

MEETING NO. 1154
Minutes of FEOCK PARISH COUNCIL PLANNING COMMITTEE held on
Monday 14th November 2016 at 3.30pm
At the Parish Council Offices, Devoran TR3 6QA

Members present: B Richards
 P Allen
 C Kemp
 C Blake
 B Thomas

In attendance: D Searle, Assistant Clerk
 S Edwards, Apprentice Clerk
 Mr David Watson
 Mr & Mrs Bridle

1. WELCOME & APOLOGIES

All members were present

2. DECLARATIONS OF INTEREST

No declarations of interest were received

3. PUBLIC PARTICIPATION

David Watson spoke regarding PA16/09279 Chyreen, Restronguet Point, Feock. He stated that the piece of woodland was part of the original Porthgwidden Estate and had been untouched for 50 years. It is evident that the woodland has become a special habitat and wildlife corridor, there is a large badger sett, bats and dormice. It is also believed that there are preserved species there including three species of Owl, Woodpeckers, Black Caps and a Night Jar has also been heard. They do not deny that the woodland needs some management. Consulted with Wildlife Trust and Natural England and it is worth looking at site. The applicant has made two tree applications, the first was understandable in order to repair the sea wall, this is the second one. The TPO is much more recent than mentioned in TO's comment. Representing the eight individual households on Estate and rep of Friends of Restronguet Point. Cornwall Wildlife Trust and Natural England, point is we understand woodland needs managing but believe nothing should be done until the wildlife population has been assessed. The applicant, Mr Wason, has said that he wants to look after the special piece of woodland so if he cares about it he shouldn't mind delaying for 6 months to allow a proper survey to be carried out and a sensitive management plan put forward. He summarised that he was asking the Parish Council to lend support to his argument. No questions were asked.

Neil Bridle spoke regarding his application PA16/09242 to convert and extend the garage at Bridge Cottage, Penpol, Devoran TR3 6NW to a three bedroom dwelling. He stated that he understood from the pre-application held with the Parish Council that members had been quite comfortable with the proposal and was not putting forward a full planning application.

He stated that he wanted to emphasise the motivation for the application, that Bridge Cottage is subject to flooding and is seeking to future proof themselves and Bridge Cottage by this proposal. He advised that there was a tree in the adjacent garden that would present a problem for planning which had been discussed in the last pre-application consultation held with Cornwall Council and this had been resolved by building further towards Bridge Cottage and along the whole length of the garage. The plan was viewed and the tree and new proposal identified. They are now building 5m along the whole length of the garage and sinking it down to provide split level accommodation. It will be no more of an intrusion to Bridge Cottage and negates any danger to the tree. Cllr Kemp asked what would happen to Bridge Cottage? Neil Bridle stated that they are thinking of moving into the new property and holiday letting Bridge Cottage. The proposal would also provide the funds to put in a more substantial flood defence into Bridge Cottage. Cllr Kemp questioned the sinking down of the new development in relation to the flood risk? Neil Bridle advised that there is a 3m drop down to Bridge Cottage but they would only be lowering by 1m to keep the height of the proposal to the same as the garage, this would still give them 2m above the base level of Bridge Cottage. The Chairman commented on recent flood risk recommendations on other recent applications. Neil Bridle advised that at the pre-application with Cornwall Council it was made clear that planners wanted something that was sympathetic to Bridge Cottage and believes the current proposal does this. Cllr Blake questioned the main vehicle access and this was identified on the plan. Cllr Hambly-Staite questioned the location of the septic tank in relation to the flood risk. Neil Bridle stated that it was above the known high tide level and showed its location on the plan, he also confirmed that flaps and non-return valves will be fitted on the pipes.

Mr Watson and Mr & Mrs Bridle left the meeting.

4. MINUTES OF PREVIOUS PLANNING MEETING

RESOLUTION: Cllr Hambly-Staite proposed that the minutes of the meeting held on Monday 31st October 2016 were a true record of the meeting and be signed by the Chairman. This was seconded by Cllr Allen and the Chairman duly signed the minutes.

