

MEETING NO. 1136
Minutes of FEOCK PARISH COUNCIL PLANNING MEETING held on
Monday 9th May 2016
at the Parish Council offices, Devoran at 3.30pm

Members Present: B Richards
P Allen
C Blake
C Kemp
I MacDonald

In Attendance: D Searle, Assistant Clerk
Cornwall Cllr S Chamberlain
Mr P Bateman
Mrs F Lister

PLANNING COMMITTEE CHAIRMAN: Councillor B Richards

1. WELCOME & APOLOGIES

The Chairman welcomed those present. Apologies were received and accepted from Cllr K Hambly-Staite.

2. DECLARATIONS OF INTEREST

No declarations of interest were received.

3. PUBLIC PARTICIPATION

The Chairman advised those present that an audio recording was being taken of the meeting for the purposes of assisting with the accuracy of the minutes.

Mrs Lister spoke to say that she was present to answer any questions that members may have regarding her application PA16/03218 Land south of Ponsmaen. No questions were asked.

Mr Bateman spoke regarding Devoran Boatyard PA16/02126 stating that it was a resubmission of an application which members had considered last year and were supportive of in principle. The application was refused under delegated power by the Case Officer following the 5 day local protocol. The single reason for refusal was based upon flood risk but not due to any risk to persons involved in future occupation but because there is an administrative duty for the application to pass a sequential test which considers if there are more suitable sites in less flood affected areas. The application has been resubmitted alongside a concurrent appeal as they have addressed a number of concerns with the sequential test process and as a responsible applicant have given the council the opportunity to review its decision making on this application. Their concern is a lack of consistency with sequential testing in Cornwall and specifically in how this sequential test was assessed, they feel that the sequential test submitted is passed as there are no other reasonably available sites available that provide the wider sustainability benefits as this application, these being improvement in maritime design for existing buildings, enhancement of the Devoran conservation area, the provision of housing in an area where there is a need and the support for local services. There are also special considerations for the regeneration of the site and sequential testing should be looked at regarding this. He gave details of Cornwall Council's consideration of the sequential test and specified two cases in Tuckingmill and Coverack which were

approved. Cllr Allen asked if, at the time of the previous application, the Planning Officer had raised with them the change of use and the loss of maritime services giving access to the water, and what their response had been. Mr Bateman confirmed that he did submit detail regarding employment, the deterioration in the buildings and that there had been a major shift in government policy. Cllr Allen accepted that there had been a policy change, but expressed concern that as it was clearly more financially lucrative to have waterside houses than boatyards. Mr Bateman acknowledged this was a fact but felt that there would be high value in the boatyards that are left. The Chairman questioned that the sequential test in the application is the same as submitted with the original application and is dated 2013. Mr Bateman stated that they had clarified that the site was within the conservation area and that it was appropriate to use the submitted test as it is the one being currently being considered by the inspector in the appeal case. The Chairman questioned that the information it contained at 6.22 was out of date and read out the paragraph. Mr Bateman stated that the information had been out of date at the last application and had been clarified, the Chairman pointed out that it was still out of date information which Mr Bateman accepted. The Chairman read out paragraph 7.4 of the report and stated that it seems that an arbitrary decision has been made that Devoran is the study area however Cornwall Council are suggesting it should be a much wider area, Mr Bateman agreed this was correct, the Chairman questioned if any consultation had taken place as recommended in their own report. Mr Bateman stated that they had tried to engage with Peter Philips who was reluctant to meet. Martin Woodley had said that he would take into consideration the two other applications. The Chairman stated that if you look at it in a parish wide context there have been approved applications for at least 6 new dwellings since the date of the last application, he suggested that it would not be an unreasonable compromise to suggest that a study takes into consideration the parish as the study area rather than just Devoran village. Mr Bateman confirmed that he had suggested this to Martin Woodley, the main issue is the difference between this and the wider sustainability benefits and they are linked directly to this settlement. The Chairman commented that of the nine sites detailed in the report, sites 6 and 8 now have permission and are both in flood zone 1. Mr Bateman stated that in terms of assessing sites there is a table from the environment agency but the national planning guidance goes further, looking at if they provide the same benefits as the current scheme, so in producing the sequential test you have to consider if those sites could be obtained at a value that would then allow the regeneration of the boatyard and that couldn't happen with any of those sites. The Chairman noted that the case officer had recently commented to Mr Bateman that the factors of site character and appearance would not outweigh the objection based on the flood risk and the failure of the sequential test. The Chairman asked Mr Bateman about the question of affordable housing to which Mr Bateman responded that if the application reaches determination and support then they would offer the small sites tariff of £26,000 which is the Council's supplementary planning guidance for sites of less than five however the reason that is on hold at the moment as a proposal is because on the 15th and 16th March a court of appeal case was held where central government challenged the judicial review on the lower threshold and that decision was due 4-6 weeks after that date, clearly if the government win the court of appeal case the threshold will change immediately. It was clarified that Cornwall Council's tariff applied if there were a net gain of two or more properties. The Chairman stated that there was a letter from a neighbour pointing out that the plans are six years out of date and don't detail her house, Aurora; he read out the letter. Mr Bateman stated that the officer is aware of that as part of their submission is that Aurora has lower finish floor level than the proposal and is more susceptible to flooding. Cllr Allen asked what would happen to the payment of £26,000 for affordable housing. Mr Bateman advised that it goes into affordable housing provision for the area (a public fund to support social housing). It was understood that it would be offered to the Parish for a period of up to three years. Cllr MacDonald questioned if there was a section 106 agreement on this application, the Chairman advised that there was not at present but there may be grounds for one as there may well be potential for a payment towards recreational facilities.

