

MEETING NO. 1140B
Minutes of FEOCK PARISH COUNCIL PLANNING MEETING held on
Thursday 9th June 2016
at the Parish Council offices, Devoran at 3.00 pm

Members present: B Richards
P Allen
C Shefford
I MacDonald
K Hambly-Staite
C Blake
C Kemp
B Thomas

In attendance: David Jones, KAST Architects
Nicholas James, KAST Architects
Biddy Woolston
Amanda Piercy
Chris Drewitt
Jenny Bladon
John Plank
Mary Plank
Paul Bateman, Influence Planning Ltd
Cornwall County Cllr S Chamberlain
Kay King

1. WELCOME & APOLOGIES

The Chairman welcomed those present, no apologies were received.

2. DECLARATIONS OF INTEREST

No declarations of interest were received.

3. PARISH COUNCIL POLICY STATEMENT

The Chairman stated that on Tuesday 7th June at the full monthly meeting of Feock Parish Council members debated and passed the following resolution:

That the planning sub-committee be guided, wherever possible, by the policies and statements within our Draft Neighbourhood Development Plan when considering planning applications.

He read out the following statement: "This is a practice which we have followed in general terms for some time, but as this planning sub-committee has no policy making powers, we felt the need to debate the issue and seek the backing of the full council for our stance, which was unanimously and freely given.

The reasons for debating this issue and passing this resolution were quite fundamental to the whole concept of Localism.

We find ourselves currently in something of an interregnum between more solid planning regimes. This is not the fault of the Parish Council or Cornwall Council and is in no way a criticism of either.

We have our own Draft Neighbourhood Development Plan which contains policies and statements which have evolved as a result of a full consultation process over the past three years within the parish in accordance with the Localism Act 2011, the introduction to which clearly states:-

‘For too long, central government has hoarded and concentrated power. Trying to improve people’s lives by imposing decisions, setting targets and demanding inspections from Whitehall simply doesn’t work.’

It continues:-

‘The Localism Act sets out a series of measures with the potential to achieve a substantial and lasting shift in power away from central government and towards local people..... and reform to ensure that decisions about housing are taken locally.’

We therefore feel very strongly that the comments we make and the decisions we take should reflect the desires and aspirations of the people we were elected to serve, that is to say, the parishioners of Feock Parish.

We fully recognise that we must be guided by legislation such as the National Planning Policy Framework and we must also take account of any other relevant policy guidance and documentation such as the Cornwall Local Plan.

However, we also recognise that the Cornwall Local Plan is still at a draft stage, is not set in stone and not through its final process of consultation.

Our own NDP has been through a final local consultation period and is now very close to being submitted to Cornwall Council for its inspection and referendum stages, we consider that the policies it contains should be given more weight in planning terms than some untried and untested parts of other documentation, such as the Cornwall Local Plan.

We recognise that this decision may, in some cases put us in conflict with applicants and with Cornwall Council, but we do not regret this and will defend our decision at County level and beyond if called upon to do so.”

Discussion followed which clarified that the Chairman’s statement was the background to the resolution that had been passed by the full Parish Council. Cllr Hambly-Staite emphasised that the neighbourhood development plan was the result of three years of public consultation.

4. PUBLIC PARTICIPATION

Nicholas James and David Jones of Kast Architects spoke regarding the previously withdrawn application for land adjacent to Creek End at Pill Lane, Feock. They stated that they had taken on board comments made by the Parish Council and wanted to run through the key changes made to the proposal prior to submitting a new application to Cornwall Council. The row of Lombardy Poplar trees would now be retained and plans were presented showing tree protection zones around the

trees. In response to the concern regarding the environmental implications of the foundations and associated hard landscaping they presented plans showing the planning approved scheme with a total footprint of 483.33sqm against the total footprint of the revised proposed scheme at 286.07sqm. Regarding the concern over the visual impact of the scheme the south west elevation plan presented stated the height as considerably lower than the approved scheme and with regard to the light pollution plans presented stated the proposed scheme has 6.5sqm less glazing than the approved scheme and 32sqm less glazing than the neighbouring scheme. Plans presented also showed the proposed scheme as considerably lower than the approved scheme and the large concrete chimney removed. Proposed finishes would now be local stone and untreated timber on the higher level. They also stated that a Construction Environmental Management plan would be produced and signed off by the Council post planning as a condition of any approved plan on the site and a Phase 1 habitat survey had been carried out and would be submitted with the application.