5. STATUTORY CONSULTATION – PLANNING APPLICATIONS - AGENDA REPORT 1

The following applications were considered and decided as detailed.

998 Chyreen, Restronguet Point, Feock TR3 6RB PA16/09279

The Chairman advised members that he had been to the site at the invitation of Mr Watson and also understood that Cllr Hambly-Staite had also visited the site. He stated that we need to distinguish between the strict rules of the planning application and any other informatives which should go on the application if it is to be approved. The planning application can be approved with conditions and informatives which can and should, in this instance, include that a full wildlife survey be undertaken before any work is carried out. Cllr Hambly-Staite stated that it was an interesting application as it has significant ramifications elsewhere which are recognised by the County Ecologist, however we don't have the luxury of waiting for possible policy changes. It is unfortunate that the Tree Officer has had consultation with the applicant and allegedly supplied wrong information, the correct Tree Preservation Order is dated 2003 and covers everything in the woodland. The application is to remove the bramble and rhododendrons but that has the potential to damage the woodland itself. We need to be mindful that woodland and trees need to be managed as if left it creates this

situation... The NPPF planning guidance states that with Tree Preservation Orders first and foremost it is visual and public amenity and the trees concerned must be considered to be under threat but it also states that it may include an assessment of the woodland to the nature conservation and Cornwall Council do not seem to be applying that at the moment but using a different set of rules i.e. when an application is received for development. This is however too late. The Chairman advised that the advice from the Tree Officer was given when he went to the site regarding the previous application and his comments are reflected in the online comments. It has been confirmed that the advice given was on the basis of an incorrect Tree Preservation Order and it has been agreed that he will need to amend the comments made online as it is the whole of the woodland protected. There is no doubt that the woodland is in need of management. As far as rules of planning are concerned the application cannot be refused on the grounds that a wildlife survey is necessary, what will happen is if the application is approved there can be an informative or condition put on the approval which states measures that must be undertaken before any work is carried out. Therefore unless and until the surveys are achieved it would appear that even though the application may be approved work could not commence. Cllr Allen questioned if members agree in principle that the woodland should be managed and suggested that if this were ancient woodland then we would not agree. He advised that it was part of the Porthgwidden Estate and would have been set out quite meticulously. It hasn't gone so far that it shouldn't be managed and would agree in principle that a management plan should be put in place but the elements of the wildlife survey should be put in place properly. Cllr Thomas summarised that by managing it you could be destroying the habitat. The Chairman advised that the indication is that the recommendation would be for the approval of the application with the rider that necessary wildlife surveys need to be carried out and approved. Cllr Hambly-Staite advised that Cornwall Council have an Ecology Officer specifically to advise them on ecological matters relating to planning applications and he cannot think of a better application than this one, a woodland potentially under threat, on which they should be consulted. Cllr Allen reiterated that Porthgwidden is very important, it was set out by Canon Philpott who was a member of the Horticultural Society and was an extremely avid horticulturalist.

RESOLUTION: Cllr Richards proposed a consultee comment for this application as: **The Parish Council understands that the comments made by the Tree Officer in relation to this application reference an incorrect Tree Preservation Order and in fact this area is covered by a woodland Tree Preservation Order dated from 2003. We would like to ensure that the County Ecology Officer is invited to comment on the application. We would also like to ensure that no work is carried out on the site until all relevant wildlife surveys have been conducted as suggested in the responses of the Cornwall Wildlife Trust and Natural England as they may relate to species such as Bats, Badgers, Owls, Dormice and any other protected species which may be found in the woodland area. The Parish Council has no objection to a properly managed system of woodland management taking place over a period of time in this area subject to the outcome of all wildlife surveys being strictly adhered to. The National Planning Policy Framework suggests that the value of woodland to nature conservation is a material planning consideration in applications such as this.** This was seconded by Cllr Thomas and unanimously carried by the meeting.

