

	Minutes of the Planning & Licensing Committee Meeting held on Wednesday 10th April at 6:04 pm in the Council Chambers, Municipal Offices, Marcus Hill, Newquay.	
	<p><u>Present</u> Cllr J Kenny (Chair), Cllr S Thomson (Vice Chair), Cllr J Brook, Cllr N Morris, Cllr J Bell</p> <p><u>Also attending</u> D McLeod & J MacCreadie (Corporate Service) There were 6 members of the public in attendance.</p>	
Minute Ref P219/24	<p><u>Apologies</u> Cllr R Souray, Cllr K Larsen, Cllr M North, Cllr F Wiliamson</p>	
Minute Ref P220/24	<p><u>Interests</u> None</p>	
Minute Ref P221/24	<p><u>Meeting Management Issues</u> None</p>	
Minute Ref P222/24	<p><u>Minutes</u> i. 27th March 2024</p>	
Minute Ref P222/24 (1)	<p>It was proposed by Cllr J Kenny, second by Cllr S Thomson and RESOLVED unanimously that the minutes of the meeting for 27 March 2024 were correctly recorded and that they be adopted and signed by the Chairman.</p> <p>Cllr N Morris ABSTAINED</p>	
Minute Ref P223/24	<p><u>Matters Arising</u> To discuss or note any matters arising from the minutes under item 4.</p> <p>i. Letter to CC Highways re: Newquay Service Station</p> <p>D McLeod reported that the CC Highways Manager had replied to the Committee's letter of 28Mar2024 (see minute ref 211/24) explaining</p>	

	that the matter of advertising clutter around Newquay Service Station had been referred to Planning Enforcement.	
Minute Ref P224/24	<u>Public Question Time</u> There were 6 members of the public in attendance.	
	A representation was made regarding the Atlas Garage Premises Licence Application LI24_001304 (Agenda item 8.i)	
Minute Ref P224/24 (1)	It was proposed by Cllr J Kenny, second by Cllr S Thomson and RESOLVED unanimously to bring forward agenda item 8.i in order that decision be made before returning to the remaining agenda items.	
	Licensing Ref LI24_001304 i. Representation to CC Licensing re: Atlas Garage PL Application	
	D McLeod shared an image of the outdoor smoking and seating area (provided by the applicant) along with Licensing's response to concerns about the outdoor area. It was also reported that Public Protection had raised similar concerns to those raised by Cllrs regarding noise impacting nearby residential dwellings and that further conditions had now been agreed that would mitigate against this.	
Minute Ref P224/24 (2)	It was proposed by Cllr J Kenny, second by Cllr S Thompson and RESOLVED to Withdraw the Town Council's Representation to LI24_001304 Atlas Garage. Cllr N Morris Abstained	ACTION – D McLeod to report back to CC Licensing
Minute Ref P224/24 (3)	A representation by the Agent was made in favour of planning application PA24/01904 (Agenda item 10.3). A representation (Mr Keast) was made in objection to the three planning applications for PROW Park - PA24/01904, (Agenda item 10.3) PA24/01296 (Agenda item 10.4) and PA24/02213 (Agenda item 10.8)	

Minute Ref P224/24 (4)	It was proposed by Cllr J Kenny, second by Cllr S Thomson and RESOLVED unanimously to bring forward agenda items 10.3 (PA24/01904) 10.4 (PA24/01296) and 10.8 (PA24/02213) in order that decisions be made before returning to the remaining agenda items.		
	Application 3	Trenance	
	Reference	PA24/01904	
	Proposal	16 live-work serviced workers accommodation units associated with PROW park Business Village (retrospective) without compliance with condition 1 of application no. PA17/07291 24.09.2018.	
	Location	Prow Park Treloggan Industrial Estate TR7 2SX	
	Applicant	Julian R T Julian & Son Ltd	
Minute Ref P224/24 (5)	Decision	It was proposed by Cllr J Brook, second by Cllr N Morris and RESOLVED unanimously to OBJECT to PA24/01904.	
	Comments	Cllrs noted the comment from Public Protection Contaminated Land Planning Consultations, regarding the AGS Phase 1 report being over 8 years old and not covering the type of proposed development of residential accommodation for workers. Furthermore, Cllrs were aware that Condition 2 of the original permission required submission of a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health; the Town Council has been unable to find any evidence that such a scheme was	ACTION - post OBJECTION on CC Planning Register

ever submitted, which is a grave cause for concern.

Cllrs also noted that in responding to another recent PROW Park application (PA24/01296), the HSE has stated the industrial estate lies within the consultation distance of at least one major hazard site and/or major accident hazard pipeline, and that the HSE wishes to be consulted on any developments on this site. Cllrs would expect the HSE to be consulted on any current and future planning applications for PROW Park, including PA24/01904.

