

MEETING NO.1181
Minutes of the meeting of Feock Parish Council Planning Committee held on
Monday 31st July 2017 at 3.30pm
At the Parish Council Office, Market Street, Devoran

Members present: Cllr P Allen, Committee Vice Chair
Cllr I MacDonald
Cllr R Brickell
Cllr B Thomas
Cllr K Hambly-Staite

In attendance: Debbie Searle, Assistant Clerk
Cornwall Cllr Martyn Alvey
Mr Robert Orriss
Mr Nick Buscombe
Mr Nigel King
Mr Gerry Shaw
Mr John Michelle

Meeting Chairman – Cllr P Allen

1. WELCOME & APOLOGIES

The Chairman welcomed those present. Apologies were received and accepted from Cllrs Richards, Kemp, Morgan-Lindsey & Lightfoot.

2. MINUTES OF PREVIOUS PLANNING MEETING

RESOLUTION: Cllr Thomas proposed the minutes of the Planning Committee meeting held on 3rd July 2017 were a true record of the meeting and be signed by the Chairman. This was seconded by Cllr MacDonald and unanimously carried by the meeting.

3. DECLARATIONS OF INTEREST

No declarations were received.

4. PUBLIC PARTICIPATION

Mr Nigel King spoke in objection to PA17/05736 stating his continued objection to this proposed development in an AONB. He stated that he had supplied the Parish Council with information and photographs relating to the 5 or 6 enforcement cases that Cornwall Council had opened regarding the illegal felling of trees and the erosion of the protected Cornish hedge. The Chairman advised that the information supplied had been circulated to members prior to the meeting.

Mr Gerry Shaw spoke in objection to PA17/05736 confirming his endorsement of Mr King's comments that the main impact of the application was to the trees and Cornish hedge and stating that the new proposal involves demolishing more of the hedge. He stated that the Planning Inspectorate had dismissed 4 appeals.

Mr John Michelle spoke in strong objection to PA17/06478 advising that he owned Applewood, one of 5 bungalows surrounding the site. Sandoes is very dominant, overlooking bungalows and the proposed extension almost doubles house and causes overlooking and loss of their privacy. He is concerned at the size of the proposed extension which could in the future be subdivided into two properties and thinks that a single storey extension would be more appropriate and would hope that something more in keeping would be submitted.

Mr Nick Buscombe spoke regarding his application PA17/06478 advising that they have moved back to Cornwall from Cheltenham and moved to this house with a view to redeveloping the site to make it more appealing. There

is a strange looking outhouse which they wish to demolish and replace with a garage to accommodate two cars with storage space for equipment as he is a landscape gardener. He is willing to work with surrounding neighbours and the Parish Council to develop an appropriate scheme. He appreciates that the current gable end is a domineering structure and does not have a window and they would not have a window installed in the new extension as they would not wish to cause overlooking to the neighbour's garden and feel that any overlooking is minimal but willing to take neighbours' concerns into consideration. Comments have also been received from Mr and Mrs Watt who own a neighbouring property regarding domineering of their property however there is a group of trees with a significant Rhododendron which will be a screen and the proposal will not be any more domineering. Cllr Brickell asked why he wanted to go up so high with the roof of the garage. He advised that his wife is an Eye Surgeon and would like to study medical law and so they hoped to convert the top part of the garage into a home office but there were other options which accommodate this.

Mr Robert Orriss spoke regarding PA17/ 06478 advising that he lives at Southdowns immediately adjacent to the proposed garage. His concerns relate solely to the size, height and location of the enormous garage which stretches the full length of his garden and within a metre of the boundary. The overall roof height is 10 feet within the roof space and is very dominant and makes the garage the size of a bungalow, commercial or agricultural building and leads to concerns over its future use. He has no objection at all to sensitive development; Sandoes is a very undesirable looking building so he approves of any development which will bring about visual improvement, he feels that there is scope for negotiation with Mr Buscombe and would wish for the garage to be moved with the site to a location more mutually agreeable or a reduction in its height and size.

