

PADSTOW TOWN COUNCIL

Station House
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Cornwall
PL28 8DA

Kathy Pemberton Town Clerk
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7 August 2019

TO: PLANNING COMMITTEE

Councillors: K Freeman (Chairman), F J Bealing, R Higman, A Rickard,
Mrs A E Symons and Mrs T Walter

Dear Member

I hereby give you notice that a Meeting of the **Planning Committee** will be held at the **Council Offices, Station House, Station Road Padstow** on **Tuesday 13 August 2019 at 7.00 pm or on the rising of Finance and General Purposes Committee meeting, whichever the later.**

Yours faithfully

N. Barnes
Kathy Pemberton
Town Clerk

A G E N D A

Public & Press are invited to attend.

- 1. To receive apologies for absence**
- 2. To receive announcements (if any):** For information only
- 3. To receive declarations of interest** relating to items on the agenda in accordance with Padstow Town Council's code of conduct.
- 4. Public Participation:** to receive submissions from members of the public relating to items on the agenda, in accordance with the Council's code of conduct & standing orders.
- 5. To agree the minutes** of the meetings held on **Tuesday 9 July 2019** pg(1-4)
- 6. Planning**
 - i. To advise of Cornwall Council planning decisions:** (pg 5-6)
 - a) PA19/00969 Land North West of Portscatho Dobbin Close Trevone Padstow Cornwall** – Full Planning for new dwelling.

WITHDRAWN

- b) **PA19/03229 Land West of Rock View Station Road Padstow Cornwall** – Reserved matters application for the construction of a dwelling following outline consent PA17/02179 dated 17/07/2017
APPROVED
- c) **PA19/03979 Bella Vista The Close Trevone Padstow Cornwall** – Proposed extension and reconfiguration of existing dwelling (re-submission of App No. PA18/06094) **APPROVED**
- d) **PA19/04157 6 Strand Street Padstow PL28 8BU** – Listed Building Consent for internal reconfiguration and changes to two windows externally in south elevation. **APPROVED**
- e) **PA19/04280 Greens Café and Crazy Golf North Quay Padstow Cornwall PL28 8AF** – The installation of down-lighters to the stone wall of the property at North Quay Parade to illuminate the historic stone wall on the approach to the entrance of the café and mini golf course. **APPROVED**
- f) **PA19/04808 Fulmar Trevone Road Trevone Padstow Cornwall** – Demolition of existing dwelling and construction of a replacement dwelling. **APPROVED**
- g) **PA19/04927 Land East of Tristan Trevone Road Trevone Padstow Cornwall** – Non material amendment to PA19/02527 dated 20/05/2019 for the construction of dwelling (amended design) namely to amend conditions nos. 2, 3, and 4 so as to allow the upper windows on the south-west and north-eastern elevations of the dwelling to open, but will have restrictive hinges, so as to comply with building regulations. **APPROVED**

ii. **To discuss and decide on responses to the following planning applications:**

- a) **PA19/05442 Hotel Metropole Station Road Padstow Cornwall** – Alterations and extensions to hotel to create new spa facility, external terracing, additional bedrooms and reconfigured car parking plus the addition of up to 10 new residential units on existing swimming pool site.
- b) **PA19/05600 Treravel House A389 between Greenlane & Padstow Road Padstow PL28 8LB** – Retrospective application for the siting of 5 static caravans for seasonal workers accommodation.
- c) **PA19/05684 28 Egerton Road Padstow PL28 8DL** – Certificate of Lawfulness for existing development for conversion of a rear conservatory to side extension.
- d) **PA19/05795 23 Egerton Road Padstow PL28 8DL** – Construction of single storey extensions and alterations to existing dwelling
- e) **PA19/05832 2-4 Duke Street Padstow Cornwall PL28 8AB** – Advertisement consent for wall mounted signs displaying company name and logo with fascia sign hanging sign.
- f) **PA19/06093 38 Treverbyn Road Padstow Cornwall PL28 8DN** – Proposed extension and alterations to dwelling.