When considering the application site, Cllrs noticed the red line site overlaps other current applications at PROW Park. None of these separate applications seem to recognise the multiple uses being allocated to the land concerned and Cllrs feel this is strong evidence that the piecemeal approach to applications on PROW Park needs to be replaced by a coherent and transparent approach that would include an overall masterplan being submitted to the LPA.

Strong concerns exist that the clash of use classes resulting from allowing longer-term residential occupation on an existing industrial area would inevitably lead to occupiers of the dwelling units complaining

about noise and odours – and that the subsequent actions/mitigations would potentially harm the operation of what is Newquay’s primary protected Employment Site. Furthermore, Cllrs are fully aware that the working patterns of NHS and care staff can be far from straightforward and that the need for such workers to sleep during the day when the site is at the height of its (noisy) operation, is unavoidable.

It is noted that no understanding of what ‘serviced’ accommodation would mean in the context of these units had been communicated in any of the submitted documents. Similarly, there is no detail as to how the letting of the units would be managed and no indication as to who would be responsible for this.

	Application 4	Trenance	
	Reference	PA24/01296	
	Proposal	Retention of Darbari units 16, 17, 18 and 19 for use class E purposes.	
	Location	Darbari units 16, 17, 18 and 19 Prow park Business village Treloggan industrial estate TR7 2SX.	
	Applicant	Julian RT Julian & Son	
Minute Ref P224/24 (6)	Decision	It was proposed by Cllr S Thomson, second by Cllr J Brook and RESOLVED unanimously to OBJECT to PA24/01296	

	<p>Comments</p>	<p>Cllrs noted the operation of the Dabari Units included in application PA24/01296 is closely associated with the currently undetermined application PA23/02376 (Retrospective change of use of land for parking, storage and the siting of storage containers), in that the cleared lands is facilitating the use of the Units. This may be in the form of providing parking for visitors to the Dabari Units or enabling access for waste collection vehicles servicing the Units – an activity which Bedowan Meadows residents have highlighted as causing unwanted noise disturbance. With this in mind, Cllrs feel this is another example of the piecemeal approach to applications on PROW Park – an approach that needs to be replaced by a coherent and transparent approach that would include an overall masterplan being submitted to the LPA.</p> <p>Given the increased levels of flooding that are now being reported around residential areas neighbouring PROW Park, Cllrs were concerned at the absence of measures proposed within the current application to manage surface water run-off.</p> <p>Although recognized as a Building Regulations matter, Cllrs were deeply concerned that no consideration appears to</p>	<p>ACTION - post OBJECTION on CC Planning Register</p>
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		have been given to making the retained units accessible to all.	
	Application 8	Trenance	
	Reference	PA24/22013	
	Proposal	Shed for storage and workshop units B1, B2 and B8 use classes without compliance with condition 1 of decision notice PA19/10661 dated 24 th November 2020.	
	Location	Prow Park, RT Julian & Son Ltd Treloggan Ind Estate TR7 2SX	
	Applicant	Baylor Julian R T Julian & Son Ltd	
Minute Ref P224/24 (7)	Decision	It was proposed by Cllr J Kenny, second by Cllr N Morris and RESOLVED unanimously to OBJECT to PA24/22013	
	Comments	Cllrs were aware that the current application seeks a reduction in the scale of the structure approved under PA19/10661. Cllrs agreed this reduction in scale would be quite acceptable. However, when considering the application site, Cllrs noticed the red line site overlaps other current applications at PROW Park (PA24/00044, PA24/01904). None of these separate applications seem to recognise the multiple uses being allocated to the land concerned and Cllrs feel this is strong evidence that the piecemeal approach to applications on PROW Park needs to be replaced by a coherent and transparent	ACTION - post OBJECTION on CC Planning Register

approach that would include an overall masterplan being submitted to the LPA.

Given the increased levels of flooding that are now being reported around residential areas neighbouring PROW Park, Cllrs were concerned at the absence of measures proposed within the current application to manage surface water run-off.

Minute Ref P224/24 (8)	7:22pm – Cllr S Thomson declared a pecuniary interest in agenda items 10.9 & 10.10 (planning application PA24/01070 & PA24/01069 and left the Council Chamber.	
Minute Ref P224/24 (9)	A representation was made by the applicant in favour of the two Sands Resort planning applications - PA24/01070 (Agenda item 10.9) and PA24/01070 (Agenda item 10.10)	
Minute Ref P224/24 (10)	It was proposed by Cllr J Kenny, second by Cllr J Brook and RESOLVED unanimously to bring forward agenda Items 10.10 (PA24/01070) and 10.9 (PA24/01069) in order that decisions be made before returning to the remaining agenda items.	
	Application 10	Whipsiderry
	Reference	PA24/01070
	Proposal	Proposed remodelling of tennis court to provide padel courts (3x doubles and 2 x singles) with perimeter enclosures, fabric covered pitched roof and lighting
	Location	Sands Family Resort, Watergate Road TR7 3LX
	Applicant	Watergate Bay Hotel Ltd
Minute Ref P224/24 (11)	Decision	It was proposed by Cllr J Brook, second by Cllr N Morris and RESOLVED unanimously to SUPPORT to PA24/01070

