

PADSTOW TOWN COUNCIL

Station House
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Padstow
Cornwall
PL28 8DA

Kathy Pemberton Town Clerk
Town Clerk
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08 July 2020

TO: PLANNING COMMITTEE

Councillors: K Freeman (Chairman), M Evans, R Higman, J O'Keefe,
Mrs A E Symons and Mrs T Walter

Dear Member

I hereby give you notice that a meeting of the **Planning Committee** will held ***remotely** on **Tuesday 14 July 2020 at 6.30 pm** for the purpose of considering and resolving upon the business to be transacted at the meeting as set out thereunder.

Yours faithfully

K E Pemberton

Kathy Pemberton
Town Clerk

Please note start time for this meeting

**Due to the current regulations in response to COVID-19 this will be a virtual meeting. If you wish to view the meeting or speak in the public participation section [NB: this is only on agenda items], please contact the Town Clerk by email to enquiries@padstow-tc.gov.uk or by phone on 01841 532 296, so you may leave a message and be contacted by a member of our team*

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 10 March 2020**. (pg's 1-3)
6. To note **Cornwall Councils briefing note** on Government's Business and Planning Bill, draft Planning Guidance and new Permitted Development Rights (pg's 4-8)

7. Planning

i. To advise of Cornwall Council planning decisions:

- a) **PA19/10773 31 High Street Padstow PL28 8BB** – Extension to rear elevation to dwelling and formation of two dormer windows to front and rear roof slopes. **WITHDRAWN**
- b) **PA19/10774 31 High Street Padstow PL28 8BB** – Listed building consent for extension to rear elevation to dwelling and formation of two dormer windows to front and rear roof slopes. **WITHDRAWN**
- c) **PA20/01087 Land West of 29 Grenville Road Padstow Cornwall PL28 8EX** – Proposed new house **REFUSED**
- d) **PA20/01447 3 Cross Street Padstow PL28 8AT** – Retrospective change of use to a dwelling and remodeling of the building **APPROVED**
- e) **PA20/03260 2-4 Lanadwell Street Padstow Cornwall PL28 8AN**
Listed building consent to paint the outdoor frontage and repair exterior window heads, jambs, sills and door mouldings with appropriate materials and paint **APPROVED**

(pg 9)

ii. The Town Council are consulted on planning applications as listed below. The Committee is asked to **consider the applications and agree a response to the Planning Authority (Cornwall Council)**.

The applications and their plans can be viewed on the Online Planning Register at www.cornwall.gov.uk

- a) **PA20/04612 Land West of Trelether Dennis Land Padstow PL28 8DP** – Construction of an agricultural storage shed.

8. To note **date of next meeting**: Tuesday 11 August 2020 at 6.30pm

PADSTOW TOWN COUNCIL

Minutes of the Planning Committee meeting held on Tuesday 10 March 2020 commencing at 7.00 pm in the Council Chamber, Station House, Station Road, Padstow

Present: Councillors K Freeman (Chairman), R Higman and Mrs A E Symons

In attendance: Mrs K Pemberton (Town Clerk), Mrs S Daly (Support Officer and Minute Taker), Councillor M Saunders and 2 members of the public.

P2019/74 **Apologies:** Apologies were received from Councillors M Evans, J O'Keefe and Mrs T Walter

P2019/75 **Announcements:** There were no announcements.

P2019/76 **Declarations of Interest:** There were no declarations of interest.

P2019/77 **Public Participation:** 2 members of the public spoke in support of agenda item PA20/01453 Waters Edge Shop North Quay Padstow PL28 8AF comments included:

- Application for change of use to convert existing retail shop at Waters Edge to 2 offices;
- The shop unit has been used for a variety of retail purposes but is currently empty;
- Application is for conversion to office, no extension with the exception of an external air conditioning unit to be located by the bin store;
- Air conditioning unit will be discreet with no external plumbing or wiring;
- No request for parking has been made within the application;
- The business case for the application is for a need to extend the office facilities for the business group;
- The unit is affected by a covenant and cannot be used for the preparation of food and drink;
- Residents of Waters Edge have been consulted and are supportive of application, unit's location provides light footfall which has seen retail businesses struggle and has left the unit vacant for 2 years;
- Site will be used for 8 full time employees and site plans include a meeting and training room;
- Access would be needed for maintenance however nature of business would require less routine maintenance than retail;
- Staff would be required to use local car parking with priority parking restricted to Waters Edge residents;

- Separate consultation has taken place with the resident closest to the air conditioning unit and they are supportive;
- The office space would be a focal point for the business and as such would be reflective of the quality of the rest of the business, having outgrown its existing space;
- Aware that potential concern would be air conditioning unit, have worked to ensure installation is sensitive with minimal noise disturbance, residents were supportive when consulted.