- g) **PA19/06315 Dolphin Cottage 15 Lanadwell Street Padstow PL28 8AN** – Repair and re-roofing of pitched roof, parapet and chimney of a listed building.
- h) **PA19/06533 Dolphin Cottage 15 Lanadwell Street Padstow PL28 8AN** – Listed Building Consent - Repair and re-roofing of pitched roof, parapet and chimney of a listed building.

- 7. To note **Cornwall Councils Planning Enforcement Report** 1st April – 30 June 2019 (pg 7-11)
- 8. To note **date of next meeting:** Tuesday 10 September 2019 at 7.00pm

PADSTOW TOWN COUNCIL

Minutes of the Planning Committee meeting held on Tuesday 9 July 2019 commencing at 7.00 pm in the Council Chamber, Station House, Station Road, Padstow

Present: Councillors K Freeman (Chairman), F J Bealing, Mrs A E Symons and Mrs T Walter

In attendance: Mrs K Pemberton (Town Clerk), Mrs S Daly (Council Support Officer and Minute Taker), Councillor H M Saunders and 1 member of the public (part)

P2019/10 **Apologies:** Apologies were received from Councillors R Higman and A Rickard.

P2019/11 **Announcements:** There were no announcements

P2019/12 **Declarations of Interest:** There were no declarations of interest.

P2019/13 **Public Participation:** 1 member of the public spoke in objection to planning application PA19/01765 Rustling Trevone Road Trevone Padstow PL28 8QX, comments included:

- It was noted that the Town Council had not supported the rear extension to this property in a previous application due to the boundary of the property being out of keeping with the building line of the area. The proposed rear extension is still 6.3m in length taking up a large part of the garden and the proposal now includes a pitched roof of 3.4m. It is considered this will have an overbearing impact on the residential area of the neighbouring property, affecting light, being oppressive in nature and out of keeping with the area;
- It was pleasing that the window in the previous application had now been made obscure however if the window was open at night there was concern over possible noise disturbance;
- The application was generally large and depressive, other renovations in the area had been careful not to over develop into their gardens. It was felt properties in the area should maintain modest gardens in keeping with the area and AONB setting.

P2019/14 **RESOLVED** that the **minutes** of the meeting held on **Tuesday 21 May 2019** were a true record of the meeting and they were signed by the chair.

Planning

i. The following Cornwall Council planning decision were noted:

a) **PA19/01089 6 Soldon Close Padstow PL28 8FS –**
Proposed rear extension **APPROVED**

b) **PA19/01544 14 Dennis Road Padstow PL28 8DE –**
Proposed extension, loft conversion and alterations to
existing dwelling **APPROVED**

c) **PA19/01627 9 Broad Street Padstow Cornwall PL28**
8BS – Change of use from retail to brasserie with retail sales
and associated internal alterations **APPROVED**

d) **PA19/01628 9 Broad Street Padstow Cornwall PL28**
8BS – Listed building consent for change of use from retail to
brasserie with retail sales and associated internal alterations.
APPROVED

e) **PA19/02527 Land East of Tristan Trevone Road**
Trevone Padstow – Construction of dwelling (amended
plans) **APPROVED**

f) **PA19/02823 The Old Mill Trerethern Farm Padstow**
Cornwall – Extension and minor alteration to 'The Old Mill'
APPROVED

g) **PA19/02831 41 Pellow Close Padstow PL28 8EY –**
Proposed two storey side and single storey front extension
APPROVED

h) **PA19/02864 8 New Street Padstow PL28 8EA –**
Proposed loft conversion with dormer extensions to front and
rear of property. **APPROVED**

i) **PA19/03553 The Plantation North of Hill Street**
Padstow – T1 – Holm Oak. Height 13m crown spread 11m.
Re-reduce the Holm Oak back to the boundary.
APPROVED

j) **PA19/04001 Fulmar Trevone Road Trevone Padstow**
Cornwall – Non Material Amendment to Application No.
PA18/08435 dated 20 November 2018 for proposed
extension and internal alterations namely demolition of
dwelling and re-build in accordance with Planning Approval
PA18/08435. **Not acceptable as amendment**

k) **PA19/02736 Morvoren Parkenhead Lane Trevone**
Padstow PL28 8QH – Demolition of extensions and
construction of replacement extension to 1960's dormer
bungalow and alterations to living spaces. **APPROVED**

