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**CLERK'S NOTES ORDINARY PARISH COUNCIL MEETING TO DISCUSS AND VOTE ON PLANNING AND LAND USE MATTERS THAT WOULD HAVE BEEN HELD IN THE PARISH ROOMS BREAGE ON WEDNESDAY 31 MARCH 2021 AT 7.00 P.M.**

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**1. DECLARATIONS OF INTEREST**

a) To note declarations of interest in accordance with LGA 2000 - Members and officers to declare non-registerable interests or disclosable pecuniary interests (including details thereof) in respect of any items on this agenda.

There were none.

**2. CONFIRMATION OF CLERK'S NOTES OF THE PARISH COUNCIL MEETING PLANNING AND LAND USE 24 FEBRUARY 2021**

Councillors to e-mail confirmation of your satisfaction of the notes to the Clerk

One received.

**3. PLANNING****a) TO CONSIDER PLANNING APPLICATIONS RECEIVED FROM CORNWALL**

Councillors' e-mailed comments:

**1. Application PA21/00600 Proposal** Agricultural cattle shed, with a galvanised steel frame, a fibre cement roof with spaced timber cladding on sides. It will be adjacent to my other cattle shed and is proposed for the new livestock being born in the spring. Also we will be creating a earth bund around the visible sides of the shed **Location** Kiln Farm Tregonning Lane Carleen Breage

**9 - support**

**0 - not support**

**1 - no reply counted as abstentions**

Breage Parish Council **SUPPORTS** the application.

**2. Application PA21/01511 Proposal** Erection of 2 x detached dwellings and creation of new vehicular accesses **Location** The Queens Arms Inn, Land South Of The Queens Arms St Aubyns Square Breage TR13 9PD

**3 - support**

**6 - not support**

**1 - no reply counted as abstentions**

Breage Parish Council **DOES NOT SUPPORT** the application.

**3. Application PA21/01268 Proposal** Conversion of a disused agricultural building into holiday accommodation and the widening of an existing vehicular access and parking area **Location** Polrose Meadows Broadlane Godolphin Cross TR13 9QX

**4 - support**

**5 - not support**

**1 - no reply counted as abstentions**

Breage Parish Council **DOES NOT SUPPORT** the application.

**4. Application PA21/01133 Proposal** Proposed dwelling **Location** Land Adj To Pengersick House Pengersick Lane Praa Sands Penzance

**1 - support**

**8 - not support**

**1 - no reply counted as abstentions**

Breage Parish Council **DOES NOT SUPPORT** the application.

**5. Application PA21/01744 Proposal** Extension for kitchen and installation of patio door. Construction of raised decking **Location** Gorse Lea Pengersick Croft Praa Sands Penzance

**8 - support**

**0 - not support**

**2 - no reply counted as abstentions**

Breage Parish Council **SUPPORTS** the application.

**6. Application PA21/01895 Proposal** Change of use and conversion of redundant traditional agricultural barn to create a single dwelling with non compliance on condition two in relation to Decision Notice PA17/07749 **Location** Barn South East Of The Bowgy Trevurvas Ashton TR13 9TY

**7 - support**

**2 - not support**

**1 - no reply counted as abstentions**

Breage Parish Council **SUPPORTS** the application.

**7. Application PA21/02026 Proposal** To construct a utility extension **Location** Glenispray Penwerris Rise Praa Sands TR20 9TD

**8 - support**

**0 - not support**

**2 - no reply counted as abstentions**

**Breage Parish Council SUPPORTS the application.**

**8. Application PA21/01996 Proposal** Erection of up to 7 dwellings and associated works (outline with appearance, landscaping and scale reserved) with variation of condition 3 of decision notice PA19/09075 dated 07/02/2020 **Location** Church Of The Annunciation Main Road Ashton Helston

**7 - support**

**1 - not support**

**2 - no reply counted as abstentions**

**Breage Parish Council SUPPORTS the application.**

**9. Application PA21/01584 Proposal** Construction of a ground floor extension, grass roof terrace, dormer extension and replacement of windows and doors **Location** 3 Godolphin Court Godolphin Bridge Townshend TR27 6AR