P2019/78

RESOLVED that the **minutes** of the meeting held on **Tuesday 11 February 2020** were a true record of the meeting and they were signed by the chair.

P2019/79

Planning

i. The following Cornwall Council planning decisions were noted:

a) **PA19/09239 Tregudda West View Trevone Padstow PL28 8RD** – proposed balcony **APPROVED**

b) **PA20/00935 Little Tretravel Padstow PL28 8LB** – Non material amendment to application no. PA18/02342 dated 18.05.18 for a proposed replacement dwelling-house, garage accommodation, construction of an annexe and new access namely a gable ended roof in place of hipped roof and garage to be moved 1 metre away from southern boundary to allow for planting. **APPROVED**

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

a) **PA20/00635 Fairhaven Dobbin Close Trevone Padstow** – Proposed extensions. Revised design following refusal of PA19/07778 **NOT SUPPORTED; i) Not in keeping; ii) Out of character with other properties; iii) Concern raise in roof height; iv) Loss of light and overbearing neighbouring property.**

Committee commented that after reviewing revised plans, there appears to be very little change to the application. Committee support Cornwall Council's reason for refusal last time.

b) **PA20/01453 Waters Edge Shop North Quay Padstow PL28 8AF** – Change of use from a shop to an office (Class B1 (a)) including the installation of an air conditioning unit on the west elevation of Waters Edge. **SUPPORTED**

- c) **PA20/01087 29 Grenville Road Padstow PL28 8EX** – Proposed new house.
SUPPORTED
- d) **PA20/01192 Tesco Stores Ltd Sarahs Lane Padstow PL28 8EL** – Advert consent for 1 x 42" LCD media screen and 2 x 1250mm x 700mm flag pole signs, overall 2450mm in height.
SUPPORTED – Committee noted this is a retrospective application.
- e) **PA20/01374 Dolphin Cottage 15 Lanadwell Street Padstow PL28 8AN** – Listed Building Consent for the repair and re-roofing of pitched roof, parapet, chimneys and trusses.
SUPPORTED; provided Conservation Officer is satisfied.

P2019/80

Planning Committee Training: Members gave consideration to the agenda report in this regard. It was suggested that the session be held immediately prior to the next Planning Committee meeting.

RESOLVED to proceed with Planning Committee Training as set out on page 5 of the agenda papers and that this be held at 6pm on Tuesday 14 April 2020.

P2019/81

Date of Next Meeting: Tuesday 14 April 2020 at 7.00 pm.

Meeting closed at 7.20 pm

PADSTOW TOWN COUNCIL – PLANNING COMMITTEE: 14 JULY 2020

AGENDA ITEM 6. To note Cornwall Councils briefing note on Government’s Business and Planning Bill, draft Planning Guidance and new Permitted Development Rights

Cornwall Association of Local Councils emailed to advise:

‘The government is considering a wide range of policies and programmes to assist the country with recovery and renewal. Planning reform is part of this and we expect to see further changes come forward. A new Business and Planning Bill was published last week and some further Permitted Development Changes. The Prime Minister made an announcement on the 30th June which indicates that further changes to the planning system will be forthcoming.

A briefing on the legislation has been prepared by Cornwall Council (attached). This summarises the impact of the changes and the consequential changes to consultation and consent. It includes extensions of permissions for markets, the use of outdoor space by local business and a number of other measures. Many of the issues have a 14 day default position in favour of any application and it will be important for the consultation that you are engaged before any application is submitted.’

The briefing note from Cornwall Council is on the following pages.



Briefing note

The Government's Business and Planning Bill, draft Planning Guidance and new Permitted Development Rights

26th June 2020 V1

Introduction

The purpose of this Briefing Note is to set out the key planning elements from the Business and Planning Bill, the Government's draft planning guidance which aims to support the Bill and new Permitted Development Rights. These new measures are mainly temporary and are designed to assist the Covid-19 recovery.

The remainder of this Briefing Note will look specifically at the planning provisions set out in the Bill, the draft guidance and the new permitted development rights in turn.

