

Cornwall Council report

CLlr Dick Cole

Time period: 25th May – 21st June

Please note: I was on holiday between 30th May and 8th June.

1. Council meetings

I have attended a range of formal meetings over the last month. These included: Central Sub-Area Planning Committee, Planning Policy Advisory Committee (PAC) and an associated pre-agenda meeting, Resources PAC, China Clay Area Network, the working group for the Council's so-called "Case for Cornwall," a briefing on the Council's approach to housing, and a site visit to the incinerator site.

In addition to the formal meetings listed above, I have had numerous meetings with council officers and others to discuss a range of issues.

2. Other meetings

I also attended a workshop organised by the St Austell Bay Economic Forum relating to the China Clay Area, ClayTAWC at St Dennis, and the Governors at Summercourt Academy.

3. Penare Pig Farm, Higher Fraddon and associated AD plant

The issues relating the biogas plant have taken up a significant amount of my time and I chaired a meeting of the Higher Fraddon Community Forum on 10th June. The minutes of the meeting will soon be available.

The situation at the present time is that:

(i) the formal consultation period for the "regularising" application for the biogas plant has been reached, though obviously representations can still be made;

(ii) the part-retrospective application for the pig farm has been submitted and has been validated. A public exhibition is being held today (23 June) and the application will be considered at this Parish Council meeting.

(iii) Greener for Life have submitting a further application setting out their preferred traffic movements. This has also been validated.

(iv) Cornwall Council has confirmed that the three applications will be dealt with at the same time. This will be at a meeting of the Strategic Planning Committee.

(v) There continues to be a large number of complaints being registered with Cornwall Council and the Environment Agency about noise, smell and traffic-related issues.

Following the patching through Higher Fraddon (between Fraddon Hill and the turning to Pit Lane), I have been in discussion with Cormac about when they will be able to complete the works on the remainder of the Higher Fraddon road. I am hoping for some feedback in the very near future.

4. Planning

I have been actively involved with a large number of ongoing applications. Listed below are a few examples, though this list is by no means exhaustive:

- Land west of Kilburn, Fraddon (PA14/00882)

As promised at the last meeting, I have formally complained about how this application has been dealt with. The letter was as follows:

As previously discussed, I am writing to formally raise concerns about how the planning application PA14/00882 (Land to the rear of Kilburn) has been dealt with in terms of the processes of the Council. I wish to make it clear, at the outset, that I am not complaining in any way about the case officer.

The application was validated on 30th January 2014, albeit without any viability information, and the Parish Council objected on a significant number of grounds. A delegated report was prepared. It was for refusal for the following reason:

"In the absence of a mechanism to secure the provision of affordable housing, open space, and contributions towards educational infrastructure, for which there is evidence of an identified need, the proposal is considered to be contrary to saved Policies 7 and 89 of the Restormel Local Plan 2001, paragraphs 54, 57 and 72 of the National Planning Policy Framework 2012, the Supplementary Planning Guidance on Planning Obligations and Community Infrastructure 2004 and Cornwall Council document - Guidance on S106 Planning Obligations for Education Provision (April 2012)."

The case officer informed the applicant's agent of this and viability information was finally submitted on 31st March. I understand that the affordable housing officer's comments were made on 2nd June and a revised offer was submitted on 5th June (which included a reduction in the amount of affordable housing). The affordable housing officer then confirmed conditional support for the proposal on 13th June and the report was then written up for the Central Sub-Area Planning Committee. The deadline was the 17th June.

I was not happy because the Parish Council was not re-consulted on the change in the application and I, as divisional member, was not able to challenge the new information in the short time available between Friday 13th June and Tuesday 17th June.

I consider it wrong that the process was delayed because the applicant's agent had not submitted the relevant information, but then a committee report had to be prepared very quickly to meet the above deadline because the applicant would not agree a further extension of time.

At the meeting of Central Sub-Area Planning Committee on 7th July, the application was deferred to seek a better scheme. The applicant declined to negotiate and the application was referred back to the 4th August meeting of the Committee.