4. MINUTES OF PREVIOUS PLANNING MEETING

RESOLUTION: Cllr Kemp proposed that the minutes of the meeting held on 11th April 2016 were a true record of the meeting and be signed by the Chairman. This was seconded by Cllr Blake and the minutes were duly signed by the Chairman.

5. STATUTORY CONSULTATION – PLANNING APPLICATIONS

The following applications were considered and decided as detailed.

903 Devoran Boatyard, Greenbank Road, Devoran TR3 6PQ PA16/02126

The Chairman summarised the application and read out the previous comment made by the Parish Council and the letter from the neighbour at Aurora. He stated that it had already been mentioned that Aurora and another property further along opposite the Village Hall had been deliberately sunk down to conserve the views from parts of Devoran and in intervening years the flood risk assessment regulations have changed fundamentally so that you now have to build up to avoid a flood risk. So any proposal will now be considerably higher than Aurora and whether this is considered an unneighbourly issue strong enough to prevent the proposal going ahead is a matter for consideration. Whether the sequential tests had been carried out as required also needed to be considered and also confirmation that any affordable housing contribution issue needs to be satisfactorily addressed. Cllr Allen commented that the levels issue identify problems that occur when you build in tidal/flood plains, once you've given permission for a property which subsequently floods you're then required to give permission to take account of this new situation and inevitably build higher. The Chairman advised that in the Parish Council's previous comment we asked that the proposal will not take the ridge height of any new properties above the ridge height of the existing property. Discussion followed regarding the technicalities of flood risk and concluded with agreement that members would like a wider area considered for the sequential test rather than just Devoran. The other main issue is the question of affordable housing and consideration should be given to an off-site contribution of £26,000 in line with the small sites tariff. Cllr Allen stated that he was concerned at the loss of small boatyards in our estuaries and concerned that if it is left up to the market we won't have any small boatyards. The Chairman questioned the need for a viability test.

RESOLUTION: Cllr Richards proposed the consultee comment to Cornwall Council as: The Parish Council again has no objection in principle to the redevelopment of this site subject to a reappraisal of the sequential flood risk test which we feel should take in a wider area than Devoran village and would recommend that it takes into consideration the Parish area. We would also like to ensure that the site in some way contributes towards the affordable housing needs within the Parish. The Parish Council notes the concerns of the neighbour with regard to unneighbourly issues of the height of the proposed driveway and the noise element emanating from the suggested surfacing and would like these seriously considered before any decision is made. Any development should be in line with the submitted plans relating to ridge height. This was seconded by Cllr Blake and carried unanimously by the meeting.

910 Land South of Ponsmaen, Trevilla Hill, Feock TR3 6QG PA16/03218

The Chairman read out the details of the application and advised that it was an amendment of an existing permission. The comments of Cllr Hambly-Staite were read out in his absence. It was discussed that with regard to the landscaping work that has been carried out it did not appear that it was anything that would be covered under the tree protection order. Cllr Blake stated that he had no objection and felt that the trees that had been removed were justified. Cllr Kemp stated that she had no objection and felt that there was comprehensive illustrative details in the application regarding the works to the trees. It was noted that no neighbour comments had been received.

RESOLUTION: Cllr Blake proposed the consultee comment to Cornwall Council as: The Parish Council have no objection to the proposal as set out in the application and we note that there have been no adverse comments

from neighbours or other consultees. This was seconded by Cllr MacDonald and unanimously carried by the meeting.

900 31 Chycoose Parc, Devoran TR3 6NT **PA16/03062**

The Chairman read out the details of the application and commented that from the plans submitted it appeared that the roof of the conservatory cuts halfway across the patio doors. The plans were viewed and discussion followed in which it was assumed that the plans were supposed to show a flat roofed conservatory and the balustrade was around the balcony above. Discussion followed on this assumption and members agreed that they had no fundamental objection to the proposal subject to any neighbour's comments. It was confirmed that no comments had been received from the neighbours.