Business and Planning Bill 2020 <https://publications.parliament.uk/pa/bills/cbill/58-01/0148/200148.pdf>

Draft Planning Guidance https://www.gov.uk/government/collections/draft-planning-guidance-to-support-the-business-and-planning-bill?utm_source=ad97b205-7ff4-4e33-a35a-549fb0075a3d&utm_medium=email&utm_campaign=govuk-notifications&utm_content=immediate

Permitted Development legislation

http://www.legislation.gov.uk/uksi/2020/632/pdfs/uksi_20200632_en.pdf

Business and Planning Bill 2020

The Business and Planning Bill 2020 was published by Government on 25th June 2020. It is expected to be enacted swiftly with an 'all stages' debate scheduled to take place in the House of Commons on 29th June 2020. The aim of the Bill is to enable economic recovery following the Covid-19 pandemic and it is a mix of different legislative agendas; planning, licensing and financial. The Bill has the following purposes;

- a. Facilitating 'Bounce Back Loans'
- b. Making it easier for premises in England serving food and drink to eat and serve customers outdoors

- c. Making temporary changes to the law relating to planning in England
- d. Making changes to HGV and PCV licensing in Great Britain and Northern Ireland.

In terms of planning, the Bill makes temporary changes to planning law in England to ensure that the planning system can continue to operate effectively and support the planning and construction of new development following the impact from Covid-19. There are three main elements of those changes, modification of construction hours, extending the implementation period for planning permissions and flexibility in terms of planning appeals.

The Bill introduces a new route for developers to seek to amend planning restrictions which limit construction site working hours. This will allow construction sites to temporarily extend working hours to enable evening and weekend work. This is a temporary measure which will expire on 1st April 2021 (unless it is extended by secondary legislation).

The Bill sets out a new 'deemed consent' route, developers will be able to make use of a simplified planning process to temporarily amend any planning condition restricting the hours during which construction activities can be carried out on site. The Local Planning Authority has 14 days within which to notify the applicant of its decision, otherwise the modification is automatically approved. The Government has also published draft guidance on how this 'deemed consent' process will work and further information is set out in the section 'Draft Planning Guidance' below.

There is also a provision to extend the expiration of certain planning permissions and listed building consents, allowing unimplemented planning permissions to commence over the next year. Again this is a temporary measure which will expire on 1st April 2021 (unless extended by secondary legislation). Planning permissions and Listed Building consents which are due to expire between the coming into force of the legislation and 31st December 2020 will automatically have the implementation deadline extended to 1st April 2021. This also applies to applications for the submission of Reserved Matters.

Where planning permissions expired on a date between 23rd March 2020 and the date the Bill comes into force then the time limit is extended to April 2021 only if additional 'environmental approval' is granted. An application for this approval must include sufficient information to enable the Council to determine the application. The Council has 28 days to determine the application if it does not notify the applicant of the decision within this period then approval is deemed granted. The Council can only grant approval if certain environmental impact assessment and habitats assessments are met.

There appears to be a conflict in the proposals in the Bill whereby the local planning authority can only grant the extension if the environmental tests are met and the automatic granting of the extension if the local planning authority does not respond within the 28 days. As the Bill makes its way through Parliament it will be interesting to monitor this potential conflict.

A permanent measure introduced in the Bill enables the Planning Inspector to use more than one procedure to determine planning appeals. The intention is to improve the efficiency of the Planning Inspectorate and enable cases to be dealt with quickly.

Draft Planning Guidance

Alongside the Bill, the Government have published new planning guidance on interpreting the rules. These are to be read alongside a number of the planning measures set out in the Bill and there are three separate guidance documents; Construction Working Hours, Making current Spatial Development Strategies available digitally and Pavement Licences. The guidance on 'making current spatial development strategies available digitally' relates to the London Plan and is not considered relevant to Cornwall Council.

The guidance on 'Construction Working Hours Deemed Consent' provides further detail on the new route to seeking a temporary extension of construction site working hours and sets out considerations which local planning authorities must take into account in determining applications under this proposed new route. The guidance explains the purpose of the process and how it will work. As mentioned above, developers can apply to the Council to vary existing conditions relating to construction site working hours. The Council then has 14 days to determine the application, failure to determine the application within 14 days would result in the revised working hours being consented. The guidance is clear that local planning authorities should not refuse applications without compelling reasons to do so. The guidance recognises potential impacts on residential amenity and noise stating that in all cases sympathetic site management should be demonstrated to mitigate local impacts. Local authorities can propose minor changes to the proposed hours in agreement with the applicant.

