

## **MEETING NO.1200**

Minutes of the meeting of Feock Parish Council Planning Committee held on  
Monday 12<sup>th</sup> March 2018 at 3.30pm  
At the Parish Council Office, Market Street, Devoran

Members present: Cllr I MacDonald, Chair  
Cllr B Thomas  
Cllr C Kemp  
Cllr R Brickell  
Cllr L Morgan-Lundie  
Cllr H Freeman  
Cllr C Johnson  
Cllr C Blake

In attendance: Debbie Searle, Assistant Clerk  
Cornwall Cllr Martyn Alvey

Public present: Mr M Loosely  
Mrs C King  
Mrs K Spence  
Mr & Mrs M Randall  
Mrs H Whittingham  
Mr P Bateman, Influence Planning  
Mr & Mrs Butler  
Mr Wootton  
Mr R Biddell

### **1. WELCOME & APOLOGIES**

The Chairman welcomed those present and introduced the committee. He advised that the Feock Neighbourhood Development Plan had successfully passed its referendum and gave his sincere congratulations to all that had been involved with its production. Apologies were received and accepted from Cllr Allen.

### **2. MINUTES OF PREVIOUS PLANNING MEETING**

RESOLUTION: Cllr Kemp proposed the minutes of the Planning Committee meeting held on 19<sup>th</sup> February 2018 as a true record of the meeting and be signed by the Chairman. This was seconded by Cllr Thomas and unanimously carried by the meeting.

### **3. DECLARATIONS OF INTEREST**

No declarations of interest were received.

### **4. PUBLIC PARTICIPATION**

Mr Wootton spoke to register his objection to application PA18/00507 Penpol Boat Yard, Trolver Croft, Feock TR3 6RT.

Mrs and Mrs Randall spoke in support of their application PA18/01663 36 Devoran Lane, Devoran TR3 6RT. Mrs Randall stated that she grew up within Devoran and their aim was to create a long term family home in the local community and this is an affordable way of them being able to do so. They had previously submitted an application for a three storey dwelling but on reflection had considered that it was overdevelopment of the site and withdrawn it. They now wish to replace the small substandard property with a sympathetic two storey dwelling which they believe is sympathetic to the street scene.

Mr Bateman spoke in support of PA18/00507 Penpol Boat Yard, Trolver Croft, Feock TR3 6RT advising that he had a long term history with the site through his employment with Cornwall Council as a Planning

Enforcement Officer and gave details of previous issues with the site. He stated that under appeal permission had previously been granted for three dwellings on the site whilst under the ownership of Peter De Savary and that permission had been commenced by minor works to keep it alive. He stated that the former boatyard operator Brian Pope had said to the planning committee at the time “what is the objective for this site, so you want a working boat yard or not and if not we will build the three dwellings that have been commenced” and overwhelmingly the support was for keeping this traditional business. He stated that Mr & Mrs Butler have taken on the business which is thriving and they are keeping many people employed in a traditional maritime industry. The limitations of the existing boatshed are a constraint to its operation and there is a requirement for some extension. The proposal in that regard seeks to remove the existing temporary structure and replace with a good sound attenuating industrial element to increase the boatshed site and allow the business to thrive in accordance with policies to support economic growth and supporting jobs and skills. He stated that the second aspect of the application and perhaps the more contentious element of the application is the boat shed itself which is placed on the foreshore to allow boats to move in and out which provides effectively accessible dry docking for some boat works but also for residential accommodation above. In terms of how the boatyard is situated within the settlement, he stated that it is a sustainable location, is one benefitting from policy 3 of the Cornwall Local Plan. He believes that Penpol is an area identified with the NDP which can accept residential accommodation in a sustainable manner. He stated that the design of the boat shed has been undertaken to allow accommodation but also full accessibility along the retained foreshore and he is in negotiation with the Countryside Access Unit on further information that they want see in the plans. They don't look to interrupt in anyway the accessibility of the public access to the footpath that runs alongside the cliff edge. The residential accommodation will allow the operators of the boatyard to live on site which is obviously a very sustainable location and one which is unachievable in that location for obvious financial reasons in any other way. He summarised that the application consists of a proposal for a live/work occupational unit with commercial below to assist the boatyard and a more formal extension to replace the temporary structure to allow the operation of the boatyard. He will address all the concerns raised in writing to the Planning Officer.

