

PADSTOW TOWN COUNCIL

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05 August 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 be held *remotely on **Tuesday 11 August 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

KE 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 14 July 2020.** (pg's 1-2)
- 6. To note Cornwall Councils**
 - a) Planning Quarterly Enforcement Report 1 April 2020 – 30 June 2020. (pg's 3-7)
 - b) Update on Cornwall Council Planning Committee Process (pg's 7-8)

7. Planning

(pg's 9-10)

i. To advise of Cornwall Council planning decisions:

- a) **PA20/03345 The Bryn Trevone Padstow PL28 8QY** – Demolition of existing static caravan within curtilage and replacement with single-storey garden studio. **APPROVED**
- b) **PA20/03949 Pentire Dobbin Lane Trevone Padstow PL28 8QP** – Reserved Matters Application following Outline approval PA17/08592 (access, appearance, landscaping, layout and scale) **APPROVED**
- c) **PA20/04487 18 Grenville Road Padstow Cornwall PL28 8EX** – Change of use from garage and workshop to granny annex **APPROVED**

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) **PA20/00311 Pols Piece Flats and St Cadoc Dobbin Lane Trevone** – Amended plans – Demolition of existing buildings Pols Piece/St Cadoc and erection of 4 no residential dwellings.
- b) **PA20/05500 Prideaux Place Tregirls Lane Padstow PL28 8RP** – Fell 2 Sycamore trees to prevent damage to the nearby listed wall.
- c) **PA20/05599 5 Porthilly View Padstow PL28 8DH** – Amendment to approved scheme PA20/00099: Kitchen extension enlarged by 1m internally.
- d) **PA20/05681 Tremartyns Dennis Lane Padstow Cornwall** – Demolition of dilapidated rear addition along with bay window. Erection of replacement rear single storey extension, front single storey extension, construction of first floor addition and first floor roof terrace with associated building works.

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

PADSTOW TOWN COUNCIL

Minutes of the Planning Committee meeting held remotely on Tuesday 14 July 2020 commencing at 6.30 pm

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

In attendance: Mrs K Pemberton (Town Clerk) and Mrs S Daly (Support Officer and Minute Taker)

P2020/1 **Apologies:** There were no apologies for absence.

P2020/2 **Announcements:** There were no announcements.

P2020/3 **Declarations of Interest:** There were no declarations of interest.

P2020/4 **Public Participation:** There was no public participation.

P2020/5 **RESOLVED** that the **minutes** of the meeting held on **Tuesday 10 March 2020** be signed as a true record.

P2020/6 **Cornwall Council Briefing Note:** The CC briefing note regarding the Government's Business and Planning Bill, draft Planning Guidance and new Permitted Development Rights was noted for information.

P2020/7 **Planning**

i. The following Cornwall Council planning decisions were noted:

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,

jamb, sills and door mouldings with appropriate materials and paint **APPROVED**

ii. RESOLVED to make the following planning application responses to the Planning Authority (Cornwall Council):

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

P2020/8

Date of Next Meeting: Tuesday 11 August 2020 at 6.30pm.

Meeting closed at 6.36 pm

PADSTOW TOWN COUNCIL PLANNING COMMITTEE: 11 AUGUST 2020

Agenda item 6 To note Cornwall Councils:

- a) Planning Quarterly Enforcement Report 1 April 2020 – 30 June 2020.

The Support Officer Tracey Trestain contacted Cornwall Council to try and establish if any of the new cases or appeals were in the parish. Cornwall Council Planning enforcement have stated 'no Enforcement Notices that were served between 01 April – 30 June 2020 were within the Padstow Parish.' Support Officer has not heard back from CC Appeals Team at the time of writing this report, if any further information is received we will update at the meeting.

Quarterly Planning Enforcement Report

2020 Quarter 2

1 April 2020 – 30 June 2020



Introduction

This report is prepared to summarise the level of activity for planning enforcement within Cornwall Council for the quarter 1 April 2020 – 30 June 2020. 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 **364**

Cases closed by officers **255**

Ongoing cases with officers **1089**

Enforcement Cases Closed

We have closed **255** cases during this quarter. This can be broken down as follows:

No breach found **75**

Officer has found that the reported matter was not a breach of planning control

Permitted development **9**

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 **41**

Officer has negotiated a solution with the landowner/occupier to voluntarily cease the development or reduce/alter it to make it acceptable