l) PA19/03381 Askrigg Dobbin Road Trevone Padstow PL28 8QW – Demolition of existing single dwelling house and construction of replacement single dwelling house and detached garage with studio within roof space over the variation of condition 3 of PA18/06057 **APPROVED**

m) PA19/03728 Obelisk Dennis Lane Padstow Cornwall – Listed Building Consent to re-install a lightning conductor to the obelisk monument. **APPROVED**

n) PA19/01837 Morwenna Cottage B3276 Between Treator and Harlyn Bay Road Windmill Padstow PL28 8RY – Widen existing entrance. **REFUSED**

o) PA19/03533 Catherines 13B Duke Street Padstow Cornwall PL28 8AB – Listed building consent to create two openings in stud partition, create storage cupboard and install an en-suite shower room and WC. **APPROVED**

p) PA19/02269 Rest Harrow Trevone Road Trevone Padstow – Conversion of caravan store and games room into annexe. **APPROVED**

ii. RESOLVED to make the following responses to planning applications:

a) PA19/01765 Rustling Trevone Road Trevone Padstow PL28 8QX – Conversion of existing garage to bedroom including rear extension and alterations. – Amended Plans

NOT SUPPORTED;

i) Overbearing extension;

ii) Overlooking issues;

iii) Loss of light;

iv) Out of character with area; and

v) Over development of plot

b) PA19/05276 Rest Harrow Trevone Road Trevone Padstow – Two storey extension to rear, demolition of front porch and internal reordering of main house and demolition and replacement of detached garage.

SUPPORTED

c) PA19/04280 Greens café and Crazy Golf North Quay Padstow Cornwall – The installation of down-lighters to the stone wall of the property at North Quay Parade to illuminate the historic stone wall on the approach to the entrance of the café and mini golf course.

SUPPORTED

d) **PA19/04808 Fulmar Trevone Road Trevone Padstow**
– Demolition of existing dwelling and construction of a replacement dwelling.
SUPPORTED

e) **PA19/05336 3 Treator Padstow Cornwall PL28 8RU**
– Listed Building Consent for installation of stairlift and first floor level access shower.
SUPPORTED – provided Conservation Officer is satisfied

f) **PA19/05351 Boscreege Crugmeer Padstow PL28 8HN** – To replace a metal (stainless steel) flue with a mellow second-hand brick built small stack.
SUPPORTED

P2019/16

Consultation: Planning for Coastal Change Chief Planning Officer's Advice Note: There was discussion on this matter and the advice note was generally supported. It was **RESOLVED** to propose that reference to AONB and SSSIs be included in the document in response to the Cornwall Council Consultation regarding the Draft Chief Planning Officer's Advice Note: Planning for Coastal Change.

P2019/17

Date of Next Meeting: Tuesday 13 August 2019 at 7.00 pm was noted.

Meeting closed at 7.18 pm

PADSTOW TOWN COUNCIL PLANNING COMMITTEE RESPONSES
AUGUST 2019

- a) **PA19/00969 Land North West of Portscatho Dobbin Close Trevone Padstow Cornwall** – Full planning for new dwelling
Padstow Town Council = **SUPPORTED**
Cornwall Council = **WITHDRAWN**
- b) **PA19/03229 Land West of Rock View Station Road Padstow Cornwall** - Reserved matters application for the construction of a dwelling following outline consent PA17/02179 dated 17/07/2017
Padstow Town Council = **Happy to go along with Planning Officers decision**
Cornwall Council = **APPROVED**
- c) **PA19/03979 Bella Vista The Close Trevone Padstow Cornwall** – Proposed extension and reconfiguration of existing dwelling (re-submission of App No. PA18/06094)
Padstow Town Council = **SUPPORTED**
Cornwall Council = **APPROVED**
- d) **PA19/04157 6 Strand Street Padstow PL28 8BU** – Listed Building Consent for internal reconfiguration and changes to two windows externally in south elevation.
Padstow Town Council = **SUPPORTED PROVIDED CONSERVATION OFFICER SATISFIED**
Cornwall Council = **APPROVED**
- e) **PA19/04280 Greens Café and Crazy Golf North Quay Padstow Cornwall PL28 8AF** – The installation of down-lighters to the stone wall of the property at North Quay Parade to illuminate the historic stone wall on the approach to the entrance of the café and mini golf course.
Padstow Town Council = **SUPPORTED**
Cornwall Council = **APPROVED**
- f) **PA19/04808 Fulmar Trevone Road Trevone Padstow Cornwall** – Demolition of existing dwelling and construction of a replacement dwelling.
Padstow Town Council = **SUPPORTED**
Cornwall Council = **APPROVED**
- g) **PA19/04927 Land East of Tristan Trevone Road Trevone Padstow Cornwall** – Non material amendment to PA19/02527 dated 20/05/2019 for the construction of dwelling (amended design) namely to amend conditions nos 2, 3 and 4 so as to allow the upper windows on the south-west and north-eastern elevations of the dwelling to open, but will have restrictive hinges, so as to comply with building regulations.

