

**MINUTES OF THE FEOCK PARISH COUNCIL MEETING HELD ON MONDAY 26th JUNE 2023 AT 7PM IN
FEOCK PARISH COUNCIL OFFICES, DEVORAN**

Councillors present: CARNON DOWNS DEVORAN FEOCK
 C Kemp A Allen R Brickell
 P Allen S Cooper R Bowers
 J Allen K Hambly-Staite

In attendance: Debra Roberts, Parish Clerk & Responsible Financial Officer
 Debbie Searle, Assistant Parish Clerk
 Cllr Martyn Alvey, Cornwall Council Divisional Member, Feock & Kea
 15 members of the public

CHAIR: Cllr Richard Brickell

1. MEETING PROCEDURES & INTRODUCTION

The Chair welcomed everyone to the meeting and explained how the meeting would run and that members of the public would have 3 minutes each to speak during the public participation session.

2. APOLOGIES

Apologies had been received from Cllrs Fitt and Woolcock.

3. DECLARATIONS OF INTEREST FROM COUNCILLORS ON ITEMS ON THE AGENDA

There were no declarations of interest.

4. COUNCIL TO ADOPT REVISED PLANNING COMMITTEE TERMS OF REFERNECE

The revised terms of reference had been circulated to the Council with the agenda.

RESOLUTION: CLLR KEMP PROPOSED THE COUNCIL ADOPT THE REVISED TERMS OF REFEERENCE FOR THE PLANNING COMMITTEE, SECONDED BY CLLR COOPER AND CARRIED UNANIMOUSLY. CATHY, SUE, VOTE ALL ADOPTED

5. PUBLIC PARTICIPATION

Mr Bateman spoke regarding The Barn, Higher Tresithick, Carnon Downs

In the prevoius application there had been a glazed area, the neighbour had objected due to overlooking and this had been addressed in this new application. The height had also been reduced. There was a misunderstanding with previous case officer that permitted development rights had been removed from the barn, this is not the case and permitted development rights do now exist. This is important as this meant that without planning permission the applicant could extend 3 metres and 2 metres without any planning permission but they wish to be neighbourly and considerate.

A number of residents spoke in relation to the Market Street, Devoran application.

A neighbour spoke – they live next door and lose the right to access the outside wall of our extension to be able to maintain it. The proposed gap is 15 cm, would make it impossible to carry out any further maintenance. Numbers 24 and 25 had problems after number 23 had added an extension, the gable end moved substantially and moved the roof trusses. The resident was concerned this would happen to their property. There would be an adverse impact on the amenity value of their property and loss of privacy. The windows would overlook them, this was turning a small cottage into a large 4 bedroom family home and set a precedent, parking is already a problem in Market Street.

A neighbour spoke and was not objecting to the application but was neutral. It is not clear to most that there was a problem with the combined roof over 24 and 25. Structural engineering work had been carried out to stabilise the roof and install a firebreak. The main issue was to ensure the owner of number 25 is aware of what happened previously and hope that they will take into account this in the design and any works carried out. The foundations in Market Street are not modern and he has had to have works carried out on his properties foundations to make them more substantial.

A neighbour spoke and said that she had an issue with the Cellar proposal. She understood that there were issues with the drains, the drains are right outside her patio doors, the drain goes right down the properties parallel to her backdoor, digging a cellar would disrupt the drain system. This will affect the rest of the street. She was not objecting but feels the cellar isn't a practical proposal.

The Architect from D3 Architects for the project spoke. He had contacted SWW and had the drains had been located and they have plans to relocate drains as part of the project. The Cellar will not happen if the ground is stone, and this won't be know until the existing extension was demolished. With regards to the windows, there were currently 4 on the existing property and there would remain 4 on the new extension so there was no increase in windows.

Trevallion Park application

A resident spoke in support of the application at Trevallion Park and felt it was in keeping with the area and that the design minimises intrusion to the neighbour.

The neighbour spoke – They did expect this application to be made but were not contacted by the neighbours architect and would have liked to have input into the design to try to come to some agreement and not be in a position where they had to object. Their Living and dining area and decking enjoyment will be ruined by the extension, they felt it would overshadow and enclose their amenity space. A letter has been sent from their planning agent to the Parish Council and Planning Officer. This is in an AONB and this should be refused due to it being sited in the AONB and not in keeping.