Cllr Keith Hambly-Staite spoke regarding the issues of enforcement of Tree Preservation orders on trees within the Parish advising that the Parish Council was recently instrumental in securing a new TPO on Pill Creek. There has been recent tree work activity at Pill Creek which is under investigation by the Enforcement team. He has been in contact with Cornwall Cllr Alvey who has asked that the Parish Council work with him on this so that the Authority realise that this is a significant issue. He is concerned at not only the felling of TPO trees at Pill Creek but also the apparent lack of enforcement action by Cornwall Council. The landscape character of Cornwall is an economic asset so looking at it from a business perspective he lives near a footpath where visitors often ask him what on earth we are doing in this County allowing trees to be felled and desecration of the landscape. He would therefore like to ask that Council look at the current issues and considers writing to Cornwall Council in support of the pressure being put by Cllr Alvey calling for a review of enforcement procedures. If the service needs to be staffed better than that needs to be looked at. An email recently received said that there is nothing the Council can do in terms of penalty therefore they need to read the Act of Parliament which states that the fine is unlimited.

Cllr Alvey spoke in response to Cllr Hambly-Staite's comments advising that he had seen the FOI request the Parish Council had put into Cornwall Council and their response to it. He stated that he is meeting this week with the Head of Enforcement, Mr Alan Mason and the Enforcement Officer, Katie Moseley who is dealing with the Pill Creek matter to discuss the wider enforcement issues within his division focusing on TPOs. Mr Mason has effectively admitted that the response to the FOI may have been a little misleading as it is answered by way of precisely answering the question asked and no further information is given which enables it to be put into context. In terms of the fines issue he confirmed that if the matter goes to court as a criminal prosecution the fine is indeed unlimited however the Council themselves do not have any powers to impose the fine and all they can do is get the applicant to replant the tree. They do still have opportunity to push for a criminal prosecution and he reiterated that it is not the Council that can prosecute. Cllr Allen asked if there was any support that can be provided for his meeting on Wednesday and Cllr Alvey confirmed that he will report back to the full Parish Council after the meeting. He advised that there had recently been a reorganisation within the enforcement team, which meant that enforcement issues regarding TPOs are now dealt with by Enforcement Officers with specialist advice received from the Tree/Forestry officers. He is aware that the number of Tree/Forestry Officers has been reduced. Cllr Hambly-Staite stated that comments made by Tree Surgeons suggesting that no enforcement action is ever taken by the Council was very concerning and not sending the right message. Cllr Alvey advised that he had received confirmation that Tree Surgeons can be prosecuted as well as the landowner. Mr Orriss commented that he had spent a day trying to contact a Tree Officer at Cornwall Council and found it impossible.

5. STATUTORY CONSULTATION - PLANNING APPLICATIONS – AGENDA REPORT 1

The following applications were considered and decided as detailed

1108 Land South of Stamps Hill, Trolver Croft, **Feock PA17/05736**

Cllr Allen read out the Parish Council consultee comment resolution for the previous refused application and read out the appeal report. The latest application still affects part of the Cornish hedge. Cllr Thomas wished to reiterate what had been said before, ancient hedges are protected structures. Discussion followed in which Cllr MacDonald acknowledged the material difference in the proposed application to the previous but felt that does not detract from the comments in the Appeal decision regarding the trees. Cllr Brickell queried the access and expressed concern that it was a dangerous access and would not allow the service of a dwelling (septic tank lorry etc).

RESOLUTION: Cllr Thomas proposed the consultee comment for the application as:

Whilst the Parish Council takes note of the material change in the reduction in size of the plot within this new proposal and the retention of additional garden area for Stamps Hill we do not feel that this is sufficient mitigation for the Inspectors decision made in dismissing the Appeal in 2016. We wish to ensure the further protection of trees and the Cornish hedge within the site and to see trees that have been destroyed or damaged replaced at the applicant's expense. We believe that the access is insufficient for servicing the property, that damage has been caused to the Cornish hedge and that any additional use would cause further damage. We wish to reinforce the view that we believe the proposed development would have a detrimental effect to the character of the area within the AONB and wholly object to the application.

This was seconded by Cllr Brickell and unanimously carried by the meeting.

