

MEETING NO.1215

Minutes of the meeting of Feock Parish Council Planning Committee held on
Wednesday 17th October 2018 at 3.30pm
At the Parish Council Office, Market Street, Devoran

Members present: P Allen, Chair
C Kemp
C Blake
R Brickell
K Hambly-Staite
M Bearcroft

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

Public present: Dr M Caldicott
Mr & Mrs J Brumwell
Mrs S Malekin
Mr R Hyde
Mr A Golay
Mr P Sydenham

1. WELCOME & APOLOGIES

The Chairman welcomed those present. Apologies were received from Cllrs Thomas, Freeman and Morgan-Lundie and Cllr Bearcroft and Cllr Hambly-Staite were co-opted, proposed by Cllr Allen, seconded by Cllr Blake and carried by the meeting, onto the committee for the meeting.

2. MINUTES OF PREVIOUS PLANNING MEETING

RESOLUTION: Cllr Blake proposed the minutes of the Planning Committee meeting held on 3rd October 2018 as a true record of the meeting and be signed by the Chairman. This was seconded by Cllr Kemp and unanimously carried by the meeting.

3. DECLARATIONS OF INTEREST

Cllr Hambly-Staite declared an interest in PA18/06151 (Top Sails at Pentui Pill Lane Feock TR3 6SE) and confirmed that he would not take part in the discussion of the application or vote.

4. PUBLIC PARTICIPATION

Dr Mark Caldicott spoke in objection to PA18/06151 (Top Sails at Pentui Pill Lane Feock) stating that the revised proposed dwelling seems to be larger than the previous building and breaches the Feock NDP, TPOs and the AONB policies. He expressed concern over the destruction of trees and wildlife habitat; the impact on the listed building and quay below the site, concern over the impact of construction lorries on the lane and the impact of the large areas of glazing on wildlife and privacy. He felt that the house would dominate the entrance to the creek and adversely affect to the AONB.

Mr Roger Hyde spoke in objection PA18/06151 (Top Sails at Pentui Pill Lane Feock) stating that very little has changed since the previous plan. A slot has been cut in the balcony on the line of the staircase to articulate the buildings, however the plan and scale stays the same. The same trees are being cut down and nothing in the application has changed regarding the effect on the AONB, the effect on the Creek and the scale of the building and he reiterates everything he said in his original objection which all still applies 100%.

Mr Joe Brumwell spoke in objection to PA18/06151 (Top Sails at Pentui Pill Lane Feock). He read out a statement from the revised design statement and the tree survey report and elaborated on his concerns over the destruction of trees on the site.

Mrs Shelagh Malekin spoke in objection to PA18/06151 (Top Sails at Pentui Pill Lane Feock) stating that the new building is no better than the previous design. She is very worried about the trees advising that there is a very good habitat survey carried out in April which shows a photograph looking down the creek showing young deciduous trees which will be damaged by the proposed building. This area is significant and was entirely wooded when the owners originally moved into Pentui and gradually this has been changed. She expressed great concern over the cumulative aspect of development of the Creek and the need to protect the beauty of the area.

Cllr Alvey arrived at 3.47pm

Mrs Sandra Brumwell spoke in objection to PA18/06151 (Top Sails at Pentui Pill Lane Feock) stating that she wished to emphasise the concerns of the previous speaker (Mrs Malekin) regarding development destroying the creek as it is and the need to look at it in the wider context. She felt that it was outrageous that the area cannot be looked after better as it is in an AONB. The applicants are trying to put a huge house in a wood; it is a shale hillside which is very fragile. She expressed further concerns over the destruction of trees and felt that there isn't going to be a tree left standing.

Mr Andrew Golay spoke regarding PA18/08695 (The Poplars, Devoran) advising that he was the agent for the application. The proposal is on behalf of the applicant's son who is working in the local shipyard and wishes to build a home adjoining his parents. The previous application was refused by Cornwall Council and the reason for refusal was the amount of separation from the main house, so following that refusal they have engaged with the Planning Officer and submitted a pre-app which has resulted in them bringing the proposed dwelling much closer to the original dwelling and orientating it so that it sits well in relation to the existing house. It will be a very traditional building and in character for the area. They will be using the same access; the impact will be minimal, and planting will be carried out to mitigate the new building. The site is next to other built forms and an industrial estate. No questions were asked.

5. STATUTORY CONSULTATION – PLANNING APPLICATIONS – AGENDA REPORT 1

1267 Top Sails at Pentui Pill Lane Feock TR3 6SE PA18/06151

Cllr Hambly-Staite took no part in the discussion and did not vote on the resolution.