Padstow Town Council = **NOT SUPPORTED, consider original condition imposed by CC correct.**
Cornwall Council = **APPROVED**

Padstow Town Council's Support Officer contacted Cornwall Council's Planning Officer as the Town Council was not consulted after submitting comments. The Planning Officer has responded to say non-material amendments do not follow the 5-day protocol. After further clarification they advised that any planning notification which has the shorter deadline (that CC have to determine within 28 days) may not follow the 5-day protocol and can be checked with the Planning Officer. The Support Officer will check these applications with the Planning Officers moving forward, so Councillors are made aware.

The Planning Officer said the following for this case (PA19/04927):

'The fact that the fenestration will change to limited opening windows as identified within submitted plans and supporting information were considered inconsequential in terms of scale and appearance of the new dwelling which remains in all other respects as approved when viewed in context.

There was not considered to be any consequential visual impact.

In respect to amenity, the effect of the stay-restrictors mean that given the location of the frame which is recessed into the window reveal the window does not open materially beyond the profile of the wall. Given the top-hung nature of the windows, and their rebatement into the reveal it was not considered that this materially results in increased vantage toward neighbouring properties. As such the purpose of the stated conditions will continue to be met through the amended window design.

Having regard to the above considerations the NMA application was considered acceptable.'

The approval notice from Cornwall Council on this application has the following conditions:

1 Before the first occupation of the dwelling hereby permitted the upper floor windows on the north east elevation shall be fitted with obscure glazing and limited opening window units as detailed on drawing number 18359-PL-01-03 rev. A. The obscurely glazed windows shall be retained in that condition thereafter and permanently restricted with stays that do not allow the windows to be opened by more than 150mm. Reason: To protect the privacy of the occupants of the neighbouring dwelling and in accordance with Cornwall Local Plan Strategic Policies 2010-2030 policy 12 2a.

2 Before the first occupation of the dwelling hereby permitted the upper floor windows on the south west elevation shall be fitted with limited opening window units as detailed on drawing number 18359-PL-01-02 rev. B and the windows shall be permanently retained in that condition thereafter and permanently restricted with stays that do not allow the windows to be opened by more than 150mm. Reason: To protect the privacy of the occupants of neighbouring dwellings in accordance with Cornwall Local Plan Strategic Policies 2010-2030 policy 12 2a.

PADSTOW TOWN COUNCIL PLANNING COMMITTEE: 13 AUGUST 2019

Agenda item 7. To note Cornwall Council's Enforcement Report 1 April - 30 June 2019.

Below is the 2019 2nd quarter Enforcement Report from Cornwall Council.

Committee may recall quarter 1 report was noted in February 2019, Councillors enquired if any of the notices served were in our parish, the Support Officer found out that none of the 9 notices served in quarter 1 were in the parish.

The Support Officer has contacted CC Enforcement Team regarding the 4 notices served in this 2nd quarter report and can inform you that none were in Padstow parish.