Mrs Spence spoke in objection to PA18/00507 Penpol Boat Yard, Trolver Croft, Feock TR3 6RT. She stated that they have always supported the business and have been sympathetic to the applicants and have been very patient with the constant movement of traffic and the extended working hours. She stated that they did support the extension of the boatshed but do not support the boathouse dwelling, stating that it has no empathy for the local environment and community and that there had been very little stakeholder involvement. She feels that the property is enormous having 4/5 bedrooms and the visual impact is huge. The scale of the property is more than is required and she also questioned the right to develop on the foreshore. There is impact to the public right of way as the scale and proximity of the dwelling to the path will put people off using it. She stated that the AONB is there for the public to enjoy and not for profitable gain.

## **5. STATUTORY CONSULTATION - PLANNING APPLICATIONS – AGENDA REPORT 1**

The following applications were considered and decided as detailed.

### **1206 Penpol Boat Yard Trolver Croft Feock TR3 6RT PA18/00507**

The Chairman summarised the three elements to the proposal. He read out sections of the Restronguet Creek Society's comment which stated that whilst they were opposed to the proposal they did want to support what the applicants are doing. He also advised that Cllr Allen had submitted a comment via email that the proposal breaches policies LS1, LS2 and H1 of the NDP and he can see no mitigating exceptions that allow deviation from these primary principles. He stated that Mrs Spence has spoken today and that members had received her husband's assessment document at the last planning meeting. He stated that there seems to be a number of problems with the application, notwithstanding the overall desire to support the work of boatbuilding on the creek. The principle problems are the visual impact on the AONB, the site is also a County Wildlife site and a biodiversity target habitat. The precedent of building on the foreshore, which is legally questionable, and that it is also technically outside of the settlement boundary. The practical impact on pedestrian access along the foreshore, that whilst the proposal does allow for pedestrian access there is a degree of strength to the concern that the proximity to the back of the property would put people off the idea that they could walk along there. He also stated concern over the likely effect of construction and occupation on the already congested access to Trolver Croft and the general scale and massing of the

building itself. He would also refer to policy D1 of the NDP regarding sensitive siting which he feels this proposal does not fulfil in any degree. Cllr Blake stated that the NDP has passed referendum and looking at policies H1, H2, D1, LS1 and LS2 the proposal is contrary and he is therefore opposed to it, the precedent of allowing development on the foreshore would have implications throughout the county. Cllr Kemp reiterated the concern over the setting of precedent and also stated NDP policies did not support it and she could therefore not support the application. Cllr Brickell stated that he was of a similar view but also pointed out the wish to support the business. He asked if it was leasehold or freehold and stated that he was open minded, and whilst he does not approve of building on the foreshore he would like to support a business there, but feels that they should review their plan. Cllr Thomas stated that Cllr Allen's and Cllr Kemp's views reiterated his own, and he could not support the application. Cllr Morgan-Lundie could see why they wanted a domestic dwelling on site but cannot see why it can't be further back within the site and does not support building on the foreshore. Cllr Freeman also wondered if there could be development further back on the site, stated that she is also concerned about setting a precedent and the destruction of the AONB and beauty of the creek. Mr Bateman was allowed to speak to advise that in terms of legal activity the pontoons have been in use for over 10 years and is lawful through immunity from legal action and in terms of ownership there is possessory title. In terms of precedent he showed a photograph of a similar development in Golant given permission last year and suggested that this development would support the precedent argument and that there were no other boat yards with Feock Parish. Mr Wootton was allowed to speak and stated that when the site was purchased it was purchased as a commercial site which is massively discounted than if it were a residential site which he stated everyone seems to brush over.

