MEVAGISSEY PARISH COUNCIL

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Minutes of the Parish Council Planning Meeting held at the Mevagissey Activity Centre

On Friday 17 May 2024 at 7pm

Present Cllrs. M Roberts, (Chairman), M Facey (Vice-Chairman), L Burdett, G Shephard, P Simpson, J Whatty,

G Williams.

In Attendance Cllr. J Mustoe (Ward Member), P Howson (Clerk to the Council).

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*UNRATIFIED UNLESS SIGNED*

1. Apologies for absence had been received from Cllrs. Barham, Morgan, Gann, Prynn and Brown.

2. There were no Declarations of Interest or Gifts.

3. Public participation. There were no members of the public present.

4. Planning applications.

4a. PA24/02744 : Propose box bay projection with balcony over and a single storey rear utility extension and toilet. 3 Battery Terrace Mevagissey St Austell Cornwall PL26 6QS

Proposed by Cllr. Whatty, Seconded by Cllr. Facey that the Council objects to the application. The proposed bay presents as a glass box which is ugly, too big and out of keeping, protruding nearly twice as far as the existing bay and beyond the building line. It would be overbearing, particularly to the neighbouring property, and would result in a loss of privacy. The amount of glass included in the proposal would cause excessive reflections and impact on the Conservation Area below. The step proposed to the rear of the property would obstruct wheelchair access to the right of way. Carried.

5. Planning decisions (for information). None received.

6. To receive updates on Planning Enforcement cases.

6a. EN24/00099. Alleged breach of condition 14 of planning approval C2/07/00942. Bosuns House, 2 Little Meva, East Wharf, Mevagissey, St Austell. Investigation closed with the following report received:

‘The windows have been replaced from bulky dark brown UPVC windows with dark grey triple glazed aluminium windows, the openings for the windows have not been altered. The colour and material used is sympathetic to the host building which has its cladding painted dark blue under permitted development rights. The property is set back from the harbour and only glimpses of it can be seen from the harbour public vantage points due to existing buildings either side of the access road and its distance from the harbour; it is considered that the new windows do not detract from the harbour setting, conservation area (property is just outside of it) due to them harmonising with the host building and surrounding area - Member SUPPORT’

The Ward Member said that the inclusion of ‘Member SUPPORT’ was incorrect and misleading.

Cllr. Facey said that an explanation from Planning Enforcement is required to explain why issues reviewed in great detail when the original permission was granted are now no longer deemed relevant. The site is in an AONB, adjacent to the Conservation Area (but previously considered to be within it) and with a direct impact on the setting of the Grade II\* listed harbour. Permitted Development Rights had been removed.

Officers report at the time notes various reasons for approving the scheme, including:

• Matters of scale and setting required further consideration. In terms of materials, stone facing and wood panelling was considered appropriate although too much wood in the wrong colour would be unacceptable.

• A greater opportunity has been introduced in respect of windows, resulting in a more homogenous form. Roof forms have also been simplified.

• Conservation Officer controlled approval of windows, timber boarding materials etc, etc.

• Removal of Permitted Development rights for external alterations; extensions including porches; roof extensions or other roof alterations; buildings within the curtilage of the dwellinghouse; oil tanks; satellite antenna and boundary enclosures.

Reason: To safeguard the reasonable enjoyment of their properties by existing residential occupiers and to ensure satisfactory living conditions for prospective occupiers of the dwelling hereby permitted.

Proposed by Cllr. Facey, Seconded by Cllr. Whatty that the decision should be challenged subject to verification of the information provided by Cllr. Facey. Carried.

6b. EN24/00100. Alleged installation of solar panels and raised concrete area following refusal of PA22/02002

Land South of 1 Battery Terrace, Mevagissey, Cornwall. Investigations underway.

6c. EN24/00377. Alleged works being carried out to a Grade II Listed building - replacement plastic windows

30 Church Street Mevagissey St Austell Cornwall PL26 6SP. Investigations underway

6d. EN24/00224. Alleged works being carried out on the Paddock. Two if by Sea, Portmellon. Investigations underway.