Cllr Cooper asked how high the extension comes over the boundary as she felt that the extension was following the height of the existing building. The neighbour advised that the roofline would obliterate the amenity of their lounge and dining area and was right on the boundary.

The applicant of Trevallion Park spoke – he advised that they gave a brief to their architect to ensure we had privacy in our own property. Number 6 has windows and a patio overlooking into their own garden and property. He was very keen not to do anything to upset the neighbours, discussed with architect to make sure impact on neighbours was as low as possible, they could have applied for a 2 storey extension but this would have had a higher impact on the neighbour and they also had access needs and needed a one level dwelling. It is 3 metres in length and not 7 metres as stated. It would replace the the existing conservatory. Concerns had been discussed with the neighbours and the

extension had been reduced in length to take them into account. The view was a stolen view as it was through their conservatory and the applicant felt this impinged on their privacy when using their conservatory. They had tried to minimise the impact on the neighbours and were sorry that they were upset and objecting.

The architect for Market Street when asked how they would resolve the maintenance access issue for the neighbours said he was more than happy to discuss the design further with the neighbours to ensure they had access, that the gap should have a roof over it so it would be more protected and require less maintenance. The neighbours remained concerned this would cause damp in their kitchen.

6. STATUTORY CONSULTATION – PLANNING APPLICATIONS FOR CONSULTEE COMMENT

PA23/04364 (012) - Tolpoint Trolver Hill Feock TR3 6RR

After discussion the following resolution was passed to agree the Parish Council's consultee comment to be submitted to Cornwall Council.

RESOLUTION: CLLR A ALLEN PROPOSED THE FOLLOWING COMMENT BE SUBMITTED AS THE PARISH COUNCIL'S COMMENT, SECONDED BY CLLR COOPER AND CARRIED.

The Parish Council raise no objection to the proposal however is concerned at any increase in glazing to any property in the Parish due to concerns over harm to nature and wildlife and would ask the Planning Officer to encourage the use of glazing which reduces the risk of birds striking the building/balcony.

PA23/04562 (013) - Carinya Green Close Feock TR3 6SF

After discussion the following resolution was passed to agree the Parish Council's consultee comment to be submitted to Cornwall Council.

RESOLUTION: CLLR COOPER PROPOSED THE FOLLOWING COMMENT BE SUBMITTED AS THE PARISH COUNCIL'S COMMENT, SECONDED BY CLLR BOWERS AND CARRIED.

The Parish Council acknowledge that this design appears to be better integrated into the plot however the "distinctiveness" of the design leads it to be out of character in its setting and therefore contrary to NDP policy D1. Due to its location within the AONB we consider a consultee comment provided by the AONB Planning Officer is essential to fully assess the proposal in regard to NDP policy LS2.

We note the comment of the Tree Officer and agree that more detail should be provided regarding the impact of the proposed works on the entire site. We refer to NDP policy BIO3 and note that the application includes provision of bird and bat boxes and ask that consideration is also given to species such as house martins and swallows in the bird provision, and for bat foraging in the garden as this is an important wildlife area at night. To achieve this, in addition to the proposed formal landscaping there should be plans for wild and natural areas. We would also seek a condition attached to any planning approval to assure that night-time light will be controlled so that the building is insignificant in the night-time landscape. We are concerned at any increase in glazing to any property in the Parish due to concerns over harm to nature and wildlife and would ask the Planning Officer to encourage the use of glazing which reduces the risk of birds striking the building/balcony.

PA23/03655 (014) - The Barn Higher Tresithick Carnon Downs TR3 6JW

After discussion the following resolution was passed to agree the Parish Council's consultee comment to be submitted to Cornwall Council.

RESOLUTION: CLLR COOPER PROPOSED THE FOLLOWING COMMENT BE SUBMITTED AS THE PARISH COUNCIL'S COMMENT, SECONDED BY CLLR KEMP AND CARRIED.

The Parish Council note that to date no comments on the proposal have been received from neighbours. The site lies within the vicinity of Lower Tresithick Farmhouse, which is a Pre1800 farmhouse on the Local Heritage List, and therefore consider that the proposal needs to comply with NDP Policy HE1 to be acceptable. Policy D1 of the NDP also states that design of all development should respect and reflect local character and identity, through sensitive design and we are concerned at the effect the proposal may have on this rural area. The proposed increase in glazing is also of concern in reference to NDP policy BIO3 due to the harm it causes to wildlife areas and green spaces in particular a hazard for birds in flight and from light spill at night. We also query the appropriateness of the proposal in accordance with NDP policy LS2 which seeks to protect the landscape. In summary the Parish Council ask the Planning Officer to assess the application particularly in reference to NDP policies HE1, D1, BIO1, BIO3 and LS2.

