

MEETING NO. 1131
Minutes of FEOCK PARISH COUNCIL PLANNING MEETING held on
Monday 14th March 2016
at the Feock Parish Council Offices, Devoran at 3.30pm

Members Present:

WARDS	CARNON DOWNS	FEOCK	DEVORAN
	B Richards	C Shefford	No one present
	I MacDonald	C Blake	
	C Kemp	K Hambly-Staite	

In Attendance: Debra Roberts, Parish Clerk
Cornwall Cllr S Chamberlain
2 members of the public both in relation to The Valley application

PLANNING COMMITTEE CHAIRMAN: Councillor B Richards

1. WELCOME & APOLOGIES

Apologies were received and accepted from Cllr Shankland and Allen.

2. DECLARATIONS OF INTEREST

No declarations of interest were received.

3. PUBLIC PARTICIPATION

Mrs Horsfall from The Valley and Holly Nicholls from Lawrence Associates were attending regarding The Valley application PA16/00844. They commented that there should be no difference at all to the village of Carnon Downs if this condition was lifted and advised that the Councillors were more than welcome to come down to the site for a visit to see the layout of the site. Another site locally, Gwel an Mor have had a similar application approved and they felt this set a precedent. Falmouth Golf Club have also done the same with lifting a condition and Retallack Resort at St Columb is also currently being considered by Cornwall Council.

4. MINUTES OF PREVIOUS PLANNING MEETING

RESOLUTION: Cllr Blake proposed that the minutes of the meeting held on 16th February 2016 were a true record of the meeting and be signed by the Chairman. This was seconded by Cllr MacDonald and the minutes were duly signed by the Chairman.

The Chairman would like to rearrange the agenda to bring forward the appeals item as these may inform the discussions today. An appeal lodged against Cornwall Council's decision to refuse the application to build dwellings at Devoran Boatyard, the Parish Council had given this application their conditional support.

The Environment Agency advice was that it was on flood zone 1 and therefore liable to flooding. The Parish Council did not have any objection as long as the flood risk was satisfied.

The Chairman advised that there had been several enforcement issues recently, one of which is ongoing at Devoran Metals regarding temporary storage of containers, being stored one on top of the other as breaching planning height condition. On a cottage in Carnon Downs, the extension was reported to Cornwall Council as not having planning permission, Enforcement have advised that they will not be taking any further action as it would have been given permission anyway.

There was a retrospective application for a swimming pool at Restronguet Point, "Do I need planning permission?" advice sought and agreed could build without permission under permitted development rights, however due to it being moved 3 metres it now needs permission and retrospective permission is being sought.

5. STATUTORY CONSULTATION - PLANNING APPLICATIONS

The following applications were considered and decided as detailed.

882 Hunters Moon, Feock, TR3 6RU PA16/00505

Proposed front extension with motor garage and games room over, proposed loft conversion with rear dormer, proposed single story rear extension

RESOLUTION: Cllr C Kemp proposed that the comment be "Feock Parish Council notes that there are no neighbour comments or objections on this application and we can see no material planning considerations that would lead to refusal" this was seconded by Cllr Blake and carried.

883 The Nurseries, Road from The Nurseries to Bissoe Road, Carnon Crease, Carnon Downs, TR3 6LJ PA16/01172

Removal of condition 3 in relation to PA15/11224 for the store to be built first to enable storage

It is understood that the applicant are asking to amend the condition so they can build the large shed first so that furniture from the existing bungalow can be stored in the shed.

RESOLUTION: Cllr Kemp proposed that the comment should be "Feock Parish Council do not see a reason for the removal of condition 3 and would like to see a condition that all glass and non-recycled materials must be removed from the site", seconded by Cllr Hambly-Staite and carried.

884 Devoran Metals Ltd, Greenbank Road, Devoran. PA16/01571

Notification of proposed works to trees in a conservation area. Raise canopy of sycamore to 6 metres and remove ivy. Reduce/raise lower canopy of holly to clear the workshop by 1.2 metres by removing only hazel, sycamore, thorn and birch

RESOLUTION: The Parish Council is happy to accept the professional advice of Cornwall Council's Tree Officer for this application

885 Creek Bank, Restronguet Point, Feock, TR3 6RB PA16/01566

Retrospective application for the installation of a swimming pool and terrace

The Parish Council were invited to a site meeting to view the history of this application. There was a previous swimming pool in the lower half of the garden which was sold off by the previous owner for a building plot. The applicant contacted Cornwall Council and was advised that within his permitted development rights he would be able to build a new swimming pool, it was then found that the swimming pool was not built in the position of the original advice from Cornwall Council.