Not expedient **58**

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 **37**

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 **8**

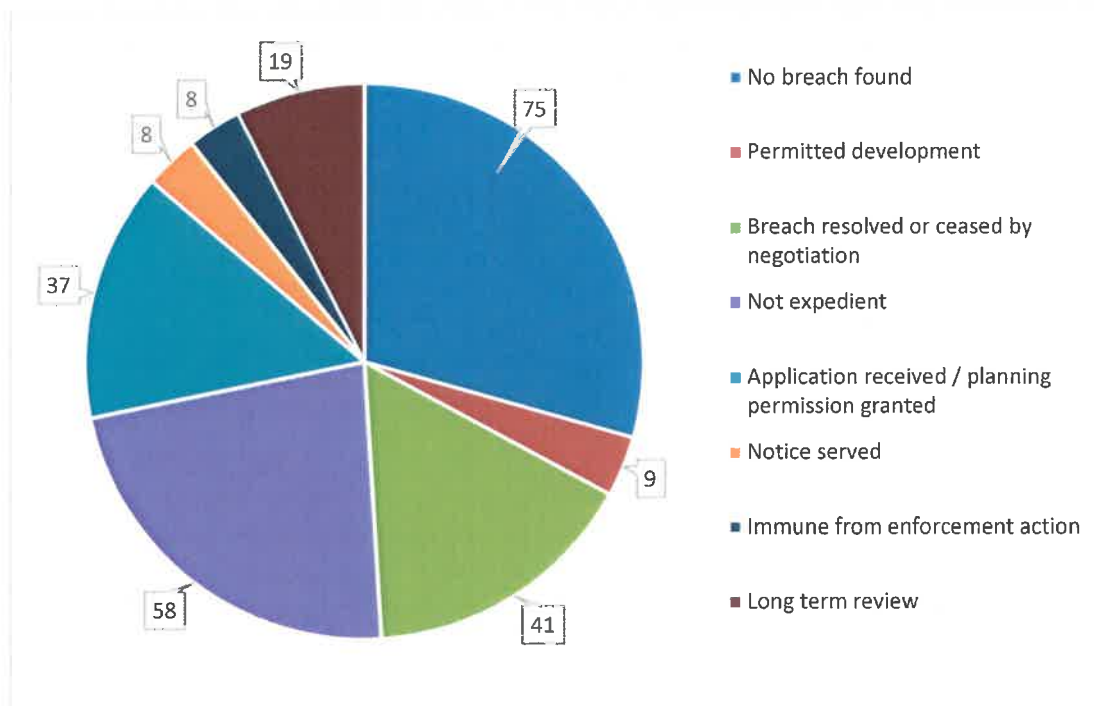
Formal enforcement action has been taken and a Notice has been served requiring remedial action

Immune from enforcement action **8**

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 **19**

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 33% of the cases that were fully investigated.

Enforcement Notices

This quarter we have served the following formal notices:

Planning Contravention Notices **27**

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 Notices **0**

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

CIL Stop Notices **0**

This is a new area of work for the Enforcement Team) where a developer is served a CIL Stop Notice to cease work on site when they have not paid monies overdue under the Community Infrastructure Levy.

Enforcement Appeals and Prosecutions

Enforcement Appeals Lodged: **2**

Enforcement Appeals Decided: **1**

EN17/02307 - The enforcement notice, was issued on 19 September 2019 at 15 Castle Street, Liskeard. The contravention of listed building control alleged in the notice was inserting two uPVC windows to the rear (west) elevation and three UPVC windows and Edwardian style timber door to the front (east) elevation of the grade II listed building. The notice was upheld and the appeal dismissed on the 26th May 2020.

Prosecutions, Injunctions and direct action

None.

Certificate of Lawfulness Applications

Total number of applications **45**

Approved **5**

Refused **2**

Awaiting determination **35**

Withdrawn **3**

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 **0** sites were visited due to the restrictions imposed through the COVID-19 pandemic, we are currently looking at re-commencing at least some of these for the next quarter.

Monitor of Section 106 planning obligations

S106 agreements established for monitoring **16**

Alleged breaches of s106 agreements noted for investigation **3**

Cases sent to legal for litigation **2**

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.

Agenda item 6 To note Cornwall Councils:

b) Update on Cornwall Council Planning Committee Process

The following information was taken from a Cornwall Council Town and Parish COVID19 update newsletter:

Update on planning committee process

Cornwall Council has two processes for planning applications where committee consideration is required: the virtual planning committee or the emergency decision-making process (which is a written consultation process).

Virtual meetings are limited to three hours. The written process operates alongside the virtual meetings to enable agendas to be managed to meet the time limit while still ensuring that the committee is involved in the determination of the application. In practice, this works as follows:

The Local Council Protocol and Member Protocol remain the same. Senior managers will ensure that potential committee items are kept to a minimum and will seek to resolve issues with the divisional member as much as possible. In those cases where the divisional member expresses a preference that an application should be considered by a planning committee, the following process will be followed:

- The application will be listed for consideration by the relevant planning committee. All applications to be considered by that committee will be decided either through a virtual committee meeting (limiting the number of items on the agenda to between two and four to ensure the length of the meeting is within the agreed three hours) or via the existing emergency decision-making process (written procedure).
- Where items are being determined by the written procedure, the planning committee report will be emailed to the divisional member, chair, vice-chair and members of the relevant planning committee for their comments, giving five days to respond. The report includes a section covering the key concerns

of all consultees including the local council, along with a summary of any representations received. This provides all those members (including the divisional member) the opportunity to comment and ensures that the divisional member is included within the process.