The Chairman advised that the plans had been viewed and scaled and the revised proposal appeared to be slightly larger than the previous proposal and the Parish Council's previous consultee comment of objection was viewed. It was noted that the AONB Officer had maintained his objection to the proposal and stated that the Parish Council's had moved away from the previous view of precedent set and was now fully aware of the very negative cumulative effect that certain development in the AONB had caused. Cllr Blake acknowledged that part of the roof had been reduced by 50cm and also the stepped design but felt that this was a minimal improvement making very little difference and the application should be refused. He stated that the application was Contrary to the AONB management plan adopted by Cornwall Council as their strategic policy approach to the AONB. That the Neighbourhood Development Plan (NDP) stands alongside the Cornwall Strategic policy document and therefore the Council must take into consideration the views of the AONB panel and be aware that they are the experts. The NDP clearly states that the Parish Council supports Cornwall Councils strategic policy approach to the AONB and will do everything in its power to safeguard and enhance the natural environment which was emphatically endorsed by Parish residents at referendum. 25+ written objections have been made, many eloquently written with much detail and analysis of the impact of this development and we need to take heed of the depth of feeling against the proposal. The development goes against policies D1, LS1 and LS2 of the NDP. The very high percentage of fenestration plus the glass fronted balconies will cause reflection and light pollution. The proposal will cause the removal of TPO trees, specifically a *Chamaecyparis lawsoniana* (T3) which was probably brought back to this country by Carew Davis Gilbert (for Trelissick Estate) and planted in the late 1800's as Pill Creek was part of the Estate at that time. Cllrs spent considerable time and effort with Alan Rowe (AR), Cornwall Council's expert Tree Officer, assessing the trees at Pill Creek. This tree was given a B2 classification by AR and be of moderate importance with a life expectancy 20+ years. The Monterey Pine in woodland group W1 was given an A2 category, defined as being a very good tree with 40+ years life expectancy. The other trees in woodland W1 are all B2 and all have a 20+ years life expectancy. These trees are all clearly visible from the water and footpaths and roads on the western side of the creek and have considerable visual amenity value and, contrary to the

statement made within the application, the footpaths are in constant daily use, the creek is in constant use by canoeist, sailors and pleasure boats including the Enterprise. The revised NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and AONB's which have the highest status of protection in relation to these issues. There should be a thorough assessment on the impact of permitting development in these areas. It also states that applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. This proposal represents an inappropriate form of development within the AONB and by its inappropriateness has a harmful impact on the open undeveloped character of the AONB. It contravenes the Cornwall local plan, the AONB management plan and is a flagrant breach of the NDP and should be refused. Cllr Kemp congratulated Cllr Blake stating that she felt he had summed up the issues well and she would also wish to refuse the application.

RESOLUTION: Cllr Kemp proposed the consultee comment should be a combination of the previously submitted consultee comment together with elements of Cllr Blake's statement. This was seconded by Cllr Bearcroft and unanimously carried by the meeting.

For information the comment uploaded to the online planning register on 19th October after the meeting was:

The Parish Council remains strongly opposed to this development as the design, size and siting would represent overdevelopment of this site within the AONB to the detriment of the landscape and seascape and feel the revised proposal makes very little difference and the application should be refused. The application is contrary to the AONB management plan adopted by Cornwall Council as their strategic policy approach to the AONB. That the Neighbourhood Development Plan (NDP) stands alongside the Cornwall Strategic policy document and therefore the Council must take into consideration the views of the AONB panel and be aware that they are the experts. The NDP clearly states that the Parish Council supports Cornwall Councils strategic policy approach to the AONB and will do everything in its power to safeguard and enhance the natural environment which was emphatically endorsed by Parish residents at referendum. 25+ written objections have been made showing the strength of feeling amongst residents.