Paul Bateman spoke regarding application PA16/04149 advising that it had been subject to some negotiations with the local authority who had confirmed that they accepted the principle of the conversion of the building but had two questions regarding the structural integrity of the building, which had now been subject to a structural appraisal, and a request for a review of the materials used for the roofing. Two new plans had been submitted and his clients favoured the use of natural slate. The emergent survey for Bats had now been submitted and concluded that there was no roost within the building. In principle the application is supported by paragraph 55 of the NPPF and policy 7 of the emerging Cornwall local plan. He invited the members to support the application if they thought they were able to. The Chairman asked if there was any difference in the pitch and resultant ridge height to the two proposed roofing materials. Paul Bateman advised that the roof was at the minimum pitch natural slate would allow.

Paul Bateman also advised members that the appeal had been granted regarding the application for Devoran Boatyard so it had received outline planning permission and he had withdrawn the planning application.

Derek Reid advised that he did not wish to make any submission but was here to get the feeling from the meeting with regard to the proposed development near Porthgwidden.

Amanda Piercy spoke in objection to PA16/03840 informing members that she owned a property due south of the application site and also a triangle of woodland adjacent to the site. She stated that she objected to the application on three counts: drainage, safety and village amenity. The application repeatedly states that the site is not marshy or boggy and doesn't flood however the topography of the site is that it is all on a slope, with a spring draining into the field and a stream running along its edge. Developing two houses on the field will exacerbate the existing run-off problem with the proposed sewage treatment plant or septic tank adding a further estimated 2160 litres per day of foul water to the ground water load. The soak-aways will not be able to cope during the winter months when the ground is waterlogged and there is concern that contaminated water will then pollute the run-off and stream and eventually empty into the Fal. The Groundsure report has been prepared by people who have not even been to the site and the site needs to be looked at in the winter as it does flood. With regard to the corner and safety the application shows line of sight as 15m and 32m to the right, however you need 42m of clear sight for traffic travelling at 30mph and

there is a lot of holiday traffic that doesn't slow down. The Chairman advised that members had a site meeting with the applicant and had looked at the issues and thanked her for clarifying some of them.

Christopher Drewit spoke in objection to PA16/03840 endorsing previous comments made. Regarding the traffic, it is a pinch point location. Traffic coming from Harcourt lane turning left towards Loe Beach comes down fairly quickly and if walking you are vulnerable on the first corner with traffic coming up swinging out to avoid you and traffic coming down swinging out too so it is totally unsuitable as an access point. Regarding the foul water drainage the site is on a considerable slope and any foul water is likely to leak out of site, and at high rainfall times will be drawn out. Plans do not show where drainage will be located. Regarding the neighbourhood development plan the site is outside of the settlement boundary and there are no exceptions attached to the proposal to allow the breach of the plan.

5. MINUTES OR PREVIOUS PLANNING MEETING

RESOLUTION: Cllr Kemp proposed that the minutes of the meeting held on 9th May 2016 were a true record of the meeting and be signed by the Chairman. This was seconded by Cllr Allen and the minutes were duly signed by the Chairman.

6. STATUTORY CONSULTATION- PLANNING APPLICATIONS

The following applications were considered and decided as detailed.

915 Land North Of Chypraze, Quenchwell Road, Carnon Downs TR3 6LN PA16/04149

The Chairman summarised the application and advised that he had looked at 1841 tithe map and the older stone part of the building was on the map. He advised the meeting that members had attended a site meeting with the agent and applicants and matters relating to a protected species report, the amendment to the roof covering and design and the views of Cornwall Council's case officer. Cllr Allen stated that it was clear that the proposal complies with national planning policy but his concern is whether it creates precedent with our infill policy and whether it contributes to encourage the area of Quenchwell to become an infill area which it shouldn't be, he would therefore suggest that the Parish Council request that permitted development rights surrounding it be withdrawn. Discussion followed in which the Chairman stated that the only restriction would be to restrict permitted development of the plot itself and Cllr Allen agreed. Discussion followed and Cllr Kemp expressed that she felt it interesting and relevant that the 1841 tithe map had proved that there was a building there and felt positively disposed to this proposal.