**RESOLUTION:** Cllr MacDonald proposed that the consultee comment for this application would be worded in good faith after the meeting but would comprise of an objection to the boathouse dwelling part of the application and would include the following points:

- Expressing support of the work of the boatyard owners and appreciating the efforts that the boat yard is making to local employment
- Breach of NDP policies LS1, LS2, H1, D1, HE1, H4 which has passed referendum
- Noting the large number of objections
- Concern over the principle of the visual impact on the AONB
- Concern over the setting of precedent by building on the foreshore
- The practical impact of access to foreshore and effect of construction to area
- Foreshore being outside of the settlement boundary
- Stating that members have no problem with the extension to the boatshed part of the application

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

#### **1216 36 Devoran Lane **Devoran** TR3 6PD **PA18/01663****

Cllr Kemp stated that she had no objection to the design of the house, the one challenge is how it is going to be constructed due to the location and a traffic management plan will need to be put in place. Cllr Morgan-Lundie stated that she had reservations about the previous design but felt that she could support this application. Cllr MacDonald stated that the roof line had come down and was generally more in keeping with the roof lines on that side of the road. Cllr Thomas felt that he would like to support the application and that the design will fit in with the properties around it but shares Cllr Kemp's concerns about construction traffic and agreed with Cllr Kemp's views. No committee members expressed any opposition to the proposal.

**RESOLUTION:** Cllr Kemp proposed the consultee comment for the application as: **The Parish Council support the demolition of this sub-standard housing stock and the design of the proposed replacement but we have concerns of the traffic management during the project given the narrowness of the street and the movement of traffic at that point in the road could cause major disruption to the main road into the village. We also note that potentially a street car parking space will be lost.** This was seconded by Cllr Thomas and unanimously carried by the meeting.

#### **1210 28 St Johns Terrace **Devoran** TR3 6NE **PA18/01210 & PA18/01211****

Cllr Thomas advised that there have been similar extensions to other properties along St Johns Terrace. Cllr MacDonald read out the comment from the neighbour and discussion followed. Cllr Blake felt that it was the

Parish Council's purpose to comment on the visual impact and design of the proposal and not issues which are not material planning considerations. Cllr Morgan-Lundie instigated discussion regarding the design of extensions to listed properties.

**RESOLUTION:** Cllr Freeman proposed the consultee comment for the application as: **The Parish Council cannot support this application in its current form. We have no objection in principle to an extension to the rear of the property subject to the constraints of the Grade II listing on both the property and the boundary wall. However we note the points made by the neighbours in relation to construction difficulties and the structural implications for their property. We agree with the comment made by the Historic Environment team who feel that there is an absence of detailed information and robust justification for the proposal.** This was seconded by Cllr Morgan-Lundie and unanimously carried by the meeting.

**1213** Pencoose 11 Wellington Plantation Penelewey Feock TR3 6QP PA18/01324

Cllr Brickell instigated discussion about the location. The plans were viewed. Cllr MacDonald noted that there were two new roof lights being installed in the existing roof which had not been mentioned within the application.

**RESOLUTION:** Cllr MacDonald proposed the consultee comment for the application as: **The Parish Council support this application but note that there are rooflights to the existing roof shown on the plan not mentioned within the application.** This was seconded by Cllr Thomas and unanimously carried by the meeting.

**1205** Land West of Point Road Carnon Downs PA18/00698

The site plan was viewed and the location of the affordable housing element of the proposal clarified and discussion followed in relation of the Affordable Housing officer's comment. Cllr Freeman felt that it was disappointing that the smaller affordable houses were separated from the larger open market houses. Cllr Morgan-Lundie stated that recent planning training had stipulated that there should be different sized gardens mixed in to the development. Cllr Kemp noted that the Affordable Housing officer had stated that Carnon Downs was a settlement saturated with affordable housing proposals and discussion followed.

**RESOLUTION:** Cllr MacDonald proposed the consultee comment for the application as: **The Parish Council notes the comments of the Affordable Housing officer and shares his concerns regarding the disposition of the affordable units on the site. We retain our concerns that the footpath and crossing are fundamentally unsafe given the restricted sight line from the entrance of the development.** This was seconded by Cllr Kemp and unanimously carried by the meeting.

**1215** Bosalan Restronguet Point Feock TR3 6RB PA18/01661

The plan showing the proposed extension was viewed.

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

**1217** Silver Ferns Point Road Carnon Downs TR3 6JN PA18/02062

The block plan was viewed and the extension considered in relation to the effect on neighbouring properties.

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

**1209** Field Off Harcourt Lane Harcourt Lane Feock PA18/01286

The Chairman read out the comment from the neighbour regarding nesting birds.