The proposed development is against Feock NDP policies:

BIO1: Safeguard and enhance the natural environment

BIO2: Tree and hedgerow protection and management

BIO3: Improving wildlife areas and green spaces

LS1: Protecting and enhancing seascape

LS2: Protecting and enhancing the landscape

D1: Design quality

The very high percentage of fenestration plus the glass fronted balconies will cause reflection and light pollution. The proposal will cause the removal of TPO trees. Parish Councillors spent considerable time and effort with Alan Rowe, Cornwall Council's expert Tree Officer, assessing the trees at Pill Creek and these trees were protected for a reason. These trees are all clearly visible from the water and footpaths and roads on the western side of the creek and have considerable visual amenity value and, contrary to the statement made within the application that viewer numbers are low, the footpaths are in constant daily use, the creek is in constant use by canoeist, sailors and pleasure boats including the Enterprise. The revised NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and AONB's which have the highest status of protection in relation to these issues. It also states that applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. This proposal represents an inappropriate form of development within the AONB and by its inappropriateness has a harmful impact on the open undeveloped character of the AONB. It contravenes the Cornwall local plan, the AONB management plan and breaches several policies of the NDP and should be refused. We also remain concerned about any future construction works along Pill Lane which would require very stringent construction management conditions due to the potential damage it could cause.

1290 Carnon Wollas Farm Old Carnon Hill Carnon Downs TR3 6LF PA18/08730

The Chairman summarised the application and read out the relevant condition of the planning decision notice (no.5) and stated that the reason for this clause was due to permanent non-holiday, residential use in this countryside location would be contrary to paragraph 55 of the NPPF. It was noted that paragraph 55 of the NPPF

was now paragraph 79 in the revised NPPF. The Chairman advised that when the Parish Council looked at it previously we were minded that we didn't wish to see permanent occupation and was supported in this issue. Cllr Brickell stated the dates for the use of the site, advising that the length of time that the site is not available is 4.25 months. He has looked at the site today and there are 2 caravans onsite which don't appear to be occupied, he has not seen that site at full capacity since it had opened and noted that there are no toilet or shower facilities. It states that it is eco-friendly but there is a 3600 septic tank. He has concerns should the site be expanded and questioned the large concrete pads that had been put down, he noted that no dogs are allowed on the site. Cllr Kemp questioned the link between the application and Para 55 (now 79 of the NPPF). Discussion followed regarding another local holiday accommodation site and precedent. The Chairman suggested that they should take the advice of the Planning Officer to ensure that permanent non-holiday residential use is avoided. Cllr Hambly-Staite asked for a definition of occupancy, Cllr Allen read out the statement from the planning decision and discussion followed. Further discussion took place regarding the sewerage system and the eco-friendly advertising of the site. The storage of caravans over the winter was also discussed. Cllr Brickell stated that the site was very visible and expressed some concern over the visual impact of the site.

RESOLUTION: Cllr Allen proposed the consultee comment for the application as: **The Parish Council understands that the gap in occupancy was required in order that permanent non holiday residential use in this countryside location was avoided. The Parish Council support this aim and would wish to retain adequate provision to assure this.** This was seconded by Cllr Brickell and unanimously carried by the meeting.

1291 Land North of The Poplars Devoran TR3 6PF PA18/08695

The Chairman advised that the Parish Council had no objection to the previous application and that they considered this was an area that could be included within infill and he was personally surprised that it was refused by Cornwall Council. He felt that this proposal could be considered as being too close to the house and it would be better situated further away. It was established that the proposed dwelling had been moved closer to the house to fit with planning policy. Cllr Kemp commented that the Planning Officer had stated that they would not now be objecting to the application and it was confirmed that a pre-application enquiry had been made to Cornwall Council where the Planning Officer indicated that the scheme had some merit. The Chairman stated that his view was that the proposal complied with the policies of the NDP.

RESOLUTION: Cllr Kemp proposed the consultee comment for the application as: **The Parish Council supports this application.** This was seconded by Cllr Blake and unanimously carried by the meeting.

1292 Woodlea Penelewey Feock TR3 6QU PA18/08903

The detail of the application was viewed and discussion took place regarding the proposed works and the TPO status of the area.

RESOLUTION: Cllr Kemp 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 these trees protected by a TPO.** This was seconded by Cllr Allen and unanimously carried by the meeting.

1293 Lantern Cottage 3 St Johns Terrace Devoran TR3 6PT PA18/08788

The Chairman summarised the application and the plans were viewed. Cllr Kemp expressed concern that the plans did not show the proposal in context with its surroundings. It was noted that no neighbours had commented on the application and the WHS Officer had yet to comment on the proposal. Discussion took place regarding the need for the Conservation Officer to give his view on the proposal to assess whether the size of the proposed building would cause detriment to the Conservation area. Discussion continued regarding the parking spaces being provided by the proposal.

RESOLUTION: Cllr Bearcroft proposed the consultee comment for the application as: **The Parish Council notes that this is a sizeable development within the conservation area and whilst it has no objection in principle would wish the Conservation Officer to look at the size and design to understand whether it is in keeping.** This was seconded by Cllr Blake and unanimously carried by the meeting.