RESOLUTION: Cllr Allen proposed the consultee comment for this application as: **We have no objection to the proposal as set out however the Parish Council is concerned that this application does not set a precedent towards infill in the general area and would wish Council Officers to consider any reasonable restriction to permitted development on this site.** This was seconded by Cllr Kemp and unanimously carried by the meeting.

920 Land North Of Porthgwidden, Harcourt Lane, Feock TR3 PA16/03840

The Chairman advised that six objections had been received and also that he understood the Friends of Restronguet Point would be making an objection. Objection grounds related to it being outside of the settlement boundary, serious concerns over drainage of the site and access. He advised that members had carried out a site visit. In policy terms he stated that the proposal site is outside of the settlement boundary and within the AONB and would therefore be development in the open countryside for which justification would need to be given. The access would need to be widened but adjacent hedgerows are old enough to be protected under regulations. Cllr Hambly-Staite stated that the agent quotes the NPPF extensively in the application but does not refer to the fact that the site is within the AONB and is therefore exempted and the rules do not apply. He has read the Groundsure report however the site is regularly waterlogged and when visiting the site with the applicant had to avoid an area of boggy land and the biodiversity report states bog growing rushes are on the land. Within the triangular piece of land adjacent to the site is a pool of water which grows in the winter. The current application does not include enough material to give confidence that the applicant is going to deal with flood risks. Water at times floods the road and blocks the drains. With regard to the access issue, to provide a safe sight line would lead to significant destruction of a Cornish hedgerow which is located in a significant rural area. He questioned if a covenant could be put on the woodland to protect it and stated that the site needs to be made safe and dry and the risks to neighbours of flooding need to be resolved. Discussion took place regarding the trees protected under the TPO. Cllr Allen stated that the principle needed to be considered; firstly it was not within the village envelope and not infill. Porthgwidden should not be accepted as a built up line between that area and Restronguet point. So the proposal cannot be accepted under current policies and as the development does not comply with our draft NDP policies we should therefore object to it. There is a flooding issue which is at variance with the application as set out. The access is not safe and we would have grave concerns over alterations which would make it safe. Cllr Blake stressed that after talking with Nick Johnson it is a proven medieval boundary hedge. The Chairman stated that with regard to the access it is not just the boundary walls, if widening the visibility splay there may be implications for one or two of the trees in the TPO area.

RESOLUTION: Cllr Blake proposed the consultee comment for this application as: **The Parish Council has a basic objection to the principle of development of this site because it is outside the Feock settlement boundary, it is also within the AONB and there has been no justification given within the application for breaching either or both of those boundaries. Should any development be permitted on this site we would have serious concerns about the intrusion into the AONB. We have very serious concerns about the water logging of the ground and we do not accept the Groundsure report which accompanies the application as it is a desktop assessment only and not based on a site visit. It is in direct conflict with evidence supplied by neighbours in their objections to the proposal. It also does not reflect the observations of the Parish Council who visited the site during a relatively dry period of the year. This also raises issues about ground water run off and foul drainage seeping down the slope into adjacent properties. We also have considerable concerns over the visibility from the proposed access to the site and the effect this may have on the protected trees adjacent to the site and also on the ancient hedges which are protected under hedgerow regulations. No satisfactory report has been provided with regard to the biodiversity of the site and the effects of development on the biodiversity. We wish to see this area of high local amenity retained as an area of open space and do not consider that the proposal complies with**

current infill policy. This was seconded by Cllr Hambly-Staite and unanimously carried by the meeting.

Cllr Kemp commented how helpful she had found Mrs Piercy's comments in that they were precise and on point. The Chairman thanked members of the public for attending the meeting.