- The views of the members are collated and discussed with the chair and vice-chair when reviewing the report and making a decision. The final decision is made by the service director (Louise Wood) or her nominated representative (Hayley Jewels).
- The case officer reports are published on Cornwall Council's website in advance and a subsequent record of the decision will also be published.

PADSTOW TOWN COUNCIL - PLANNING COMMITTEE: 11 August 2020

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

- a) **PA20/03345 The Bryn Trevone Padstow Cornwall PL28 8QY –**
Demolition of existing static caravan within curtilage and replacement with single-storey garden studio
Padstow Town Council = **SUPPORTED provided i) height of the hedges are kept to screen the view from the village and the coastal path ii) that the AONB Officers comments about reducing the glazing is taken into account iii) a condition be placed on the approval preventing it to be converted into a habitable dwelling in the future and that it should only be owned or occupied by the main dwelling (The Bryn)**
Cornwall Council = **APPROVED**

Additional conditions on the approval:

- From the date of the commencement of the development hereby permitted the existing hedgerows bordering coastal path 532/1 and the tamarisk screen hedging to the garden, as shown on approved drawing no 20001 A100 P01 shall be retained and shall not be removed. Reason: To retain control over the appearance of the development in the interests of visual amenities of the locality and the Area of Outstanding Natural Beauty in accordance with the aims and intentions of policy 23 of the Cornwall Local Plan Strategic Policies 2010-2030 4 *
- The development hereby permitted shall only be used for purposes ancillary to the function of the main house known as The Bryn and should at no times be used as a separate residential unit of accommodation. Reason: The creation of a separate unit of accommodation in this rural location would be undesirable and further intensity and domestication of the site that independent occupation would bring would harm the surrounding Area of Outstanding Natural Beauty and conflict with the aims and intentions of policies 7 and 23 of the Cornwall Council Local Plan Strategic Policies 2010-2030 and paragraph 79 of the National Planning Policy Framework 2019

- b) **PA20/03949 Pentire Dobbin Lane Trevone Padstow PL28 8QP –**
Reserved Matters Application following outline approval PA17/8592 (access, appearance, landscaping, layout and scale)
Padstow Town Council = **NOT SUPPORTED i) Concern insufficient onsite parking for size of properties; ii) Concern over height of property compared to neighbours; iii) Concern over possible overlooking issues; iv) Believes the privacy panels require condition to ensure they cannot be changed in the future.**
Cornwall Council = **APPROVED**

A 5 day protocol was sent about this application which was dealt with via the Emergency Scheme of Delegation with the decision being to agree to disagree with the Planning Officer.

The Planning Officer report conclusion reads:

Conclusion

Taking these factors into account, on balance it is considered that the proposal is acceptable, subject to conditions. All other matters raised have been taken into account, including the planning history and the comments of the Parish Council, but none is of such significance as to outweigh the considerations that have led to the conclusion.

Additional approval conditions:

- Before the first occupation of either dwelling hereby permitted the first floor windows on the Southeast elevation of both dwellings shall be fitted with obscure glazing and fixed closed to a height of 1.5 metres above the finished floor level as shown in submitted drawings '2897/1A' and '2897/3A' and the windows shall be permanently retained in that condition thereafter. Reason: To protect the privacy of the occupants of the dwelling known as 'Atlantic View' and 'Pinehaven' and in accordance with policy 12 of the Cornwall Local Plan 2010-2030 and paragraph 127 of the National Planning Policy Framework 2019.
- Before the first occupation of either dwelling hereby permitted the screening on the northeast and southwest side of the ground and first floor balconies of both dwellings shall be fitted with obscure glazing to a height of 1.8 metres above the balcony floor level as shown in submitted drawing no '2879/4A' '2879/3A' '2897/1A' and '2987/2' and the screens shall be permanently retained in that condition thereafter. Reason: To protect the privacy of the occupants of the dwelling known as 'Kerensa' and 'Hilbre' and in accordance with policy 12 of the Cornwall Local Plan 2010-2030 and paragraph 127 of the National Planning Policy Framework 2019.
- Prior to the first occupation of the development hereby approved a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall provide planting plans with written specifications including: Details of all existing trees and hedgerows on the land, showing any to be retained and measures for their protection to be used in the course of development Full schedule of plants Details of the mix, size, distribution and density of all trees/shrubs/hedges Cultivation proposals for the maintenance and management of the soft landscaping The protection measures proposed shall be completed in accordance with the approved scheme and shall thereafter be retained until it is completed. Notice shall be given to the Local Planning Authority when the approved scheme has been completed. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner. Notice shall be given to the Local Planning Authority when the approved scheme has been completed. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species as those originally planted. Reason: In the interests of visual and residential amenity and in accordance with policy 12 of the Cornwall Local Plan 2010-2030 and the aims and intentions of paragraphs 127 and 170 of the National Planning Policy Framework 2019.

- c) **PA20/04487 18 Grenville Road Padstow Cornwall PL28 8EX** – Change of use from garage and workshop to granny annex.
Padstow Town Council = **SUPPORTED; as long as no overlooking issues**
Cornwall Council = **APPROVED**