

MEETING No.1271
Minutes of the meeting of Feock Parish Council Planning Committee held on
Tuesday 2nd November 2021 at 4pm
at the Parish Council Office, Market Street, Devoran TR3 6QA

Members present: Cllr Colin Blake, Meeting Chair, Feock Ward
Cllr Cathy Kemp, Carnon Downs Ward
Cllr Kate Gason, Carnon Downs Ward
Cllr Phil Allen, Carnon Downs Ward
Cllr Sue Cooper, Devoran Ward
Cllr Barrie Thomas, Devoran Ward

In attendance: Cornwall Cllr Martyn Alvey
Debbie Searle, Assistant Parish Clerk

Public present: 1 representative of Laurence Associates
5 members of the public

1. WELCOME & APOLOGIES

The Chair welcomed those present. Apologies were received and accepted from Cllr Robson.

2. MINUTES OF PREVIOUS PLANNING MEETING

RESOLUTION: Cllr Kemp proposed the minutes of the Planning Committee meeting held on 20th October 2021 as a true record of the meeting and be signed by the Chair. This was seconded by Cllr Cooper and carried by the meeting.

3. DECLARATIONS OF INTEREST

Cllr Blake declared a prejudicial and personal interest in planning application PA21/10176 and confirmed that he would leave the room when the application was discussed. Cllr Kemp would take over as meeting Chair for the duration of the discussion.

4. PUBLIC PARTICIPATION

Isabel Brumwell (IB) of Laurence Associates Chartered Town Planners, spoke in regard to PA21/09479, she stated that the site was already in use for purposes incidental and ancillary to the enjoyment of the house being used as a garden by the applicant since 2009. A fence has been installed and the character of the site is more in keeping as a garden and no works are required to obtain this change of use. She stated that the impact on the AONB would be non-existent. The proposal seeks to make lawful the continued use of the incidental and ancillary use of the site which is more akin to a residential garden than agricultural land. Photographs were tabled. Cllr Cooper asked for clarification of which were the 'incidental' and 'ancillary' uses of the land. IB stated that they were both quite broad terms, and it was difficult to be conclusive without a definition to hand.

Dr Joachim Stolte (JS) spoke to state that he was the applicant for PA21/09479 and had always thought that it was his garden, he had acquired the property in 2017, and would like to continue to use it as such. His neighbour had complained that they had erected a small Shepherd's Hut which they thought they had a right to do. They have no plans to do anything with the land other than to continue to use it as a garden. IB spoke again to provide clarification on the definition of ancillary and incidental uses which she had just obtained. Cllr Cooper questioned this information which contrasted with the definition she had previously obtained.

Cllr Gason questioned the statement in the application that the proposal would enhance the value of the property and in some way that would be good for the area. IB stated that the enhancement would be for the applicant's economic benefit for improving the existing property and you could argue that in enhancing the property you had enhanced the surrounding area.

Margaret Barry (MB) spoke in objection to PA21/09479 stating that she was a direct neighbour and believed statements in the application were misleading as there is no mention of the property's situation next to a Grade II listed building and that a Shepherd's Hut had been placed in the grounds in 2019. No planning permission has been given for the extensive works which have been ongoing since 2017. Both the neighbouring cottages are Grade II listed and protected by covenants, covenants placed on Oak House and the agricultural land have all been broken however she recognises that these are civil matters. The location of the Shepherd's Hut has destroyed the setting and ambience of the protected Grade II listed Mount Pleasant. The application incorrectly claims ownership of a piece of land. She asked for an Article 4 Direction to be placed on the property to protect the land. JS spoke again to discount some of the claims made by MB stating that they had not claimed ownership of the land in question and the Shepherd's Hut was a mobile unit.

Ann O'Shea (AO) spoke regarding PA21/09479 to state that the Shepherd's Hut appears to be a static building and has no knowledge of it moving since being installed. JS stated that it had wheels and could be unplugged and moved.

IB spoke further to state that her client had thought that the raised decking that had been installed at the property was covered under permitted development rights and as he had now discovered that it wasn't they are in the process of preparing a retrospective planning application to rectify the situation. Cllr Cooper questioned the location of the decking. IB confirmed it is an addition to the dwelling but abuts the boundary.