**7 - support**

**1 - not support**

**2 - no reply counted as abstentions**

**Breage Parish Council SUPPORTS the application.**

**b) TO CONSIDER PLANNING APPLICATIONS RECEIVED FROM CORNWALL received after agenda**

**Councillors' e-mailed comments:**

**10. Application PA21/02462 Proposal** Retention of Existing Caravan to be used for Ancillary use to Main Dwelling House **Location** Fernhill Helston Road Germoe TR20 9AA

**0- support**

**7 - not support**

**3 - no reply counted as abstentions**

**Breage Parish Council DOES NOT SUPPORT the application.**

**11. Application PA21/02460 Proposal** Retention and completion of porch **Location** Fernhill Helston Road Germoe TR20 9AA

**4 - support**

**3 - not support**

**2 - no reply counted as abstentions**

**1 - interest declared**

**Breage Parish Council SUPPORTS the application.**

**12. Application PA21/03302 Proposal** Notification of proposed works to trees in a conservation area. Felling of tree, crown raise Ash to four metres and crown raise Sycamore to 4metres **Location** The Queens Arms Inn St Aubyns Square Breage TR13 9PD

**NO COMMENT REQUIRED - Delegated Decision**

**13. Application PA21/01763 Proposal** Use of upper level of existing twin level garage as annexe **Location** Pordenack Pengersick Lane Praa Sands TR20 9SL

**5 - support**

**3 - not support**

**2 - no reply counted as abstentions**

**Breage Parish Council SUPPORTS the application.**

#### **4. BUSINESS LICENSING GRANT APPLICATION**

**Business** hot and cold food and drinks **Location** The lay by on A394, Helston to Penzance road, corner just after the Porthleven turning before Breage

Individual Councillors' comments were submitted. Reply received: Thank you for your e-mail with comments from Breage Parish Councillors. I note they are not the formal response from the Parish Council.

I can confirm that Highways have been consulted on the application and their response was as follows:-

'As the highway authority we have no valid objection to this proposal but would like to stipulate the location of the trailer and that of customers must not be positioned in a way to prevent the safe access and egress of the lay by to the main carriageway we would also not permit advertising signs associated with the business at the entrance to the lay by (or any other part of the highway corridor) which would be unlawful and potentially distracting to drivers'.

Hopefully my comments below, will also address the concerns raised:-

1. I don't have any objection per se; just a slight concern that this lay by is used a lot by tractors pulling in to let traffic past and I would be concerned if this causes an obstruction to prevent the tractors getting through. The Highways stipulation will be passed on to the applicant. See also the standard conditions attached (condition 6 and 17).
2. I don't know if this application allows the applicant to put out tables and chairs for people to use, which I would object to as I do not think there is enough room in the lay by and it would cause an obstruction. The application did not include tables and chairs.
3. Object because of the litter and refuse. Please see the standard conditions attached (condition 8 and 13).
4. Great idea. Fully support this.
5. I would just suggest that if approved then some type of condition be applied that the operator has to provide facilities for refuse and has responsibility for removal from the site daily, so as to avoid littering of the environment. (see condition 8 and 13).

## 5. NEIGHBOURHOOD DEVELOPMENT PLAN

### i) Update

Meeting action notes and monthly report previously circulated to Councillors

Covid 19 restrictions continue to impact

The SG has amended the Submission Edition of the NDP to reflect BPC decisions of 2 March.

The Basic Conditions Statement has been completed and reflects the policies of the NDP as approved by BPC on 2 March.

The Consultation Statement has been completed and reflects the approval of the Submission Edition of the NDP by BPC on 2 March

The completion of the work on the Submission Edition, the Consultation Statement and Basic Conditions Statement was progressed quicker than anticipated and all were provided to the Parish Clerk on 22 March for formal submission to Cornwall Council by BPC as the Qualifying Body.