At this meeting, I set out the reasons why Parish Council and I opposed this development. The views of the Parish were as follows:

- That the percentage of affordable housing had dropped from 60% to 55%.*
- That the prices for the affordable housing were not in line with the affordable housing Supplementary Planning Document (Restormel Borough Council).*
- That the affordable units were, on the whole, much smaller than the open market units. In terms of bedrooms, it seemed that 61% were open market and only 39% affordable.*
- That the indicative layout was poor, the land take being about two-thirds for open market housing and one-third for affordable housing.*

The application was however approved, subject to the Section 106 Agreement, etc, though the members of the Planning Committee did agree that the indicative plan was "not acceptable for the following reasons: inadequate space standards for the affordable housing, inequitable division of land take between the open market and affordable housing, disparity between size of the affordable and open market housing units, and lack of pepper potting of the affordable housing units." They made it clear that they would expect these matters to be addressed in the reserved matters submission.

I was also disappointed that the pricing of the affordable housing was based on a previous consultation draft of the Affordable Housing Supplementary Planning Document which I demonstrated contained figures which needed to be revised – rather than the Restormel SPD.

The Committee resolution also stated – without equivocation – that:

"If the Section 106 Agreement is not signed by 2nd October 2014, authority be delegated to the Head of Planning and Enterprise to refuse planning permission on the grounds that the proposal has failed to secure the necessary safeguards to ensure the provision of the necessary mitigation within a time period deemed sufficient."

On 9th December, I was contacted by the case officer seeking my agreement, as divisional member, for slight changes to the Section 106 Agreement (relating to the use of discount percentages rather

than initial sales prices in the document) which had been requested by the applicant.

In my response, I referred the case officer to the Committee resolution, which stated that the applicant should have been refused as the Section 106 had not been signed by 2nd October.

I was informed by the case officer that:

"The resolution gives delegated authority to the Head of Planning and Enterprise to refuse planning permission on the grounds that the proposal has failed to secure the necessary safeguards to ensure the provision of the necessary mitigation within a time period deemed sufficient. This enables planning applications to be refused without being referred back to committee if the s106 is not being progressed. The resolution does not require that the Head of Planning and Enterprise must exercise these delegated powers."

I have made it clear that I did not agree with this and also pointed out that, in the committee report, it stated:

"The two-bed intermediate homes proposed for the site should be 'sold at an initial price not exceeding £97,500' while the three-bed units should not exceed £107,000. Your email states that the proposed percentage of OMV at resale to be 75% for the two-bed units and 71% for the three-bed units."

I added out that the Affordable Housing SPD which had since been adopted by this Council and, as I had pointed out at the August meeting of the Central Sub-Area Planning Committee, the figures had been corrected / revised. It states that the sale prices of three-bed intermediate homes should not exceed £104,500 while the two-bed units should not exceed £87,500. It also suggests that the percentage of OMV on resale should be 70%.

The application was referred back to the Central Sub-Area Planning Committee and the meeting took place on 16th February 2015.

At this meeting, I made a number of arguments. These included that (i) as the section 106 agreement had not signed off within the time-frame set, it should have been refused and (ii) if councillors were unwilling to do this they should reassess the application and the prices for the affordable housing.

Members were very sympathetic to my arguments but the senior planning and legal officers stepped in and told the elected members that could only consider the modifications to the legal agreement requested by the applicant.

The meeting ended in confusion, and there was considerable unhappiness about what happened at the meeting. The suggested change to the Section 106 was not agreed.

I am extremely unhappy at how the processes of the Council have allowed this application to proceed in the matter that it has.

- 44 holiday lodges at Carvynick (PA15/01472)

This application was dealt with at the Central Sub-Area Planning Committee on June 8th. I was not happy that the meeting was moved forward to a 10.00 start (from 2.00) and that Carvynick was the second item on the agenda. It meant that I could not attend as I was travelling back to Cornwall, on that day, from my holiday. I did however produce a written statement, which was read out at the meeting.

Cllr Hopkins spoke at the meeting on behalf of the Parish Council and Rod Toms raised objections on behalf of local residents.

The application was passed, but with additional conditions on drainage and screening.