Mike Randall (MR) the applicant for PA21/09768 spoke to state that the property was in poor condition and benefited from recently received outline planning permission for one dwelling. He is the new owner and the proposal for one dwelling is not financially viable for him due to current circumstances and therefore he wishes to build a pair of semi-detached properties. Cllr Cooper questioned the size of the gardens. MR stated that they were approximately 6 x 6.5m which is an average size for a semi-detached house. He stated that they were unable to bring the properties forward and increase the garden area as they had to follow the building line along Forth Coth.

5. STATUTORY CONSULTATION – PLANNING APPLICATION FOR COMMENT

The following planning applications were considered, and the consultee comments agreed as follows

PA21/09479 (095) - Oak House Four Turnings Feock TR3 6QR

RESOLUTION: Cllr Blake proposed the consultee comment for the application as: **The Parish Council object to this application. The use of this agricultural land as a garden is a breach of NDP Policy BIO1 as it does not safeguard and enhance the natural environment and is permitting further development of agricultural land.**

The site is within 100m of the AONB and as such falls within the sensitive buffer zone, this proposal would potentially have an adverse effect on the integrity of the area and is therefore against NDP policy LS2 which seeks to safeguard the significance and conserve and enhance the natural beauty and special qualities of the AONB and its setting.

This proposal affects the setting of listed buildings as the field in question backs onto two Grade II listed cottages. Policy HE1 of the NDP aims to safeguard and conserve the historic environment to ensure that development will not be permitted if it has an adverse impact on the integrity of listed buildings. This is agricultural land which forms an important buffer between the property and the listed buildings. It has already been misappropriated as a garden which has had a detrimental impact on neighbours. A Shepherd's hut has been placed in the corner of the field which negatively affects the setting of one of the listed cottages by its overbearing and unneighbourly location.

If the status of land is changed there would be a consequent change in permitted development rights which could lead to further development of this agricultural land.

In summary the Parish Council object to this application, which is contrary to NDP policies BIO1, LS2 and HE1. This was seconded by Cllr Cooper and carried unanimously by the meeting.

PA21/09768 (093) - Windridge Forth Coth Carnon Downs TR3 6HH

RESOLUTION: Cllr Kemp proposed the consultee comment for the application as: **The Parish Council has no objection to this application.** This was seconded by Cllr Cooper and carried by the meeting with one objection (Cllr Gason).

PA21/10138 (093) - The Owls House Pill Lane Feock TR3 6SE

RESOLUTION: Cllr Blake proposed the consultee comment for the application as: **The Parish Council object to this application which is for a very large single storey extension on the end of a semi-detached cottage on the skyline at Pill Creek in the AONB. The proposed extension and link corridor is 8.5m long which is only 2m shorter than the frontage of the existing semi-detached cottage. The design does not reflect local character and identity though sensitive siting, or scale and it does not minimise the impact of development and is therefore contrary to NDP policy D1.**

NDP policies LS1 and LS2 state that development should not damage the quality of the Creekside landscape and should conserve and enhance the natural beauty and special qualities of the AONB and its setting. A fully glazed extension of this mass on the skyline does neither of these.

The proposal is also contrary to policy BIO1 of the NDP as it would not safeguard and enhance the natural environment and it does not enhance the green infrastructure of the Parish.

Also, in regard to NDP policy BIO2 which states that development proposals should seek to protect and incorporate non-designated trees that provide visual amenity and skyline interest, there is a Holly tree which appears to be damaging one side of the Monkey Puzzle tree. The Monkey Puzzle tree appears very healthy on the side where work is proposed and is unhealthy on the side where it is being encroached upon by the Holly. We would ask the Tree Officer to undertake a site visit to fully assess this concern.

In summary the Parish Council object to this application, which is contrary to policies D1, LS1, LS2, BIO1 and BIO2 of the NDP. This was seconded by Cllr Kemp and carried unanimously.