RESOLUTION: Cllr Richards proposed the consultee comment to Cornwall Council as: Feock Parish Council can see no material planning considerations for a refusal of the application. At the time of making this comment we have received no comments from neighbours or other consultees. This was seconded by Cllr Kemp and unanimously carried by the meeting.

902 Chy-An-Porth, Restronguet Point, Feock TR3 6RB **PA16/03052**

Cllr Kemp stated that the location of the garage was not clear from the application. Cllr MacDonald agreed that he felt the plans were insufficient. Discussion followed in which Cllr Blake suggested it was subterranean. The plans were viewed and discussed and members agreed that there was insufficient information within the application to make a comment.

RESOLUTION: Cllr Blake proposed the consultee comment to Cornwall Council as: Feock Parish Council considers that there is insufficient information given with this application to confirm the location of the garage or its design or method of construction and size. This was seconded by Cllr Richards and unanimously carried by the meeting.

903 Creek Cottage, Penpol, Devoran TR3 6NN **PA16/02842**

The Chairman stated that there were two sets of plans with this application both with the same date. Both plans were viewed. The letter of objection from the neighbours was read out. Discussion followed and it was noted that the patio doors now in situ are not the same design as in the plan. The Chairman voiced concern that if the wider balcony were approved there would be considerable overlooking issues, if the narrower balcony were approved there would still be some unneighbourliness but not so much as the balcony would not extend so far. The accuracy of the plans was questioned regarding the depth of the front garden and it was suggested that if the balcony is going to be 2.5m deep it would almost be overhanging the road. Cllr Allen felt that it wouldn't overhang the road but would possibly come a lot closer than the plan suggests, he stated that the issues could be resolved by further negotiation to reduce unneighbourliness as moving the balcony to the right hand side further would fully address the neighbour's concerns. Cllr Kemp questioned how far back the adjoining property was set and discussion followed in which the accuracy of the plans were again questioned as it was noted that there is already a window which overlooks the adjoining property. Cllr McDonald questioned if there was ambiguity over which plans were to be considered and discussion followed. Cllr MacDonald stated that he felt there was not an overlooking issue but agreed the application should be objected to on the grounds of the balcony being disproportionately deep from a point of view of proximity to the road and also on the grounds of setting a precedent. The Chairman stated that any balcony coming out 2.5m would cause impact to the road. Cllr Allen stated that he would like the case officer to check the position of the roadway in relation to the plans provided.

RESOLUTION: Cllr Richards proposed the consultee comment to Cornwall Council as: The Parish Council are uncertain which of the two proposals being put forward is the one we should be considering. On the

assumption that it is the smaller of the two we would still consider that there are issues of unneighbourliness to be overcome and would recommend the whole structure is moved away from the neighbour. We also have considerable concerns over the projection of any balcony towards the road and consider that the drawings provided are not to scale and would like this thoroughly checked before any approval is given. We have also noted the neighbour's assertion that a window has already been knocked into a doorway access to this proposed balcony and would like this to be considered as a matter for a retrospective application. This was seconded by Cllr MacDonald and unanimously carried by the meeting.

909 Killiganoon Farm House, Killiganoon, Carnon Downs TR3 6JT PA16/02835

The Chairman read out details of the application and discussion followed in which it was noted that the proposal does not seek to increase the footprint of the building and makes no alterations to the basic structure apart from altering the doors and windows. Members considered that subject to works being carried out in materials sympathetic to the structure there was no reason for refusal. Cllr Allen questioned if the building was listed and it was confirmed that it was not. Cllr Kemp questioned the lack of a bat survey in the application.

RESOLUTION: Cllr Richards proposed the consultee comment to Cornwall Council as: The Parish Council would like consideration given to a protected species survey in particular bats and barn owls but subject to this being satisfactorily concluded we have no objection to the proposals as set out and have received no neighbour comments at the time of making this comment. This was seconded by Cllr Allen and unanimously carried by the meeting.

911 Sequoia, 1 Fir grove, Carnon Downs TR3 6HQ PA16/03101

The Chairman gave details of the application and discussion followed in which it was noted that no neighbour comments had been received and that there would be no overlooking issues.

RESOLUTION: Cllr Richards proposed the consultee comment to Cornwall Council as: The Parish Council has no objection to the proposal as set out and have received no neighbour comments at the time of making our comment. This was seconded by Cllr Kemp and unanimously carried by the meeting.

912 Killicourt, Gig Lane, Carnon Downs TR3 6JR PA16/02823

The Chairman gave details of the application that it was resubmission of a previously approved application that had not been commenced in the required time. Discussion followed in which it was noted that no neighbours had made any comments.