1110 Bosalan, Restronguet Point, **Feock TR3 6RB PA17/05850**

Cllr Allen noted that whilst there had been a supportive comment from a neighbour, the AONB Officer had made a substantial comment and read out parts of the consultee comment objecting to the application. Discussion followed in which Cllr Allen suggested that 10-20% of the shoreline is now a concrete pad and that no one envisaged this when first approving slipways in this area. He acknowledged that it is now quite difficult to object to this application having not objected to previous applications in the area. He is pleased to see that the proposal is to cap it with a Cornish hedge but the AONB Officer's comments need be taken very seriously. Cllr Brickell questioned how many properties along Restronguet Point have slipways and the area was viewed on Google Earth. Cllr Allen advised that an ecological appraisal had been submitted with the application and read out the mitigating suggestions at 8.2 on Page 31. Cllr Hambly-Staite joined the meeting table (16:24) (having sat in the public gallery since the start of the meeting) and suggested that the proposed slipway appears to protrude into the seabed further than other slipways as they are seeking that they can get access at high and low tide and would therefore question the length of it. Cllr Allen suggested that most along there went down to low water. Discussion continued regarding the visual effect of the slipways along Restronguet Point. Cllr Brickell questioned if there would be any redress if the applicant decided to put on a pontoon at any time. Cllr Allen believed that the ownership of the foreshore would be with Truro Harbour Authority. Cllr Hambly-Staite advised that the AONB unit has recently produced their AONB management plan and are seeking to redress some of the issues of the past. He suggested that sometimes it was more appropriate to support an application and request detailed conditions than object. Cllr Allen read out a further section of the AONB Officer's comment regarding the cumulative landscape and visual impact from individual developments and stated that he wished to support the AONB Officer's views. Discussion followed regarding precedent and the cumulative effect of previous applications. Cllr MacDonald stated that he wished to support the AONB Officer's views.

RESOLUTION: Cllr MacDonald proposed the consultee comment for the application as:

Whilst not opposed to the construction of slipways on principle along Restronguet Point in this particular case the Parish Council wish to support the AONB Officer's objection to this application and in particular the cumulative effect of these engineering structures in this very sensitive area of outstanding natural beauty.

This was seconded by Cllr Brickell and unanimously carried by the meeting.

1117 Sandpipers, Quay Road, **Devoran TR3 6PW PA17/06427**

Cllr Allen summarised the proposed changes to the exterior of the dwelling and noted that the neighbour opposite had made a supportive comment. Cllr Thomas suggested that the proposed work would enhance the building.

RESOLUTION: Cllr Thomas proposed the consultee comment for the application as:
The Parish Council have no objection to the plans as submitted.

This was seconded by Cllr Brickell and unanimously carried by the meeting.

1118 Sandoes, King Harry Road, Feock TR3 6QN PA17/06478

The Chairman advised that information relating to the application had been given in the public part of the meeting and suggested that it had been acknowledged by all that the property has not had any work done on it for some years and does now warrant work being carried out. He felt that the main issue is the height of the proposed extension and the Parish Council would always wish for an extension to be subservient to the host dwelling. He also felt that the size of the garage was of concern. Cllr Brickell felt that the proposed garage was far too high and consideration should be given to neighbours' concerns. Cllr MacDonald advised that he had visited the site and felt that the garage would be more problematic than the extension being very large and very near to the road. He can appreciate that from the neighbour's point of view their space would be encroached on and felt that it would be difficult for the Parish Council to support the application in its current form. Discussion followed in which committee members expressed a desire for the application to be withdrawn by the applicant and reconfigured to allay some of the neighbours' concerns.

RESOLUTION: Cllr MacDonald proposed the consultee comment for the application as:
The Parish Council are not able to support the application as set out having concerns over the overall size of the two-storey extension and the height, size and positioning of the proposed garage. The Parish Council is however supportive of refurbishment and additions to the property and would hope that a compromise can be achieved between the applicant and neighbours.

This was seconded by Cllr Thomas and unanimously carried by the meeting.

1119 Fernleigh, Trolver Croft, Feock TR3 6RT PA17/06598

The Chairman advised that a site meeting had been held in January at the time of the previous approved application and read out sections of the meeting notes summarising the concerns of the neighbours at the time. He advised that the new proposal is to move the parking area further along the road and is therefore mitigating to some extent the concerns about car lights causing nuisance to the neighbours. The consultee comment for the previous application was read out.

RESOLUTION: Cllr Thomas proposed the consultee comment for the application as:
The Parish Council has no objection to this application.

This was seconded by Cllr MacDonald and unanimously carried by the meeting.

1111 Bryher, Feock TR3 6RU PA17/05999

The Chairman read out the details of the application and noted that no comments had been received from the neighbours.

RESOLUTION: Cllr Thomas proposed the consultee comment for the application as:
The Parish Council has no objection to this application.