Quarterly Planning Enforcement Report

2019 Quarter 2

1 April 2019 – 30 June 2019

Introduction



This report is prepared to summarise the level of activity for planning enforcement within Cornwall Council for the quarter 1 April 2019 – 30 June 2019. The team:

- Responds to reports concerning alleged breaches of planning control
- Represents the Council at any subsequent enforcement appeals and prosecutions
- Deals with all applications for Certificates of Lawfulness for an Existing Use/Development
- Pro-actively monitor the waste and mineral sites in Cornwall
- Pro-actively monitor Section 106 planning obligations
- Provides discretionary advice to those that have identified a problem, usually at the conveyancing stage

Responding to Alleged Breaches

Validation/Registration

Reports are made either online, via the customer contact centre, or via email to the planning enforcement mailbox. When a new report is received, an officer will review the information provided to see whether a full investigation is required and if it is, the report is validated and registered for investigation. If there is insufficient information or the matter reported is not a breach of planning control we will respond to the enquiry quickly and it will not be registered as a case for investigation. We receive approximately 200 enquiries to enforcement every month.

We aim to provide an initial response as to whether the matter is a breach or whether it will be logged for investigation within 14 working days.

New Enforcement Cases

Once the matter has been validated because it requires further investigation, it is logged as an enforcement case and registered to an enforcement case officer to progress.

We aim to take 8 weeks to undertake initial investigations to establish whether there is a breach of planning control and to determine the appropriate course of action. This does not necessarily mean that the case will be closed within that time; for example, it could be that the agreed course of action is to seek the cessation of the breach, but having made that decision there are many legal stages that we need to go through which can take some time.

NB. If a number of individuals report the same issue, it is still counted as a single case.

Cases received and allocated to a case officer for investigation	646
Cases closed by officers	505
Ongoing cases with officers	1053

Enforcement Cases Closed

We have closed 505 cases during this quarter. This can be broken down as follows:

No breach found	210
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Officer has found that the reported matter was not a breach of planning control

Permitted development	13
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Officer has found that the matter reported constituted 'permitted development', and therefore is not a breach of planning control

Breach resolved or ceased by negotiation	89
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Officer has negotiated a solution with the landowner/occupier to voluntarily cease the development or reduce/alter it to make it acceptable

Not expedient	94
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The matter is a breach of planning control, but there is no harm caused and therefore no further action can be taken

Application received / planning permission granted	66
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Planning permission is in place for the development, or the officer has managed to get the landowner/occupier to submit an application to retain the development

Notice served	4
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Formal enforcement action has been taken and a Notice has been served requiring remedial action

Immune from enforcement action

12

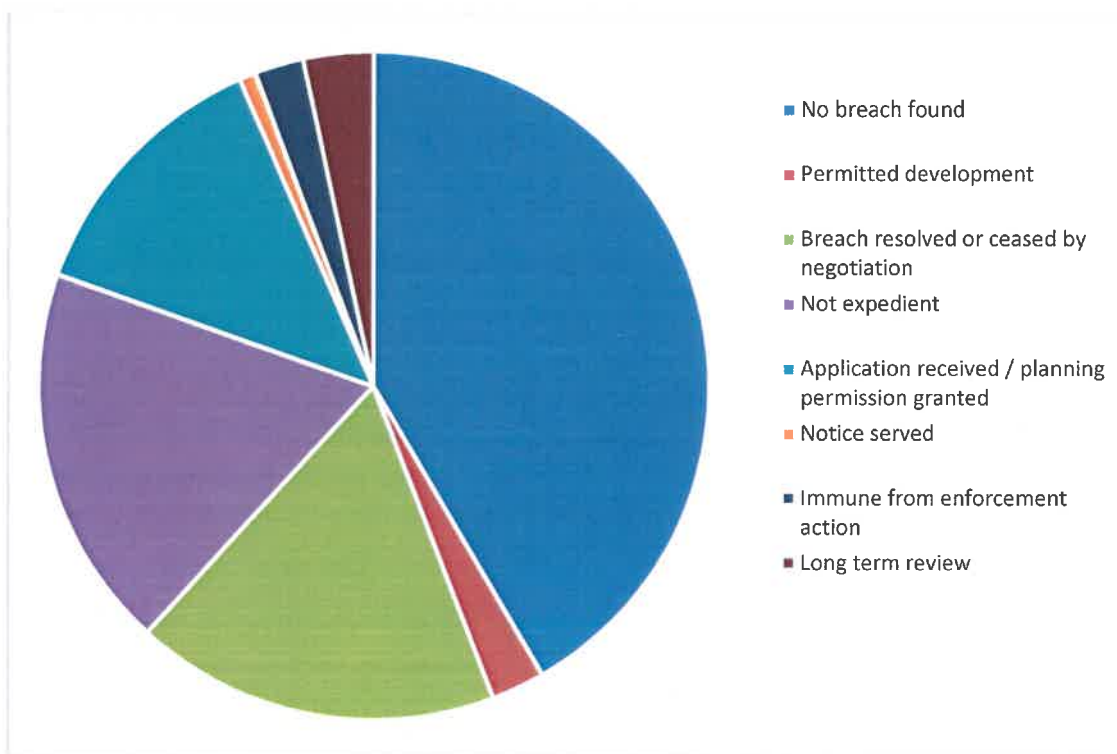
The development has existing for such a period of time that it is now lawful, and therefore enforcement action cannot be taken (Section 171B of the Town and Country Planning Act 1990, as amended)