The Chairman informed members that the only change to the previous application is that there is now a hipped roof feature on the link between the two buildings as opposed to a flat roof. The change has been made following discussion between the applicant and the Case Officer so that it looks more in keeping with the original buildings. He advised that the committee had no objection to the previous application.

RESOLUTION: Cllr Richards proposed the consultee comment for this application as: **The Parish Council has no objection to the proposal as set out.** This was seconded by Cllr Allen and unanimously carried by the meeting.

1000 8 Trevallion Park, Feock TR3 6RS **PA16/09886**

The Chairman gave details of the application and it was noted that there were no online comments. It was discussed that dormer windows were being installed in the roof to gain additional living space.

RESOLUTION: Cllr Hambly-Staite proposed the consultee comment for this application as: **The Parish Council has no objection to the proposal as set out.** This was seconded by Cllr Thomas and unanimously carried by the meeting.

1001 Barfleur, Penelewey, Feock TR3 6QU **PA16/09711**

The Chairman advised that a year ago members agreed that they would go along with the comments of the Tree Officer on all applications relating to trees. Cllr Kemp questioned the Tree Officer's comments, she considered that they were ambiguous and asked for clarification of whether he was giving consent to pruning or felling the tree. It was agreed that he was recommending felling the tree and replacing with at Sessile Oak. Cllr Allen proposed that our standard comment should be used for this application. This was seconded by Cllr Richards. Cllr Hambly-Staite stated that the Tree Officer is not a member of the planning team, he is an adviser and has no more power than the Parish Council. He feels that there is a value if the Parish Council also comment so that the Case Officer is seeing the view of the Parish Council and also the view of the Tree Officer. He suggested that perhaps 2 or 3 Officers should be appointed the task of looking at tree applications who can then advise the committee at each meeting. The Chairman stated that this proposal will need to be an agenda item for the next meeting. Cllr Allen gave a history that the council previously had an advisor and that 18 months ago committee members had wanted to resurrect this however no one had come forward so it was on that basis that the resolution was made to go along with the Tree Officer's comments. If we can now find someone knowledgeable to give us that advice he would be very happy. The Chairman reiterated that it was not something to be discussed at the present time and will need to be on the agenda for the next meeting. He suggested that a job description be drafted in the meantime which Cllr Hambly-Staite agreed to do. The Tree Officer's comments in relation to this application were again discussed.

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 Kemp and unanimously carried by the meeting.

1002 Beech House, Four Turnings, Feock TR3 6QR **PA16/09976**

The Tree Officer's comments were clarified. The photographs were viewed and discussion followed. Cllr Blake expressed concern about Ash dieback and considered it better to remove the Ash and reduce the Oak. Discussion followed in which Cllr Richards proposed that it would be appropriate to go along with the standard comment to accept the Tree Officer's comments, this was seconded by Cllr Kemp. Further discussion took place.

RESOLUTION: Cllr Blake proposed the consultee comment for the application as: **The Parish Council would like to see the Ash reduced by 20% and the Oak retained.** This was seconded by Cllr Hambly-Staite and carried by the meeting.

1004 Whittericks, Churchtown, **Feock** TR3 6SA **PA16/09765**

The application details were clarified and the photographs accompanying the application were viewed. It was noted that the Tree Officer had not yet commented. Discussion took place regarding the works to the trees and the repair of the wall in relation to the description of the proposed works.

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.

1005 The Haven, Old Tram Road, Point, **Devoran** TR3 6NQ **PA16/10100**

Discussion took place regarding the location of the works and it was noted that the Tree Officer had not yet commented on the application.

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 Blake and unanimously carried by the meeting.