916 Oyster Cottage, Roundwood, Feock TR3 6AS PA16/04028

The Chairman explained that it was a retrospective application for a shed recently erected on the site of a former shed which had been knocked down. Existence of the shed was brought to the attention of the Parish Council by a local resident and had been referred to planning enforcement who investigated and advised that it did require planning permission hence the application for retrospective permission. He further stated that works to the pontoon were still a matter we are hoping enforcement will continue to investigate. It was noted that no neighbour comments had been received and no other consultees have raised any objections. The enforcement officer had suggested that subject to a toning down of colour it would not be objected to in planning terms. Cllr Allen questioned if it was capable of domestic use as members would not wish to see a building that could be used for domestic holiday use. Discussion followed regarding restriction of domestic use and the suggestion of a condition on any approval.

RESOLUTION: Cllr Allen proposed the consultee comment for this application as: **The Parish Council is happy with the basic principle of the retention of this shed but we would like to see the colour and impact on the surrounding environment toned down and we would also like to see a condition imposed that it could not be used for purposes other than a garden shed or summerhouse. We note that there are no objections from neighbours. We do have ongoing concerns over the adjacent pier which is being investigated as a separate issue.** This was seconded by Cllr Richards and unanimously carried by the meeting.

917 1 Porthgwidden, Feock TR3 6SG PA16/04005

Discussion took place regarding applications relating to trees. The Chairman read out the Tree Officer's comments on the application.

RESOLUTION: Cllr Richards proposed the consultee comment for this 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 MacDonald and carried by the meeting with abstentions from Cllr Shefford and Cllr Hambly-Staite.

919 Land At Carnon Downs, Forth Coth, Carnon Downs TR3 PA16/03583

The Chairman advised that this was a submission of a much smaller proposal to the one which was refused a few months ago which had been for a much larger proposal and had received substantial objections. Objections to this application suggested that this was a small scheme but further development will take place on the site. The Chairman advised that members could not base a decision on this and if it is to be developed as an affordable exception site then any further development would have to be on the same basis. Cllr Allen questioned whether there was time to

take the application to the full Parish Council meeting; it was clarified that the consultee comment was required before the next full council meeting. The access issue was not a concern of Cornwall Highways so they would trump our objections if that was raised. Cllr Blake questioned how many concerns have been addressed by the reduction in size of the development. The Chairman stated that most of the matters would be relevant on a detailed application rather than this outline application. Discussion followed in which it was suggested that members can comment that we still have a fundamental issue with the access and drainage. The plan of the proposed access was viewed. Discussion followed in which it was clarified that members would only be supporting as an affordable led scheme and demand will be greatly reduced by Pengelly Meadows and potentially the Point Road site if approved and therefore Affordable Housing might not support it if demand is not there. Cllr Allen stated that the principle of this as an affordable led exception site he would support as this site is a reasonable site to have such a development. Cllr Kemp stated that she wished the concerns of neighbours be addressed. Cllr Hambly-Staite questioned if the scheme was necessary based on current demand. The Chairman advised that it is not known when the local plan is going to be approved, but do know that current affordable need would mean it would be difficult for them to support more than one further application and we don't know how many people will come onto it in the future. Cllr MacDonald questioned if there was anything more imaginative that could be proposed regarding the access and discussion followed.

RESOLUTION: Cllr Richards proposed the consultee comment for this application as: **We are fundamentally in favour of this site being developed as an affordable led exception site subject to need and subject to the reservation that we would be able to comment on other matters at such a time as is appropriate when we receive a formal full application. We remain unhappy with the suggested revision of the present traffic calming measures and we would like a further appraisal.** This was seconded by Cllr Allen and unanimously carried by the meeting.

921 Sanderling, Harcourt Lane, Feock TR3 6RG PA16/04580

The Chairman summarised the application and confirmed that it is within the settlement boundary and the surrounding properties are in fairly large plots. His concern is creating an access onto a bend and overdevelopment of the plot. Cllr Kemp commented that it looks very tight within its plot. It was noted that no neighbours had made any comments. It was discussed that the proposal would be a detached dwelling but very close to the host building. Cllr Hambly-Staite stated that there are trees on that roadscape and cannot see how the dwelling can be built without knocking down trees. He suggested that the only possibility for access would be a shared access from the host dwelling. Discussion followed.