- Retail development at Kingsley Village

Following the consideration of the application to construct a large extension at Kingsley Village (to accommodate Marks and Spencer), I have been acting as an intermediary between Kingsley Developers and the owners of Penhale Cottages to the north of the site. As discussed at the last Parish Council meeting on June 9th, members are aware of the significant impact of the proposed development on the five properties abutting the development site, and how some modifications may be made to the actual plans.

- Wind turbine at Goonhoskyn (PA14/10808)

An application for a wind turbine has been re-submitted at Goonhoskyn following an earlier refusal. The application has been validated but concerns have been raised with me that the applicant has not followed the appropriate guidance on pre-application consultation. I am presently looking into this matter.

**- Large garage / store at Linton Rise, Summercourt (PA14/10939)
- Five dwellings near Manor Drive, Fraddon (PA15/00763)**

As noted last month, following objections from St Enoder Parish Council, the above applications have been referred to Cornwall Council's Central Sub-Area Planning Committee.

- Trenithon wind turbine; planning appeal

As requested at a previous meeting, I have produced a statement on behalf of the Parish Council, setting out its opposition to the development. It has been forwarded to the Planning Inspectorate.

5. Planning Policy Advisory Committee

At the meeting of the above committee on 17th June, I was re-elected Chairman. At this meeting, a number of issues of considerable importance to St Enoder Parish Council were discussed. These included:

- Non Material Amendments

It was agreed that Parish Councils and Cornwall Councillors would soon be informed about applications for non-material amendments to extant planning consents. These will be shown on the "weekly lists" and Parish Councils would have 14 days to challenge whether an application is actually non-material or not. Fourteen days is not long, but the applications have to be dealt within 28 days, and it will be necessary for this Council to have a protocol in place for this.

- Local Plan; Examination in Public

Following the Public Examination into the Cornwall Local Plan, the Inspector formally released his initial findings on 11th June. He informed the unitary authority that the Public Examination be suspended and further work undertaken on a range of topics. In particular, he ruled Cornwall's increasingly unpopular housing target of 47,500 new properties for the period between 2010 and 2030 should be increased, though not by the massive amount suggested by various large house-building firms.

At the Planning PAC, we considered the implications of the Inspector's ruling and it was recognised that we had no option but to do what the Inspector stated.

6. Renewable energy

At Planning PAC we also considered revisions to a draft Renewable Energy Supplementary Planning Document, which it was agreed should be adopted as interim planning advice, pending adoption of the Cornwall Local Plan. At this later time, it would then be progressed as a Supplementary Planning Document.

The following day, the Secretary of State for Communities and Local Government (Greg Clark) published a new ministerial statement to allow local people the "final say on wind farm applications." This is likely to have a significant impact on how wind turbine applications are dealt with in the future. It states the following:

"When determining planning applications for wind energy development involving one or more wind turbines, local planning authorities should only grant planning permission if: the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing."

7. Resources PAC

I attended a meeting of the above committee on 19th June, and spoke in the debate about the policy on discretionary rate relief. I argued that it would be foolish to reduce the relief on charities and non-profit organisations, as it could have a devastating impact on the affected

organisations. The members voted, by a majority, to not revisit discretionary rate relief.

8. Liaison with Cormac

I have been in regular contact with officers from Cormac on a range of issues. Some patching has been carried out along Narrow Lane, between Penhale and St Ender Churchtown, and Harvenna Close, Fraddon.

I have also had some issues of anti-social behaviour reported to me at Clodan Mews, St Columb Road, and Heather Meadow / Lindsay Fields, Fraddon. As well as talking to the Police, I have continued to request that Cormac tidy up the affected areas (eg. damaged wall at entrance to Heather Meadow).

9. The Kelliers

Cornwall Council has confirmed that the Environment Agency has surrendered the landfill permit on the Kelliers, which means that the lease between the Parish Council and the unitary authority can now be enacted. This is on today's agenda for discussion.

10. Cricket match

On 19 June, I took part in the annual charity cricket match between officers and councillors (assisted by a few non-councillors). For the first time, the councillors were successful and, for the second year in a row, I managed a total of 13 runs. I was particularly chuffed to hit a single six.

11. Inquiries

During the last month, I have also helped numerous people and local organisations with advice and guidance on a wide range of issues.