1006 Bridge Cottage, Penpol Hill, Penpol, **Devoran** TR3 6NW **PA16/09242**

The Chairman noted some errors in the application and read out the application description, discussion followed regarding the legal document being incorrect. It was noted that the first floor plan was missing and a correct plan had been requested from the Case Officer. It was discussed and agreed that fundamentally members did not have a problem with the principle of the application. Cllr Allen advised that the two cottages are historically the most important properties in the area and whilst he would normally discount any reasons for planning, the flooding of Bridge Cottage is a real problem and has been for many years and therefore this proposal is appropriate. Discussion followed and the plans were viewed and the tree discussed. Cllr Blake noted that Bridge Cottage is under flood threat from the road as well as the creek and further discussion took place in which members agreed that they would like to ensure that the proposal meets with the latest flood risk assessment.

RESOLUTION: Cllr Richards proposed the consultee comment for the application as: **The Parish Council are happy with the basic principle of the development however we would like to point out the basic errors in the application, particularly the number of bedrooms stated in the Design and Access statement and question 7 in the application form where we think they should have ticked yes. We also have concerns that the sewerage treatment plant appears to be going in without planning consent and also recommend a flood risk assessment to ensure that the proposal does not fall within the recognised flood zone and**

complies with related flood zone regulations. This was seconded by Cllr Blake and unanimously carried by the meeting.

Cllr Allen gave his apologies and left the meeting at 4.42pm

1007 Pipers Lodge, Goonpiper, **Feock** TR3 6RA **PA16/10196**

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 Kemp and unanimously carried by the meeting.

1009 Tristan Beeches, 8 Killiwith, **Feock** TR3 6QZ **PA16/10198**

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 Kemp and unanimously carried by the meeting.

1010 The Lookout, Penpol, **Devoran** TR3 6NZ **PA16/08708**

The lack of detail in the application was discussed and considered to be inadequate.

RESOLUTION: Cllr Richards proposed the consultee comment for this application as: **The Parish Council is unable to comment as the application appears to be incomplete in detail.** This was seconded by Cllr Kemp and unanimously carried by the meeting.

1011 Chinook, Trolver Croft, Feock TR3 6RT PA16/10329

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 Kemp and unanimously carried by the meeting.

6. STATUTORY CONSULTATION – 5 DAY LOCAL PROTOCOL

There were no 5 day local protocols 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 reviewed.

APPROVED

942 Car Park Adjacent To Old Vicarage and Church Hall, St Feock Church, Churchtown, Feock PA16/05778

959 Land Adj. Dunvegan, Quenchwell Road, Carnon Downs PA16/07179

980 Headlands, Penpol, Devoran TR3 6NP PA16/08058

984 6 Chycoose Parc, Point, Devoran TR3 6NT PA16/08674

988 Parc Minys, Restranguet Point, Feock TR3 6RB PA16/09472

990 Chy-An-Vre, Feock TR3 6RG PA16/09237

Decided not to make a TPO

1003 10 St Johns Terrace, Devoran TR3 6NE PA16/09884

REFUSED

979 Land South Of Oakdene House, Goonpiper, Feock TR3 6RA PA16/08484

989 The Old Barn, Harcourt, Feock TR3 6SQ PA16/08264

8. PLANNING PRE-APPLICATIONS

The Chairman reported that two pre-application meetings had been held since the last meeting. The first regarding Fir Cottage at Four Turnings which was the subject of a pre-application with Cornwall Council which was not considered favourable by them at the time. The second was regarding a proposed replacement dwelling at Trevean, Harcourt, Feock. Plans were viewed and the proposal appeared to be quite sympathetic to the existing dwelling. It was noted that when the application is received for formal consultee comment we will advise Mylor Parish Council as they may also wish to comment.

9. PLANNING APPEALS AND ENFORCEMENTS

The Chairman advised that a letter had been received from the Planning Inspectorate advising that the appeal for Land at Carnon Downs PA15/11988 will now be decided on the basis of an informal hearing on a date yet to be confirmed.

10. MATTERS ARISING

There were no matters arising.

11. DATE OF NEXT MEETING

The date of the next meeting was agreed as Monday 28th November 2016 at 3.30pm. This will be a Parish Council and Planning Committee meeting

Signed
Chairman, Feock Parish Council Planning Committee
28th November 2016