RESOLUTION: Cllr Richards proposed the consultee comment for this application as: **We are not in favour of the principle of the sub division of this plot for a variety of reasons. Firstly the surrounding dwellings are in large individual plots so it would be out of character with the location, it would in our opinion be overdevelopment of a very small plot and also the proposed access onto the highway is extremely dangerous.** This was seconded by Cllr MacDonald and unanimously carried by the meeting.

922 Land West Of Bosbigal, Old Carnon Hill, Carnon Downs PA16/04542

The Chairman stated that the application was an exact copy of a previous application that had received the parish council's backing a few months ago but was now seeking to make use of a recent

high court appeal decision which changes the rules on affordable housing contributions. This judgement may still be overruled. The previous application was judged to be on the stated use of provision of affordable dwellings for the applicant's family and the current application states the same however the whole site is currently being advertised for sale by Lillicrap Chilcott. It is outside of the settlement boundary of Carnon Downs and was not supported under the basis of development in the open countryside. Cllr Hambly-Staite stated that the previous application was justified by the NDP policy H5 which supports self-build however this was not the case now and misleading. A lengthy discussion followed. Cllr Richards proposed the wording of a comment and further discussion took place in which Cllr Allen proposed an amendment to the wording initially discussed.

RESOLUTION: Cllr Allen proposed the consultee comment as: **We refuse to accept this application. The basis of the application that it is for two self-build dwellings for the applicants children appears to be in direct conflict with the fact that the site is being offered for sale on the open market.** This was seconded by Cllr Kemp and carried by a vote of four to three.

924 12 Trevince Road, Carnon Downs TR3 6LL **PA16/04678**

Further information just received from the case officer was viewed. Cllr Allen stated that the proposal would reduce the overall parking on the development. Discussion followed in which it was agreed that the development was designed to be open plan with plenty of parking and green features.

RESOLUTION: Cllr Richards proposed the consultee comment for this application as: **The Parish Council has a fundamental objection to the building of garages on a site which has already been planned as an open plan site with adequate parking space for each dwelling.** This was seconded by Cllr Kemp and unanimously carried by the meeting.

925 Rose Cottage, Penpol, Devoran TR3 6NW **PA16/04815**

The Chairman read out details of the application. Cllr MacDonald questioned the use of lawful development certificates and retrospective planning permission and lengthy discussion followed.

RESOLUTION: Cllr Richards proposed the consultee comment for this application as: **The Parish Council cannot support a certificate of lawful development as that would be seen to be condoning a practice which we find disagreeable.** This was seconded by Cllr Shefford and carried by a vote of four to three.

926 3 Church Terrace, Devoran TR3 6PU **PA16/04700**

The Chairman summarised the application. Members agreed that the application was incomplete as it did not have a conservation area application accompanying it and members would not wish to see upvc in the conservation area.

RESOLUTION: Cllr Richards proposed the consultee for this application as: **The Parish Council do not wish to see upvc used within the conservation area and consider that the application is incomplete as it does not have a conservation area application accompanying it.** This was seconded by Cllr Blake and unanimously carried by the meeting.

7. CORNWALL COUNCIL PLANNING DECISIONS

The list of applications decided by Cornwall Council since the meeting on 9th May 2016 was reviewed.

8. PLANNING PREAPPLICATIONS

The Chairman advised that members had held a pre-application meeting with a developer who wishes to build up to 38 dwellings in the field off Valley Lane in Carnon Downs. It is the same developer that had approached the Parish Council for an informal pre-application meeting in January and at that time members had raised serious concerns about access to the site, the size of the site in relation to the neighbourhood development plan and the need for the site in relation to local affordable housing need as the site would have to be an affordable led exception site. These points were reiterated to the developer at the meeting on Tuesday. Since the meeting the agent had confirmed that they have no objection to the proposal now being in the public domain. No formal planning application has been made to Cornwall Council at this time. Members have a fundamental objection to the proposal as the access is extremely difficult and it is outside of the settlement boundary so would need to be an affordable led exception site based on need.