The guidance sets out the information that should be submitted as part of the application including proposed revised hours, a short justification as to why extended hours are necessary and details of any mitigation plan setting out how they will liaise with neighbours and manage/mitigate any effects on local residents or businesses.

The guidance is clear that local planning authorities need to prioritise these applications and emphasises that swift decisions are important. Careful consideration should be given to the sensitivity of the site including the impact on neighbours and environmental designations.

The guidance states that there is no application fee associated with this deemed consent route to amend construction working hours. The Council may choose to engage the relevant ward member, environmental health officers and others who are considered to have an interest in the application but there is no requirement to publicise the application.

Applicants have the right to appeal a refusal of any such application but if the local planning authority agree alternative hours/days with the applicant then there is no right of appeal.

The draft guidance on 'Pavement Licences' details the streamlined process to allow businesses to secure such licences in time for the summer, if granted the licence remains in place for a year but not beyond September 2021. These licences are determined under the Highways Act 1980.

Permitted Development Rights

New legislation has also been laid before Parliament to enable changes to Permitted Development Rights to allow development to assist in supporting economic recovery following the Covid-19 pandemic.

The regulations provide an additional 28 days allowance for the temporary use of land (from 1st July to 31st December 2020). Another new temporary right allows a local authority to hold a market for an unlimited number of days without the requirement for planning permission (from 25th June 2020 to 23rd March 2021). It also allows the erection of moveable structures, such as stalls or awnings. The right is time-limited and will cease to have effect from 23rd March 2021.

The regulations introduce a permanent permitted development right to allow additional storeys to be constructed on existing purpose-built blocks of flats to create new homes meaning that a full application for planning permission is not required for this form of development there are some limits to this right to allow local consideration of key planning matters through the prior approval process.

In addition, legislative changes are also being made to address concerns raised about the quality of homes provided under existing permitted development to ensure that new homes provide adequate natural light in all habitable rooms for occupants. This will require a prior approval application to be submitted for development after 1st August 2020.

There are also some minor technical amendments made through these new regulations, mainly relating to definitions.

Prepared by:
Ellie Inglis-Woolcock
Principal Development Officer
Planning & Sustainable Development
1 July 2020

PADSTOW TOWN COUNCIL - PLANNING COMMITTEE: 14 July 2020

Agenda item 7i: To advise of Cornwall Council planning decisions

- a) **PA19/10773 31 High Street Padstow PL28 8BB** – Extension to rear elevation to dwelling and formation of two dormer windows to front and rear roof slopes.
Padstow Town Council = **Supported; provided Conservation Officer is satisfied**
Cornwall Council = **WITHDRAWN**
- b) **PA19/10774 31 High Street Padstow PL28 8BB** – Listed building consent for extension to rear elevation to dwelling and formation of two dormer windows to front and rear roof slopes.
Padstow Town Council = **Supported; provided Conservation Officer is satisfied**
Cornwall Council = **WITHDRAWN**
- c) **PA20/01087 Land West of 29 Grenville Road Padstow Cornwall PL28 8EX** – Proposed new house
Padstow Town Council = **Supported**
Cornwall Council = **REFUSED**

Notice of refusal stated on Cornwall Council decision notice.

REASON: The proposed new home, by reasons of its siting and massing, would result in adverse overbearing impacts to the occupier(s) of the neighbouring property at 29 Grenville Road. The application is, therefore, not sustainable development and is contrary to Policy 12 of the Cornwall Local Plan Strategic Policies 2010-2030.

- d) **PA20/01447 3 Cross Street Padstow PL28 8AT** – Retrospective change of use to a dwelling and remodeling of the building
Padstow Town Council = **Supported –subject to Conservation Officer being satisfied and external finish is on keeping with surrounding area.**
Cornwall Council = **APPROVED**
- e) **PA20/03260 2-4 Lanadwell Street Padstow Cornwall PL28 8AN**
Listed building consent to paint the outdoor frontage and repair exterior window heads, jambs, sills and door mouldings with appropriate materials and paint
Padstow Town Council = **Supported; as long as style and colour is in keeping with Conservation area**
Cornwall Council = **APPROVED**