There had been 3 objections to the application which had been circulated to the Planning Committee, the two that had been received today were read out by the Chairman.

Cllr Hambly-Staite commented that the Permitted Development Act came into effect in April 2015 and this was after the date of positive advice was given to build the swimming pool under permitted development rights, therefore the letter from the Friends of Restronguet Point was not relevant.

Cllr MacDonald felt that Cornwall Council should be left to decide this application as this was a complex application. There was a long discussion regarding this application.

RESOLUTION: Feock Parish Council are unable to make a decision on this application on this stage and the Chairman proposed that we ask for a plan showing the site of the pool superimposed over the site of the pool proposed in the Permitted Development Rights submission and copies of the original correspondence on Permitted Development Rights. Seconded by Cllr MacDonald and carried.

886 Roundwood Cottage, Roundwood, Feock, TR3 6AS PA16/01822
Pruning works on 1 Beech and 1 Oak

RESOLUTION: The Parish Council is happy to accept the professional advice of Cornwall Council's Tree Officer for this application

887 Shipway, Penelewey, Feock, TR3 6QY PA16/00758
Proposed new dwelling

There have been 2 objections which have been circulated to the Planning Committee and these were read out. This dwelling has been previously approved but the dwelling has moved slightly and been re-designed which was why it had been resubmitted as a new application.

RESOLUTION: The Chairman proposed that "Feock Parish Council could see no material planning condition that would mean the application should be refused with the condition that trees are protected before, during and after construction".

888 Trefellyn, Penelewey, Feock, TR3 6QU PA16/02022
Works to trees subject to a tree preservation order. Removal of two beech trees and three oaks

RESOLUTION: Cllr Shefford proposed that "Feock Parish Council would prefer to see appropriate pruning rather than removal of these trees" seconded by Cllr C Kemp and carried by the meeting.

889 Land south of Oakdene House, Goonpiper PA16/01828

Outline application for a single dwelling on an outline plot

RESOLUTION: The Chairman proposed that the response be “Feock Parish Council could see no material planning consideration to recommend refusal of the application on the condition that before, during and after construction that the trees be protected”.

890 The Valley, Bissoe Road, Carnon Downs, PA16/00844

Application for removal of Condition 4 (Occupancy Restriction) on Decision Notice C1/OP07/1856/02/B - Erection of holiday cottages (replacing existing static, touring caravans and tents)

The Chairman gave the following statement on this application.

This is an unusual case and one where I sought to clarify the areas of material planning considerations and other issues which we should be looking at when making our consultee comment.

I contacted the case officer, Mr. Marsh and was given little guidance on aspects of material planning consideration. When prompted he agreed that to satisfy the matter of a potential affordable homes contribution from this site that it was possible that if the dwellings on site were not considered suitable for affordable housing then an off site contribution could be negotiated and made as part of the planning process. He also agreed that any other type of S.106 agreement, such as other community benefit would also be negotiable. A S.106 agreement for an education contribution is taken as standard from any multi-unit development and this would also be covered in the event of this application succeeding.

For those purposes therefore it is similar in many ways to any other multi-dwelling development, such as the new Taylor Wimpey development in Carnon Downs in terms of its potential community benefit.

Little other advice, unfortunately was forthcoming from him in aspects of planning law and guidance relating to this case.

I then contacted the applicant’s agent, Laurence Associates, and was given some advice on cases which they considered to be analogous to their own. These included Falmouth Golf Club, Retallick Resort near St. Columb and Gwel an Mor, Portreath. All of these have sought for various reasons to have conditions lifted which were imposed to limit full time occupancy of what were originally planned as holiday accommodation units.

I looked at these and the information available on them online under the county planning portal.

I also looked for similar cases in other parts of the country.

Most particularly I looked at the Gwel an Mor, Portreath application as this was, in my opinion, the most similar.