Cllr Blake left the meeting and Cllr Kemp took the Chair.

PA21/10176 (091) - Cobwebs Churchtown Feock TR3 6SD

RESOLUTION: Cllr Kemp proposed the consultee comment for the application as: **The Parish Council has no objection.** This was seconded by Cllr Thomas and unanimously carried.

Cllr Blake returned to the meeting.

6. SUBMITTED CONSULTEE COMMENTS

RESOLUTION: Cllr Blake proposed the following consultee comments submitted to Cornwall Council, as agreed via email between Committee members, since the last planning meeting be formally ratified. This was seconded by Cllr Cooper and carried by the meeting.

PA21/08946 (086) - Penlowen Restronguet Point Feock TR3 6RB

The Parish Council object to this proposal for a large building in an elevated position in the AONB.

One of the amendments necessary to achieve conditional planning approval for the previous application for this site PA20/07575 was the removal from the plans of this proposed summerhouse as stated by the Planning Officer '*The revised plans confirm that the detached summerhouse in the rear garden does not now form part of the development. Any new consent on the current application should include a specific planning condition to secure removal of the temporary rear construction platform installed in the rear garden area and the restoration of the garden levels back to their previous configuration. It is anticipated that access paths and steps will still be required in order to facilitate use of the garden and amenity areas across this steeply sloping site by the future occupiers of the development. With the associated landscape planting and restoration of levels these features would be far less visually prominent from the creek and their inclusion would be reasonable.'*'

The summerhouse would be clearly visible from the water and the opposite side of the creek, therefore the building together with the paths leading to it and its associated terraces, will increase the adverse visual impact and constitute over development of the site. It is contrary to policy D1 of the FNDP as it is not sensitively sited and does not minimise impact of development on the landscape. It also breaches Policy LS2 and BIO3 as it would not 'safeguard the significance and conserve and enhance the natural beauty and special qualities of the AONB.
Proposed by Cllr Cooper, seconded by Cllr Blake and agreed by Cllr Gason, Cllr Robson and Cllr Kemp and submitted to the online planning register on Tuesday 26th October 2021.

PA21/10023 (087) - Lower Quay Cottage Lower Quay Road Devoran TR3 6QB

The Parish Council consider that these trees contribute to the visual amenity of the Quay and the Creek and the works proposed should be reviewed, and a site visit carried out, by the Tree Officer and the Conservation Officer. Should all the proposed works be permitted it would cause significant detrimental visual impact. Any trees removed should be replaced with more appropriate varieties for example Sessile oak.

Proposed by Cllr Cooper, seconded by Cllr Blake and agreed by Cllr Gason, Cllr Robson and Cllr Kemp and submitted to the online planning register on Tuesday 26th October 2021.

PA21/10047 (088) - West Killigarth 36 St Johns Terrace Devoran TR3 6ND

The Parish Council has no objection to the proposed works.

Proposed by Cllr Cooper, seconded by Cllr Blake and agreed by Cllr Gason, Cllr Robson and Cllr Kemp and submitted to the online planning register on Tuesday 26th October 2021.

PA21/09637 (090) - Trelawney Churchtown Feock TR3 6SA

The Parish Council concur with the Tree Officer's comments that if the works are carried out sensitively and limited to that as indicated in the photographs, they have no objection.

Proposed by Cllr Cooper, seconded by Cllr Robson and agreed by Cllr Blake, Cllr Gason and Cllr Kemp and will be submitted to the online planning register on Wednesday 3rd November 2021.

7. PLANNING COMMITTEE TERMS OF REFERENCE

The wording of the Terms of Reference for the Committee was reviewed and agreed.

8. PLANNING COMMITTEE CHAIRMAN VACANCY

Cllr Blake agreed to step up to Chair of the Committee and Cllr Kemp agreed to take on the role of Vice Chair.

9. DATE OF NEXT MEETING

The date of the next planning committee meeting was agreed as Tuesday 16th November 2021 at 4pm in the Parish Council office.

There being no further business the meeting closed at 5.25pm.

Signed:

Feock Parish Council, Planning Committee

Wednesday 17th November 2021