This was seconded by Cllr MacDonald and unanimously carried by the meeting.

1121 Quay House, Pill Lane, Feock TR3 6SE PA17/06624

The plans were viewed and discussion followed in which the proposed works were clarified.

RESOLUTION: Cllr Thomas proposed the consultee comment for the application as:

The Parish Council has no objection to this application but would request a construction traffic management plan be provided with sensitivity to the narrowness of the lane.

This was seconded by Cllr Brickell and unanimously carried by the meeting.

1112 River View, Ropewalk, Penpol, **Devoran** TR3 6NS **PA17/06282**

The Chairman read out the details of the application and the difference between the approved application and the proposed amendments were clarified. It was noted that no neighbours had commented.

RESOLUTION: Cllr Thomas proposed the consultee comment for the application as:

The Parish Council has no objection to this application.

This was seconded by Cllr MacDonald and unanimously carried by the meeting.

1120 2 Dozmere, **Feock** TR3 6RJ **PA17/06578**

The plans were viewed and discussion followed regarding the appearance of the proposed cladding. It was noted that no neighbours had commented.

RESOLUTION: Cllr Brickell proposed the consultee comment for the application as:

The Parish Council has no objection provided that the additional cladding matches with that already approved.

This was seconded by Cllr MacDonald and unanimously carried by the meeting.

1116 1-4 Sand Cottages, **Devoran** TR3 6PF **PA17/05993**

The Chairman summarised the application and discussion followed.

RESOLUTION: Cllr Thomas proposed the consultee comment for the application as:

The Parish Council has no objection to this application.

This was seconded by Cllr Brickell and unanimously carried by the meeting.

1077 55 Devoran Lane, **Devoran** TR3 6PD **PA17/03344**

The Chairman referred to the previous consultee comment in which committee members had expressed concern over the parking situation and read out the email from the Case Officer asking for re-consultation due to the additional submitted plan showing parking spaces for the annexe within the curtilage of the property.

RESOLUTION: Cllr Thomas proposed the consultee comment as:

The Parish Council have no objection to the proposal now that the parking situation has been clarified.

This was seconded by Cllr Brickell and unanimously carried by the meeting.

1109 Derow, 4 Kelliwith, **Feock** TR3 6QZ **PA17/05930**

The Chairman read out the Tree Officer's comments.

RESOLUTION: Cllr Thomas proposed the consultee comment as:

The Parish Council support the comments of the Tree Officer.

This was seconded by Cllr MacDonald and unanimously carried by the meeting.

1113 Robinswood, 11 Kelliwith, **Feock** TR3 6QZ **PA17/06294**

The photograph and plan were viewed and discussion followed regarding the apparent discrepancy between the location of the trees on the site plan and the photograph.

RESOLUTION: Cllr Allen proposed the consultee comment for the application as:

The Parish Council is confused by the apparent discrepancy between the location of the Beech and Sycamore on the site plan and the photographic evidence submitted and will therefore defer to the Tree Officer.

This was seconded by Cllr Brickell and unanimously carried by the meeting.

1114 Trefellyn, Penelewey, Feock TR3 6QU PA17/06293

The Chairman read out the proposal.

RESOLUTION: Cllr MacDonald 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 Brickell and unanimously carried by the meeting.

1115 Ancarva, 5 Wellington Plantation, Penelewey, Feock TR3 6QP PA17/05853

Cllr Hambly-Staite made comments regarding the lack of tree management in the Parish and suggested that this exacerbated concerns with tree issues 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 Thomas and unanimously carried by the meeting.

6. STATUTORY CONSULTATION – 5 DAY LOCAL PROTOCOL

No 5 day local protocol communications had been received since the last meeting.

7. CORNWALL COUNCIL PLANNING DECISIONS - AGENDA REPORT 2

The following applications decided by Cornwall Council since the last meeting were noted.