This was an application submitted under the reference PA13/06121 for:- “Removal of condition 5 of PA10/05285, to allow permanent residential occupation of 55 lodges.”

There were 67 objections to this application posted online, most of which were submitted on the same form, on the same day, it seems like a “job lot” gathered by way of a petition or similar process. Two others however were from Portreath Parish Council and Illogan Parish Council and contained reasonable statements relating to material planning considerations and local concern such as:-

“Attracting second home owners”, “rescuing a failed business proposal is not a material planning consideration”, “success cannot be guaranteed by lifting the condition”, “no affordable homes element” and “change the character of the development”.

I believe that all of these could be applied to the application we are discussing.

Despite all these objections however, the application at Gwel an Mor was decided at officer level.

It did not go to County committee or beyond that to appeal before a decision was reached.

In his conclusion on the notice of decision, the case officer makes the statement that:-

“The proposed development is a significant development in Portreath. The site is not one where open market housing would usually be accepted. The design and layout reflects that it is intended to be a holiday destination and it is considered that the development would still appeal primarily to the holiday/second home market.”

His final paragraph states:-

“Finally, it is recognised that with the removal of the holiday condition it is necessary and appropriate to contribute towards off site affordable housing and education provision.

Overall therefore it is considered that the benefits of the scheme more than outweigh any harm that may arise from the removal of the holiday condition.”

The application was approved.

I would suggest that in most aspects this decision at Gwel and Mor can, for purposes of considering what are the material and other planning considerations in this case and as an example of precedent and relevant case law, be considered very similar to the one we have before us.

Cllr C Kemp felt that as the development was already there and it would not make any difference to the village.

Cllr Blake asked if we know if the restrictions on the Gwel an Mor site were the same, the Chairman confirmed that they were similar. Cllr Hambly-Staite said that he had some concerns about parking cars and would there need to be car ports etc. to enhance the facilities. The Chairman commented that these would not be family homes, they would be second homes and for the lock and leave market. It was clarified that the plots would be leasehold. A contribution would be paid by the homeowners to the site owners to manage the environment and site.

RESOLUTION: THE CHAIRMAN PROPOSED THAT FEOCK PARISH COUNCIL SUPPORT THIS APPLICATION USING DETAILS OF THE PRECEDENT SET BY THE GWEL AN MOR APPLICATION BUT WOULD LIKE CONSIDERATION TO BE GIVEN TO OFFSITE AFFORDABLE HOUSING AND EDUCATION CONTRIBUTIONS AS APPROPRIATE, SECONDED BY CLLR MACDONALD, CARRIED BY THE MEETING.

6. PLANNING DECISIONS

The following applications, decided by Cornwall Council since the last meeting on 16th February 2015 were reviewed.

Approved:

PA15/11086 Blacksmiths Cottage at Carnon Downs

PA15/11077 Millpond Cottage

PA16/00649 Trolver Old Farm

Land North of Bissoe Road, minor amendment to Taylor Wimpey Pengelly Meadows development

PA15/11497 Ancora, Old Tram Road, Devoran

PA15/11474 Ridgewood at Restronguet Point

PA15/10997 St Antony at Pill Lane, Feock

Refused:

Applications for sub-division of plots at Fir Cottage PA16/00065 and Turbury PA16/00557 have both been refused on the condition that they are not closely enough related to local services.

The Owls House at Pill Lane, Feock (Boathouse application PA15/11812). Cllr Blake said it was concerning that Cornwall Council had raised no concerns about the actual alterations to the boathouse and their only concern was the risk of flooding. The Chairman would contact the Case Officer for The Owls House regarding the local suggestion that existing bookings could be honoured and to check if the property was still being advertised for letting as this would be unlawful.

The Chairman had written to Cllr John Pollard, the Leader of Cornwall Council expressing deep concerns about the planning management of Cornwall Council, especially the decisions of the Enforcement Team and inconsistency of decisions.

7. PLANNING APPEALS AND ENFORCEMENTS

This item had been covered earlier in the meeting.

8. PLANNING PRE-APPLICATIONS

There were no pre-applications for report.

9. MATTERS ARISING

There were no matters arising for discussion.

10. DATE OF NEXT MEETING

It was agreed that the next meeting would be arranged when necessary and the date advised.

There being no further business the meeting closed at 5.30pm

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