The 'submission package' consisting of the Submission Edition of the NDP, a plan showing the boundary of the Neighbourhood Area, the Basic Conditions Statement and the Consultation Statement was formally submitted to CC by the Parish Clerk under Regulation 15 of the NDP Regulations on 24 March.

The SG has provided the Parish Clerk with sufficient copies of each of the above documents for each councillor, the clerk and BPC to have a hard copy of each document - these can be obtained from the Parish Clerk.

The SG has produced a fifth edition of its NDP Newsletter that will be distributed to all households in the Parish informing them of progress on the NDP, the main changes from the Pre Submission Edition, the formal submission to CC and summarising the next steps in the preparation of the NDP.

The Newsletter will again be distributed by CC during the last week of March/first week of April.

Informal notification of the submission of the NDP will also be posted on the SG's facebook page and web site with the latter also containing a downloadable version of each of the documents that form the submission package, and a digital copy/link to each supporting document that is referenced in the Submission Edition of the NDP.

The next key stage in the NDP preparation process is the preparation of a Legal Compliance Report and Comprehensive Impact Assessment Report - both of these are the responsibility of Cornwall Council as the Local Planning Authority.

## 6. CORNWALL COUNCIL CLIMATE EMERGENCY DEVELOPMENT PLAN DOCUMENT (DPD)

### SUMMARY REPORT TO BREAGE PARISH COUNCIL by CMR

#### Introduction

This report provides an overview of the recently published Cornwall Climate Emergency Development Plan Document (DPD) and the potential implications of this for Breage. The Climate Emergency DPD was published by Cornwall Council (CC) for the purpose of pre submission consultation on 26 February; the closing date for the receipt of any comments is 16 April.

#### Determining Planning Applications

As councillors are aware the planning system in England has a presumption in favour of sustainable development where the development proposed reflects the content of the adopted 'development plan'. Planning approval is not automatically granted if a development proposal is in line with the development plan, other 'material considerations' may apply that outweigh the content of the development plan. Nevertheless, the development plan is a key policy document and the 'starting point' for the assessment of development proposals that come before the Local Planning Authority.

#### What is the Development Plan?

Under the current planning system the development plan in Cornwall consists of 'strategic' and 'local' planning policies. Strategic policies are those set out in the adopted Cornwall Local Plan (CLP). Local policies add to and interpret the CLP and are broadly contained in Neighbourhood Development Plans (NDP) and DPDs. The 'development plan' that applies to Breage is therefore made up of the CLP, the Breage Parish NDP and any DPDs that are applicable to the Parish.

CC has prepared and adopted a number of DPDs including:

- Site Allocations DPD (does not apply to Breage)
- Minerals Safeguarding DPD

It is in the process of preparing the following:

- Climate Emergency DPD
- Travelling Communities Site Allocations DPD

Just to complicate things there are other documents such as Supplementary Planning Documents (an example is the Breage Conservation Area Management Strategy) and Chief Planning Officers Advice Notes (an example is that relating to rounding off). These can be taken account of in determining planning applications but they do not carry the same 'weight' as the CLP, NDP or DPD.

#### Climate Change Emergency Development Plan Document

CC declared a 'climate emergency' in 2019 and has a stated aim to become carbon neutral by 2030. The policies in the CLP are considered not to do enough to combat climate change and achieve this goal. The DPD seeks to introduce additional planning policies with a focus on addressing climate change that will contribute towards the achievement of this objective.

The DPD is made up of some 22 policies grouped around the following themes: climate change principles; natural climate solutions; rural development and diversification; town centres, design and density; sustainable transport; renewable energy and sustainable construction; sustainable energy and construction; and, coastal change and flooding.

Many of the policies are very 'wordy' and it will be interesting to see how they fair at examination stage (as some are quite radical whilst others have at best a tenuous link to land use).

The policies summarised below are those that are considered to be quite radical and/or are specifically applicable to Breage:

Policy AL1: this promotes low impact residential development as part of a regenerative use of land in areas not usually considered appropriate for residential development including farms and farmland in the open countryside. In some ways this is an encouragement of 'alternative life styles' based around self sufficiency.