Long term review

17

The officer has agreed to allow a longer period of time for voluntary compliance, for example, taking account of personal circumstances of the occupiers or their need to explore other options to enable compliance, or to seek legal advice. Case is closed whilst such actions are undertaken, and the case officer will review it at the given date.

Note: There was no breach in planning regulations in of the cases that were fully investigated.



Note: There was no breach in planning regulations in 44% of the cases that were fully investigated.

Enforcement Notices

This quarter we have served the following formal notices:

Planning Contravention Notices 55

This is a formal questionnaire to obtain factual information

Enforcement Notices 3

This requires the unauthorised development to cease, in whole or in part, to overcome the harm caused by the development

Section 215 Untidy site notices 0

This requires works to be undertaken to untidy land or buildings to make them secure and visually acceptable

Breach of Condition Notice 1

This requires action to be taken to comply with a condition on a planning permission

Enforcement Appeals and Prosecutions

Enforcement Appeals Lodged 2

Enforcement Appeals Decided 2

EN18/00097 - The breach of planning control was the erection of a new residential dwelling at Trenwyth, Penwethers, Truro, the notice was upheld and the appeal dismissed on the 9/5/19.

EN17/01119 – The breach of planning control is the change of use of the land for the stationing of two caravans for residential purposes, the construction of a building for storage and occasional residential use, erection of four timber livestock buildings, construction of a polytunnel frame and timber composting toilet building along with engineering operations to create two access tracks, the notice was upheld and the Appeal dismissed on the 17/5/19.

Prosecutions and direct action

Prosecution in respect of non-compliance with an Enforcement Notice at Land Near Johns Corner, Perran Downs Lane, Rosudgeon relating to the unauthorised change of use of land to store three caravans, boats and cars. On the 24th April 2019 Mr E Hall was found guilty at Truro Magistrates Court of not complying with the Enforcement Notice and handed down a 12 month conditional discharge, ordered to pay £500 costs and a £20 victim surcharge.

The Council undertook a successful direct action on the 9-11th April 2019 to secure compliance with an Enforcement Notice at a former lay-by at Michelstowe in respect of stationing of caravans used for residential purposes.

Certificate of Lawfulness Applications

Total number of applications 40

Approved 9

Refused 1

Awaiting determination 30

Withdrawn 0

Monitor of waste and mineral sites

The enforcement team pro-actively monitors mining and landfill sites in the County to ensure planning conditions on permissions are being adhered to. For this

quarter 21 sites were visited, and following these visits a report on the findings was issued within the 18 working days target for 17 sites with 4 reports to still complete and send however, the 18 days deadline for these 4 has not yet been reached.

Monitor of Section 106 planning obligations

S106 agreements established for monitoring 24

Alleged breaches of s106 agreements noted for investigation 8

Cases sent to legal for litigation 4

Discretionary Services

Resolving conveyancing issues 6

This relates to the enforcement department's expedited services, where a fee has been paid for a quick response usually to resolve a conveyancing issue.