9. UPDATE ON PLANNING APPLICATION PA15/11578 LAND WEST OF POINT ROAD, CARNON DOWNS

The Chairman gave a summary of the current situation regarding this proposal and provided members with the following report:

Feock Parish Council has been pleased to support the development of this site in principle since it was brought to our attention as a potential affordable led exception site almost three years ago by the site owner. We are also aware that the planning history of the site goes back many years before that. Since then there have been numerous meetings, both formal and informal with the owner, agent and also with others, including Affordable Housing, Environmental representatives and Cornwall Council Cabinet Member, Cllr Hannaford where various aspects of layout, design, affordable housing mix and the potential that this site could become an exemplar for building environmental considerations into new development, have been discussed at length. The major cause for current concern is that of affordable housing to be provided on site. During initial discussions on the potential for the site, it was always assumed that there would be at least at 50/50 split between affordable homes and open market homes. Over the lengthy period of time which has elapsed since discussions began, our knowledge and understanding of the principles behind affordable led sites has increased considerably as a result of our involvement with this and several other potential sites within the Parish of Feock and a general learning process on the part of Parish Councillors. It is now quite apparent to us, which may not have been clear when discussions first began, that it is not a simple matter of saying that at least

an equal number of new dwellings will be in the affordable bracket as are offered on the open market. Other considerations particularly the size and mix of these dwellings have to be considered and these need to relate directly to current local need. The whole question of financial viability is also a major consideration, but not one in which the Parish Council have or would seek to have any input or in any way try to influence. Taking all these matters into consideration, we would have to say that whilst our basic aim of seeing this developed as an affordable led exception site remains intact, we would defer to the professional knowledge and expertise of officers of Cornwall Council on questions relating to the mix of dwellings and financial viability of the scheme. The details contained in Mark Ball's email of 3rd June and the comments made by his colleague Christ Rose serve to illustrate that more work needs to be done to satisfy their current objections to the proposals as set out and we would sincerely hope that a satisfactory solution can be reached before this site is overtaken by others in the planning pipeline who are anxious to bring forward their own plans for affordable led exception sites within Carnon Downs and the wide the parish of Feock. As has clearly been stated in that email exchange *"the needs figures (together with the site under construction at Bissoe Road) are only sufficient for the Affordable Housing Team to support one further scheme in Carnon Downs at this time."* As this site is furthest forward in the planning process and one which we have supported from day one, we sincerely hope that existing differences on issues set out in the 3rd June email can be overcome without further delay.

RESOLUTION: Cllr Allen proposed that the Chairman's report was the agreed view of members. This was seconded by Cllr Blake and unanimously carried by the meeting.

Cllr Allen asked if there had been any update regarding the highways issues relating to the application. The Chairman confirmed that no update had been received. Cllr Allen stated that if the access is put where it is proposed it will make the road a race track and is unhappy that they don't appear to be dealing with it and stated that he would take the matter up with them. The Chairman commented that there is a danger that this development will be overtaken by another development.

Cllr Allen and Cllr Blake left the meeting at 17:20.

10. PLANNING APPEALS AND ENFORCEMENTS

The Chairman advised that he was in correspondence with Mr Tench regarding the enforcement issue with his neighbour at Creek Bank, Restronguet Point.

The appeal against the refusal at Devoran Boatyard has been upheld so the scheme will go ahead on the basis that it does not pose a significant flood risk providing that alleviating measures are taken in the detailed application.

11. TREE PRESERVATION ORDER UPDATE

The Chairman advised that he has been in contact with the legal department of Cornwall Council and is not aware of any objections to the proposed tree preservation order at Pill Creek, Feock. He is therefore hopeful that the order will become sustainable. Information and detail on other

orders within the parish is currently being sought and will be considered by the full parish council.

12. MATTERS ARISING

Cllr Kemp asked for an update on the application at The Owl's House. The Chairman stated the enforcement proceedings are continuing and it would appear that the property is still available to let.

Discussion took place on the presentation of the meeting's minutes and the use of the screen for viewing applications during planning meetings.

13. DATE OF NEXT MEETING

The next planning meeting was scheduled for Monday 11th July 2016, time to be confirmed.

The meeting closed at 17:30.

Signed :
Chairman, Feock Parish Council Planning Committee
11th July 2016