APPROVED

- 1084 Creek End, Pill Lane, Feock TR3 6SE PA17/04303
- 1085 Little Pentrelew Annexe, Restronguet Point, Feock TR3 6RB PA17/03401
- 1086 Pentui, Pill Lane, Feock TR3 6SE PA17/04177
- 1089 20 Knights Meadow, Carnon Downs TR3 6HU PA17/04995
- 1090 18 Trevallion Park, Feock TR3 6RS PA17/04788
- 1091 Sandoes Gate, King Harry Road, Feock TR3 6QN PA17/04860
- 1099 Pengelly, Trolver Croft, Feock TR3 6RT PA17/05475
- 1104 St Croix, 54 Quenchwell Road, Carnon Downs TR3 6LZ PA17/05821
- 1105 Trethinnick, Trolver Croft, Feock TR3 6RT PA17/05812

REFUSED

- 1103 Harket Slip, Harcourt, Feock TR3 6SQ PA17/05606
- Former Devoran Car Sales Site, Devoran TR3 7NR PA17/03857

It was noted that since publishing the agenda the following applications had also been approved.

- 1092 Land North of Porthgwidde, Harcourt Lane, Feock PA17/04763
- 1095 Rear of Camelia House, Trevilla Hill, Feock PA17/04959

8. PLANNING PRE-APPLICATIONS

The committee were informed that Mr G Trebilcock had requested a pre-application meeting during August regarding a proposal to put two houses on land in Carnon Downs. It was discussed and concluded that a meeting would not be possible in August and that a date in September would be proposed.

9. PLANNING APPEALS AND ENFORCEMENTS

A report detailing enforcement cases opened and closed by Cornwall Council since the last meeting was noted. Cllr Hambly-Staite expressed his concern regarding the alleged poisoning of a TPO tree within the Parish.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

The Chairman gave details of Cornwall Council's CIL proposal and stated the CIL amounts proposed for different Parishes. Cllr Alvey provided further information in clarification regarding the setting of the CIL levels in different areas, advising that where the Council would wish to encourage development the CIL is set lower and where they wish to deter further development the CIL amount is higher. The Chairman noted that currently in Carnon Downs there would be a 19% tax which would increase to approximately 30%. It was noted that single plot infills may well not incur CIL as they may fall under self-build exemption. Section 106 is still a mechanism for use in obtaining education and highway contributions and will be worked alongside the CIL. Cornwall Council will decide where the bulk of the CIL income will be spent. Cllr Alvey advised that due to the Parish's Neighbourhood Plan 20% of this money would be kept within the Parish. Cllr Brickell suggested that it could make land purchase cheaper and Cllr Alvey advised that it is more about getting development moving. It was clarified that Section 106 contributions are spent directly linked to the development and the difference with CIL is that it can be used for infrastructure further afield. It is not possible to obtain Section 106 contributions and CIL monies for the same thing. Cllr MacDonald suggested that this is to address the wider infrastructure issues and Cllr Alvey agreed that CIL is used more strategically. The Chairman expressed concern that the CIL proposal in Feock Parish is inflationary and will make it even harder for local first-time buyers. The other aspect is that where local developments are affordable lead, with the additional burden of CIL it would be likely that on a development of 20 homes, where 10 are affordable the resultant additional level of CIL tax would possibly result in the reduction of affordable dwellings within the site. He is therefore concerned about the unintended possible negative effects of the CIL amounts. Discussion followed in which Cllr MacDonald questioned this concern and further explanation and clarification was given. The Chairman proposed a comment to Cornwall Council in consultation of the CIL and after discussion an agreement was unanimously resolved to write to a Cornwall Council Officer asking for clarification of the questions and issues discussed.

11. SECTION 106 AGREEMENTS

The Chairman advised that he and Cllr Richards were undertaking a review of the Section 106 agreements relevant to the Parish and noted that a significant affordable homes contribution would be received from The Valley development in Carnon Downs which will be of great benefit. He advised that he is looking at the issue of Section 106 education contributions and is hoping to arrange a meeting with Paul Renowden who deals with Section 106 Education policy at Cornwall Council which he hopes the Committee and Cornwall Cllr Alvey be able to attend.

12. MATTERS ARISING

It was noted that two further planning applications had been received since the agenda was set:

1122 17 Trevallion Park, **Feock** TR3 6RS **PA17/06889** Contorted Willow (T1) - fell because of excessive shading to border and other planting

1123 2 Elm Meadow, **Feock** TR3 6RN **PA17/06838** Single storey side extension to existing bungalow

It was confirmed that a request for extensions to the consultee comment expiry date for the applications, to enable them to be discussed at the next planning committee meeting would be made and if this proved not to be possible committee members would be canvassed for comments via email protocol.

13. DATE OF NEXT MEETING

The date of the next planning committee meeting was agreed as Monday 11th September. There being no further business the meeting closed at 6pm.

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