1294 The Sail Loft Quay Road Devoran TR3 6PW PA18/08919

The Chairman described the proposal and the plans were viewed. Cllr Kemp felt that the proposal was an improvement. Discussion followed regarding its situation within the conservation area and the loss of garage space.

RESOLUTION: Cllr Kemp proposed the consultee comment for the application as: **The Parish Council has no objection to the proposal in principle but notes its location within the conservation area and would wish the Conservation Officer to consider the proposal.** This was seconded by Cllr Hambly-Staite and unanimously carried by the meeting.

1295 The Hideaway Harcourt Lane **Feock** TR3 6RW **PA18/09440**

The location plan was viewed. Cllr Kemp read out the comment supplied by Cllr Morgan-Lundie that she would object to the works. Discussion followed in which it was noted that no reason had been given for the removal of the tree and no photograph had been supplied. Discussion continued regarding Ash dieback and conditioning the replacement of trees.

RESOLUTION: Cllr Bearcroft proposed the consultee comment for the application as: **The Parish Council's policy within this TPO area is that trees are not removed without good reason and no reason has been provided therefore we object to this application.** This was seconded by Cllr Blake and unanimously carried by the meeting.

6. STATUTORY CONSULTATION – 5 DAY LOCAL PROTOCOL

A 5-day protocol letter had been received in relation to PA18/00507 (Penpol Boartyard, Feock) Cllr Allen summarised the history of the application and discussion took place regarding the parking at the site. It was agreed, proposed by Cllr Blake and seconded by Cllr Kemp that the Parish Council's response would be to 'Agree to Disagree' with the Case Officer's recommendation of approval and this was unanimously carried by the meeting.

A further 5-day protocol email had been received in relation PA18/ 07314 (Seamark, Penpol). The Chairman read out the Parish Council's previous comment on the application and discussion followed. It was agreed, proposed by Cllr Kemp, seconded by Cllr Blake and unanimously carried by the meeting that the Parish Council's response would be to 'Agree to Disagree' with the Case Officer's recommendation of approval.

7. CORNWALL COUNCIL PLANNING DECISIONS – AGENDA REPORT 2

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

APPROVED

1281 Parkwood Hill Carnon Crease **Carnon Downs** TR3 6LJ **PA18/07057**

1282 Quiet Quay Quay Road **Devoran** TR3 6PW **PA18/07009**

1288 18 Trevallion Park **Feock** TR3 6RS **PA18/08096**

REFUSED

1227 Brambles Trolver Hill **Feock** TR3 6RR **PA18/02493** Construction of replacement dwelling

8. PLANNING PRE-APPLICATIONS

An email received relating to land at Quenchwell Road, Carnon Downs was discussed. It was agreed, proposed by Cllr Allen, seconded by Cllr Kemp and unanimously carried that the Assistant Clerk would reply to the email advising that the proposal did not meet with NDP policies and that they may wish to approach a Planning Officer at Cornwall Council should they wish to investigate the requirements of Policy Statement 7, Paragraph 55 of the National Planning Policy Framework.

It was noted that a pre-application enquiry had been made to Cornwall Council for five holiday lodges at Blossoms, Four Turnings, Feock. An aerial view of the site was viewed for clarification of the location. The AONB status and the woodland nature of the site was discussed.

9. NEIGHBOURHOOD DEVELOPMENT PLAN

It was suggested and agreed by all present that a date in January 2019 would be determined for a meeting to discuss and agree items that could be considered for inclusion when the NDP is updated.

10. MATTERS TO REPORT

The Chairman reported that a very good meeting had been held with the Affordable Housing Officer, Andrew Prendergast, where Cllrs were given lots of information about how the Parish could promote affordable housing within the Parish. It was noted that potentially there was some money available through the Section 106 agreement from The Valley and Cllrs were left with the positive view that the parish could be instigators in this.

Cllr Hambly-Staite advised committee members over a possible planning enforcement issue which affects land adjacent to Trelissick Estate. Cllr Alvey advised that the National Trust Ranger should make a planning enforcement enquiry to Cornwall Council.

11. DATE OF NEXT MEETING

It was agreed that the date and time of the next meeting would be determined via email as soon as possible after the meeting.

There being no further business the meeting closed at 5.30pm.

Signed.....

Planning Committee, Feock Parish Council

7th November 2018