The Clerk had written to the owner as follows: ‘Following representations made by residents in Portmellon, the Parish Council has become concerned at works currently being carried out on the land known as The Paddock, adjacent to Two If By Sea. The Paddock is a designated Area of Special Character in the Mevagissey Neighbourhood Development Plan (NDP), and was expressly excluded from the very protracted planning discussions which took place when permission was given to build the property. Our Cornwall Councillor has already referred the matter to the Local Planning Authority’s Enforcement Officer, but meanwhile the Parish Council requests that you revert the land to its previous condition’. No reply has been received.

7. Other planning matters.

7a. The Chairman reported on the recent site meeting at Tall Trees / The Hollies with Joe Orchard of Orchard Deane to discuss the Construction Traffic Management Plan for the approved development. It had been agreed that there was only one possible solution, with all access via School Hill. Mr. Orchard had said that work on the new builds would start in September, but that a separate planning application would be submitted for the demolition of The Hollies, which was now too dangerous for the planned conversion, and replacement with a pair of semi-detached houses.

Cllr. Shephard said that the original application had been approved as a whole, with the limitations of the new-build aspect of the development being accepted for reasons of viability, and that if The Hollies was now to be demolished, there should be a new application for the entire empty site. Proposed by Cllr. Shephard, Seconded by Cllr. Burdett that a further meeting with Orchard Deane should be arranged to discuss this. Carried.

7b. The Clerk reported that he had written again to Cornwall Council’s Chief Executive regarding the Certificates of Lawfulness issue (minute 2024/04/8b refers) and her Executive Assistant had replied that it had been passed to the Planning Feedback Team to look into. They confirmed that they had decided to undertake a review to ensure that the correct decision had been reached, on the balance of probability, which is the necessary test that needs to be satisfied. A Principal Enforcement Officer would undertake the review and upon completion of that process they would contact us further in order to let us know the outcome.

Cllr. Facey said that the proposal by the Chief Executive of Cornwall Council that the Planning Feedback Team investigate a potential breach of law by their own Planning Team is not credible, and that the Council should record its concerns about the Planning Team “marking their own homework” in this very serious matter.

Proposed by Cllr. Shephard, Seconded by Cllr. Whatty that the Council should write to the MP, detailing the sequence of events and making clear that the Council has no confidence in Cornwall Council ‘marking its own homework’ and producing anything other than a whitewash. Carried.

7c. The Clerk had asked Cornwall Council’s Listed Building Officer what action they were taking over 11 Polkirt Hill. (minute 2024/04/8a refers) and she had replied that she wasn’t sure why the approved works had been left unfinished and asked that it be reported to the planning enforcement team, which has been done.

7d. The Clerk had written to Cornwall Council’s Constitution and Governance Committee (minute 2024/04/30c refers) asking them to reverse the recent decision that while members of a planning committee may continue to ask the applicant’s representative(s) a question for clarification, they may not ask questions of any other speaker. The Committee Chairman had replied that the decision had been referred back to the Committee for further discussion.

7e. Following a recent visit to the Ava House development by Cllr. Gann and Paul Mason (Tree Warden) to consider the alleged lack of compliance with the Woodland Management Plan and associated planning conditions, the Clerk has written to the enforcement officer asking for a site visit to review enforcement case EN24/00101.

8. The Ward Member reported that he had met with Cornwall Council’s Service Director and Devolution Officer who have made some progress on a devolution package for Mevagissey and intend meeting the Parish Council within the next month for detailed discussions. Proposed by Cllr. Shephard, Seconded by Cllr. Williams that the Council writes to the Ward Member asking for a meeting with Cornwall Council at the MAC within the next month to discuss the proposed devolution package. Carried.

9. The meeting ended at 8.25pm. Date of next meeting: 21 June 2024.

Signed ......................................................................................... Dated ....................................