PA23/04543 (016) - 25 Market Street Devoran TR3 6QA

After discussion the following resolution was passed to agree the Parish Council's consultee comment to be submitted to Cornwall Council.

RESOLUTION: CLLR A ALLEN PROPOSED THE FOLLOWING COMMENT BE SUBMITTED AS THE PARISH COUNCIL'S COMMENT, SECONDED BY CLLR HAMBLY-STAITTE AND CARRIED.

The Parish Council understand the wish to increase the size of accommodation and in principle have no objection to a rear extension however due to the location within the Devoran Conservation Area will defer to the Conservation Officer regarding the appropriateness of the scale, design and materials used. We are aware of the comments of neighbours regarding structural concerns and the effect of such works to adjoining properties and the terrace as a whole and feel that as well as the obvious need for appropriate structural reports and building regulation approval, that the possibility of structural harm to the terrace is something that the Conservation Officer should also be consulted on. With this in mind we are particularly concerned at the proposal for a basement and consider that this may be inappropriate. We also note the concern of the direct neighbour in accessing their property should this development proceed and ask the Planning Officer to consider the harm this aspect could cause and ensure that it is designed to allow adequate access for maintenance. We refer to NDP policy GA3 and note that the additional accommodation may lead to an increase need for parking and would also like this to be taken into consideration.

PA23/04191 (017) - Turnstones 7 Trevallion Park Feock TR3 6RS

After discussion the following resolution was passed to agree the Parish Council's consultee comment to be submitted to Cornwall Council.

RESOLUTION: CLLR KEMP PROPOSED THE FOLLOWING COMMENT BE SUBMITTED AS THE PARISH COUNCIL'S COMMENT, SECONDED BY CLLR J ALLEN AND CARRIED.

The Parish Council has no objection to this proposal in principle but note the comments submitted on behalf of the neighbour and would ask the Planning Officer to take these into account when assessing the application.

7. TREE PRESERVATION ORDERS

Cllr P Allen has looked at how TPOs are administered by Cornwall Council and written a report for Council's information which had been circulated.

The Planning Officer has to set out a policy as to how they deal with TPOs. He felt that the policy on Cornwall Council's website did not give a structured clear policy covering all areas that should be considered. Amenity was classed as views from a public space like a public right of way or open space and other factors such as a climate change and nature conservation should also be taken into account. Cllr P Allen did not feel that the wording on Cornwall Council's website clearly explained all the factors to be taken into account and how this would be applied. He felt that further guidance was needed from Cornwall Council's planning department on what exactly they took into account when reviewing TPO applications.

Cllr Hambly-Staite said that a number of years ago the Parish Council agreed they would request that Cornwall Council review the TPOs in the area. There is little or no enforcement and we get little support from Cornwall Council Planning.

Cllr Cooper the system is very disappointing and deeply flawed and is only based on what we can see and nothing on what we can't see. Lots of tree cover is not visible from public areas. Cllr Cooper said she felt that ancient trees should automatically be covered by TPOs because a lot of them are not seen from public areas, she would like to see more area orders.

Cllr Alvey said that Cornwall Council were struggling to recruit Tree Officers as there was a shortage. The Tree Officers advise the Planning Officers and they determine the merit of the application. If Planning try and oppose a TPO that doesn't fall within National policy then this can be challenged.

The Clerk advised that Cllr Alvey was trying to set up a meeting with the Forestry Officer for the Council following a request at the last Parish Council meeting.

Cllr P Allen said he wished to understand what Cornwall Council's interpretation of National Policy really was.

Cllr Hambly-Staite felt that the law was not being interpreted correctly and thoroughly enough.

Cllr Alvey said that he was trying to arrange a meeting with the Tree Officer and Matt Stevenson from Planning.

Cllr Bowers said he noticed that quite a few hedgerows had been cleared out and thinned recently.

Cllr Alvey said that the Hedgerows Act may be applicable but Cornish hedges are not automatically covered, this area was quite complex. T

It was agreed that if a meeting was not forthcoming then could Cornwall Council provide clarification on the one statement they use to determine TPOs.

It was agreed to put this paper on the agenda for the July Parish Council meeting.

There being no further business the meeting closed at 8.30pm