RESOLUTION: Cllr Allen proposed the consultee comment to Cornwall Council as: The Parish Council has no objection to the proposal as set out and notes that no neighbours have made any comments. This was seconded by Cllr Blake and unanimously carried by the meeting.

913 Saqqara, Restronguet Point, Feock TR3 6RB PA16/04010

The Chairman read out the details of the application. Cllr Kemp stated that she felt the works had been sensitively considered by the applicant.

RESOLUTION: Cllr Kemp proposed the consultee comment to Cornwall Council as: Feock Parish Council has no objection subject to the agreement of the Tree Officer and would like to say that the application has been sensitively considered. This was seconded by Cllr MacDonald and unanimously carried by the meeting.

6. CORNWALL COUNCIL PLANNING DECISIONS

The following applications, decided by Cornwall Council since the last meeting on 11th April 2016, were reviewed.

815 Land north of Bodelvan, Restronguet Point, Feock TR3 6RB **PA15/08529** - Withdrawn

895 Land adjacent to Creek End, Pill Lane, Feock TR3 6SE **PA16/02002** - Withdrawn

889 Longholme, Tregye Road, Carnon Downs TR3 6JH **PA16/02905** - Approved

893 Creekside, Quay Road, Devoran TR3 6PW **PA16/02044** - Approved

894 Barfleur, Penelewey, Feock TR3 6QU **PA16/02086** - Approved

896 Creek End, Pill Lane, Feock TR3 6SE **PA16/02673** - Approved

888 Trefellyn, Penelewey, Feock TR3 6QU **PA16/02022** – Part approved/part refused

7. PLANNING PRE-APPLICATIONS

A pre-application meeting has been scheduled for Thursday 12th May in relation to a development proposal within the Feock Ward. A site meeting in regard to PA16/04149 had also been requested by the planning agent and members confirmed they were happy to meet this request and a date would be arranged via email for some time next week.

8. PLANNING APPEALS AND ENFORCEMENTS

Members were informed that an appeal had now been submitted to the Planning Inspectorate regarding application PA15/05910 (Stamps Hill, Trolver Croft, Feock TR3 6RT). The appeal was still ongoing regarding application PA15/06818 (Land North of Tregye Farmhouse, Tregye, Carnon Downs TR3 6JH). Cornwall Council's enforcement case EN14/02077 (Devoran Metals, Greenbank Road, Devoran TR3 6PQ) had been closed as the containers have been removed from the site. The case EN16/00619 (felling of tree at Porthgwidwen, Feock) had been closed as Cornwall Council's Tree Officer did not consider the tree was old enough to be covered under the Tree Preservation Order. The Planning Officer for EN16/00688 (Alleged construction of wooden pontoon and wooden summerhouse on stilts on/from the quay) had confirmed that the summerhouse does require planning permission and the owner is in the process of submitting an application. The Planning Officer for EN15/01034 (land adjacent to Pellow's Yard) had confirmed that a planning contravention notice is being issued.

9. PLANNING COMMITTEE VICE CHAIR

The Chairman proposed that Cllr Allen be asked to take the position of Vice Chair of the Planning Committee. This was seconded by Cllr MacDonald and unanimously agreed. Cllr Allen accepted the position.

10. MATTERS ARISING

Copies of Cornwall Council's Development Management Tool Kit were distributed to members. The Chairman advised that it relates to methodologies for judging landscape capacity and Kath Statham of Cornwall Council had agreed to give a workshop for members on relevant matters, in particular landscape and suitability of development and what the planning committee should be looking at when considering applications. It was agreed that the workshop would be best arranged for an evening.

The Chairman advised that Friends of Restronguet Point have written to the Parish Council and also to The National Trust, Natural England, National Association for AONB and Michael Crich (Corporate Director, Economy, Enterprise and Environment, Cornwall Council) and the local MP Sarah Newton, regarding overdevelopment in the AONB at Restronguet Point. He has corresponded with them to advise them of the AONB consultation document and also agreed to meet with them to discuss material planning considerations. Cllr Allen stated that it was difficult to rationalise what attitude to take to applications inside the AONB to those outside that was different and proposed that this was something that needed to be talked about

separate to any particular application. It was agreed that this was something that could be discussed at the workshop with Kath Statham.

The Chairman advised that a photograph had been received from the neighbour in relation to PA16/01566 (Creek Bank, Restronguet Point, Feock), and that the Parish Council had already made a comment on the application and are waiting for the decision.

Cllr MacDonald asked if in future application plans could be printed in A3 rather than A4 and this was agreed.

11. DATE OF NEXT MEETING

After discussion it was agreed the next planning committee meeting would be scheduled for Thursday 9th June at 3.30pm.

The meeting closed at 5.10pm.

Signed :
Chairman, Feock Parish Council Planning Committee
9th June 2016