs Forth Coth Carnon Downs PA18/10932

The plans were viewed and discussion followed which included reference to the previously approved application for the lower half of the field, relevant NDP policies and housing need within the Parish. Reference was made to other recently approved and refused applications for multi-dwellings in Carnon Downs.

RESOLUTION: Cllr Allen proposed that a recommendation be made to the full Parish Council meeting on Friday 11th January 2018 that the Parish Council object to the application on the basis that it does not comply with the NDP. This was seconded by Cllr Brickell and unanimously carried by the meeting.

1305 Chyreen Restronguet Point Feock TR3 6RB PA18/09460

The revised plans were viewed and the revision in fenestration/balcony recognised. Discussion followed regarding the size and scale of the proposal and centred around the addition of a first floor bedroom against the original approved application for redesign (PA18/03454)

RESOLUTION: Cllr Blake proposed the consultee comment for the application as: **The Parish Council maintain our objection to the scale of this proposal which is against NDP policy D1 and whilst we appreciate the removal of the glazed balcony screening and that there has been some reduction to the lower ground and first floor glazing we do not believe this sufficiently mitigates our objections and would wish to see a revised scheme which removes the central bedroom area to the top floor and therefore reduces the mass effect of the dwelling and the level of glazing. We would also reiterate our previous comment regarding resident's concerns over the recent level of development along Restronguet Point and its effect on neighbours and would request that should the scale and level of fenestration be satisfactorily reduced the planning officer incorporates reasonable conditions regarding traffic management into any planning permission granted including: no parking of construction vehicles on the road, loading and unloading to be carried out on site, no weekend or public holiday working, working hours limited to 8am to 6pm, mud and debris to be cleared from the road daily, verges to be restored to their original state and the developer to provide residents with a contact number for the main contractor. We would also request that due to the proposed loss of two trees mitigating measures i.e. suitable replacement trees are conditioned to any approval.** This was seconded by Cllr Thomas and unanimously carried by the meeting.

6. STATUTORY CONSULTATION – 5 DAY LOCAL PROTOCOL

It was noted that the Committee had agreed to disagree with Planning Officer's recommendation for approval re Appensleigh Pill Creek Feock PA18/07239 and discussion followed in which Cllr Morgan-Lundie expressed her disappointment at the approval of the application.

It was also noted that the Committee had agreed to disagree with the Planning Officer's recommendation for approval of the coppicing of the Ash tree at Tremanda 8 La Vague Feock PA18/09763

7. CORNWALL COUNCIL PLANNING DECISIONS – AGENDA REPORT 2

The following planning decisions made by Cornwall Council since the last meeting were noted and discussed.

APPROVED

- 1206** Penpol Boat Yard Trolver Croft **Feock** TR3 6RT **PA18/00507**
- 1262** Land East of Quenchwell Road Forth Coth **Carnon Downs** **PA18/04964**
- 1285** Appensleigh Pill Creek **Feock** TR3 6SD **PA18/07239**
- 1289** Land South of Gorseways Quenchwell Road **Carnon Downs** **PA18/08606**
- 1291** Land North of The Poplars **Devoran** TR3 6PF **PA18/08695**
- 1295** The Hideaway Harcourt Lane **Feock** TR3 6RW **PA18/09440**
- 1300** 28 Chycoose Parc Point **Devoran** TR3 6NT **PA18/09759**
- 1301** 23 Belmont Terrace **Devoran** TR3 6PX **PA18/09503**

REFUSED

- 1267** Top Sails at Pentui Pill Lane **Feock** **PA18/06151**

RESOLUTION: Cllr Allen proposed that Cllr Hambly-Staite be co-opted onto the Committee for the duration of the agenda item 8. This was seconded by Cllr Brickell and unanimously carried by the meeting.

8. CORNWALL COUNCIL TREE PRESERVATION ORDERS

Discussion took place in which the Committee agreed to continue with their efforts to ensure trees within the Parish are fully protected.

9. MATTERS TO REPORT

Discussion took place regarding concerns over the possibility of traffic issues caused by construction works to High Close, Carnon Downs. It was agreed, proposed by Cllr Thomas and seconded by Cllr Brickell that if it is still possible a request should be added to the Parish Council's consultee comment for the application that a traffic construction management plan should be conditioned to any approval. This was unanimously carried by the meeting.

Discussion took place regarding concern over the construction traffic at Featherbeds, Come-to-Good and it was agreed that it would be investigated if restrictions had been placed on the planning permission.

Cllr Morgan-Lundie questioned how the Planning Committee can ensure damage caused to a maintained highway is rectified by building contractors responsible. Cllr Alvey advised that anyone can report specific potholes to Cornwall Council. Cllr Brickell felt that this issue could be raised at the next Highways meeting. Cllr Alvey stated that it would be difficult to prove which developer caused specific damage unless the damage was witnessed. Cllr Hambly-Staite stated that he had been advised that photographs should be taken before the start of works and at the end to establish responsibility. Cllr Blake stated that it was mud causing the issues in Pill Lane. The Chairman stated that it was a maintained highway and if there are problems they needed to be documented and taken to Highways.

Cllr Alvey confirmed that he would give a resume of the AONB position regarding planning decisions at the next committee meeting and gave details of the Glover Report which is open for consultation until the 18th December which he felt the Parish Council may wish to take part in.

10. DATE OF NEXT MEETING

A date for the next committee meeting will be established in early January.

Signed:

Chair, Feock Parish Council Planning Committee

30th January 2019