**RESOLUTION:** Cllr MacDonald proposed the consultee comment for the application as: **The Parish Council is happy to defer to the Tree Officer but we note the environmental comments raised by the neighbour.** This was seconded by Cllr Brickell and unanimously carried by the meeting.

**1211** Loe Wall Loe Beach Feock TR3 6SH PA18/01590

Cllr Brickell advised that he had viewed the trees and they are leaning towards the public beach but he was sceptical whether T1 needed to be felled. Cllr Blake felt that the visual impact of removing the tree would be huge. It was noted that an application for the removal of these trees had been opposed by the Tree Officer in 2014 and that application had subsequently been refused.

**RESOLUTION:** Cllr Blake proposed the consultee comment for the application as: **With regard to T1 the Parish Council would defer to the Tree Officer but feels that these trees have significant visual amenity value when viewed from both the land and water. We have no objection to the proposed works to T2 and T3.** This was seconded by Cllr Freeman and unanimously carried by the meeting.

**1212** 7 Porthgwidden Feock TR3 6SG PA18/01194

The photographs accompanying the application were viewed and discussion followed.

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

**1214** 1 Market Street Devoran TR3 6QA PA18/01907

It was discussed that the tree whilst not visible from Market Street was very visible from Devoran Lane and the photographs were viewed.

**RESOLUTION:** Cllr MacDonald proposed the consultee comment for the application as: **The Parish Council will defer to the Tree Officer for this application.** This was seconded by Cllr Thomas and unanimously carried by the meeting.

**1218** Creek House Pill Creek Feock TR3 6SD PA18/01684

The application had been withdrawn due to the trees being too young to be covered by the Tree Preservation Order.

**6. STATUTORY CONSULTATION – 5 DAY LOCAL PROTOCOL**

A letter under the 5 day local council protocol procedure had been received regarding PA18/00492 Land to rear of Camelia House, Trevilla, Feock TR3 6QG. It was resolved, proposed by Cllr MacDonald, seconded by Cllr Blake and carried by the meeting (with one abstention) that the Parish Council would accept the Case Officer's recommendation.

**7. CORNWALL COUNCIL PLANNING DECISIONS - AGENDA REPORT 2**

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

APPROVED

- 1193 Roscownans Road From Mount George Road To Trevilla Hill Old Kea TR3 6AX PA18/00258
- 1194 Copper Oaks 18 Wellington Plantation Penelewey Feock TR3 6QP PA18/
- 1196 The Hideaway Harcourt Lane Feock TR3 6RW PA18/00416
- 1198 Twitterings Trolver Croft Feock TR3 6RT PA18/00618

DECIDED NOT TO TPO

- 1207 The Vicarage Devoran Lane Devoran PA18/01510
- 1208 Waters Edge Quay Road Devoran PA18/

WITHDRAWN

1204 Land off Harcourt Lane Harcourt Lane Feock TR3 6RW PA18/01188

**8. PLANNING POLICY INFORMATION DOCUMENT**

A copy of the policy information document was provided for each committee member.

Cllr MacDonald advised that he had updated the document for Restronguet Point and was in further discussion with Cllr Allen in relation to extending the area that the document covered. He advised that when this had been decided the document will be brought back to the committee for consideration and approval.

**9. PLANNING PRE-APPLICATIONS**

No meetings had been held since the last planning committee meeting. It was noted that a record of the meeting held regarding Creek Veau had been made in the minutes of the meeting on 19<sup>th</sup> February 2018.

**10. PLANNING APPEALS AND ENFORCEMENTS**

It was noted that an enforcement case relating to trees at Trolver Hill had been closed by Cornwall Council due to the trees in question not being mature enough to be covered by the Tree Preservation Order.

**11. MATTERS TO REPORT**

Cllr MacDonald reiterated that the Neighbourhood Development Plan had successfully passed referendum and that exactly 1000 Parish residents had voted with 86.7% had supported the plan.

**12. DATE OF NEXT MEETING**

The date of the next meeting was agreed as Monday 16<sup>th</sup> April at 3.30pm.

There being no further business the meeting closed 5.30pm

Signed: .....  
Chairman, Feock Parish Council Planning Committee  
16<sup>th</sup> April 2018