Policy TC5: provides for the development of rural services within and adjoining existing settlements. This expands the opportunity for development to extend existing rural settlements.

Policy T1: prioritises transport modes and places fossil fuelled vehicles lowest in this hierarchy.

Policy T2: suggests that residential parking should primarily be provided off plot rather than within the curtilage of dwellings.

Policy RE1: supports renewable energy development including wind energy in 'broadly suitable areas' (this includes Breage) albeit subject to impact on landscape and heritage (which gives the Parish some protection through the AONB, Area of Great Landscape Value, coastline and World Heritage Site)

Policy SEC1: promotes high levels of energy efficiency in new buildings.

Policy CC2: identifies Candidate Coastal Change Management Areas (including Praa Sands) and permits limited development in the absence of 'Coastal Change Adaptation Plan'. The supporting text suggests that such plans should be prepared locally, managed by Parish Councils and included in NDPs. The text also suggests resources will be identified to support this but offers no further detail! Personally I think this is the LPA avoiding its responsibilities and ducking the issue of what needs to be done to combat coastal change as a result of climate change. I am not convinced this is an issue that can be led locally as it requires significant technical expertise.

## Conclusion

With specific regard to the Parish the coastal change management area proposal is most worrying as it 'kicks the can down the road' in terms of dealing with the issue and places a responsibility on the Parish Council and the local community but with no detail on the resources that will be available to support this work. This might well be worth challenging?

## 7. APPEALS

i)Update

No new matters.

## 8. ENFORCEMENT MATTERS

i)Update

1. **EN18/01245** - Penchinale Main Road Ashton Helston Cornwall TR13 9SD - Alleged change of use to three dwellings – **Still at Step 6**

2. **EN18/02100** – Cherry Masons Fruit Farm (Formerly Little Italy and Cherry Meadow) Higher Road Breage Helston Cornwall TR13 9PJ - Alleged change of use of land for the stationing of caravan(s), siting of a shipping container and portaloo and the installation of a septic tank – **Enforcement notice issued by Cornwall Council 23 March 2021 Material Change of Use of Land, Operational Development and Engineering Operations**

3. **EN20/00468** - Land North of Hope Farm Breage Helston Cornwall TR13 9NE - Alleged unauthorised change of use of the land - creation of two car parking area, erection of a shepherd's hut and another possible shed being erected – **At step 6 – awaiting application**

4. **EN20/00644** - Land South East Of Barn 1, Crava Pa, Crava Lane, Ashton, Cornwall, TR13 9SE– Alleged breach of Planning Control - Alleged removal of Cornish hedge and erection of agricultural building, creation of a pond and stationing of a chalet –

**Officer's file closed regarding matters reported that constitute 'development' and no further action will be taken at this time. It will be for the land owner to decide if they wish to submit a planning application in the future to regularise matters going forward.**

5. **EN20/01361** - Roslyn Higher Road Breage Helston Cornwall TR13 9PJ - Alleged unauthorised stationing of a residential building on the land - **Case closed for review in April 2021**

6. **EN20/01692** - Haulfryn Group Ltd Reception Praa Sands Holiday Park Praa Sands Penzance - Alleged change of use of land being used for building activity – **The Case Officer visited the site, viewed the works being undertaken and discussed this with the Site Manager. No breach of planning control was identified at this time. The works are being undertaken lawfully under planning permission reference PA13/00724 (allowed at appeal) Phase 4. At the time of the visit there were some twin mobile units being stored along the entrance road adjacent to the southern boundary, but the Site Manager has confirmed that they have now been moved down into the site and are no longer there. The Officer's file on the matter is now closed and no further action will be taken at this time.**

## 9. TO CONFIRM THE DATES AND TIME OF NEXT MEETINGS

Virtual Zoom Ordinary Meeting Tuesday 6 April 7.00 p.m. Planning Meeting - not physical or virtual - Wednesday 28 April 2021