	Comments	Cllrs were unaware of any local objections and noted the positive comments submitted by Sport England, particularly about guaranteeing the wider community use of the Padel Courts. It is hoped that a Community Use Agreement (or similar mechanism) can be agreed upon – although Cllrs were reassured by the applicant’s ongoing commitment to making their existing facilities available to the wider community. Whilst Cllrs agreed to support the proposed remodelling, this would be subject to the Case Officer confirming there would be no harmful impact on the existing views and vistas that characterise this sensitive coastal setting.	ACTION - post SUPPORT on CC Planning Register
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	Application 9	Whipsiderry	
	Reference	PA24/01069	
	Proposal	Static and illuminated signs	
	Location	Sands Family resort, Watergate Road TR7 3LX	
	Applicant	Mr Graeme Scrimgeour – Watergate Bay Hotel Ltd	
Minute Ref P224/24 (12)	Decision	It was proposed by Cllr J Kenny, second by Cllr J Brook and RESOLVED unanimously to Support to PA24/01069	
	Comments	Cllrs agreed to offer their support for the proposed signage, subject to confirmation from the Case Officer that there would be no	ACTION - post SUPPORT on CC Planning Register

significant light pollution resulting from the use of illuminated signs in this sensitive coastal setting.

Minute Ref P224/24 (13)	19:45pm – Cllr S Thomson rejoined the meeting.
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Minute Ref P225/24	It was proposed by Cllr J Kenny, second by Cllr J Brook and RESOLVED unanimously to bring forward agenda item 10.11 (PA24/01668) in order that decision be made before returning to the remaining agenda items.
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	Application 11	Whipsiderry	
	Reference	PA24/01668	
	Proposal	Submission of details to re-discharge condition 2 of planning approval C2/07/00913 as per AGS Slope Stability Report.	
	Location	Land at Former Paradise Cove, Hotel Alexandra Road TR7	
	Applicant	Mr Keith Jones	
Minute Ref P225/24 (1)	Decision	It was proposed by Cllr J Kenny, second by Cllr S Thomson and RESOLVED unanimously to OBJECT to PA24/01668	
	Comments	<p><u>Whilst not included as a Statutory Consultee on the above application, Cllrs agreed the following statement of OBJECTION be returned to the Local Planning Authority:</u></p> <p>“Cllrs wished to make it clear they accept that nobody can say for certain why 9.5m of the cliffs at Whipsiderry have fallen into the sea since the commencement of the stabilization works. However, having considered the AGS Slope</p>	ACTION - post OBJECTION on CC Planning Register

Stability Report, Cllrs have concluded the submitted document fails to discharge Condition 2 of Planning Approval C2/07/00913 and are keen to communicate their view to the LPA.

Condition 2 of the original permission C2/07/00913 is made up of the following elements, which are commented upon in order:

- **Prior to the commencement of works hereby permitted a detailed schedule for the cliff defence works shall be submitted and approved by the Local Planning Authority.**

Cllrs failed to identify anything resembling a detailed schedule for cliff defence works within the submitted AGS Slope Stability Report. At best, the Report can be said to offer some 'suggestions', and nothing more.

Page 18 of the report states that "*Undertaking a ground investigation would provide the geotechnical information of the rock necessary for a preliminary design of the rock anchors and mesh.*"

Cllrs are presuming this accounts for the core drilling that took place a few weeks ago – but until the findings of that exercise have been agreed and a detailed schedule produced, this element of Condition 2 is not met.

- **The detailed schedule for the cliff defence works to include the provision for the future maintenance to protect the development during its lifetime.**

Whilst there are some relevant suggestions as to elements that could be included within the required inspection routine, the AGS Slope Stability Report fails to detail how future maintenance would be delivered during the 125 year lifetime of the scheme – and who would be responsible for carrying out this undertaking. Furthermore, it is unclear who would be responsible for taking corrective action when failures in the measures are identified. Cllrs are keen to know whether Cornwall Council are prepared to take on this responsibility?

- **The work shall be completed prior to the commencement of the development with the exception of the demolition works.**

Clearly the demolition works have already been completed. The AGS Slope Stability Report appears to concur with Condition 2, making the recommendation that remedial measures be installed prior to the construction (page 22). Cllrs were concerned that prior to the cliff fall, there were some aspects of the development works that had been started – which would clearly

be before the cliff stabilization works had been completed.

It would appear from its wording that Condition 2 cannot and should not be considered discharged until the cliff stabilization works have been completed to the satisfaction of the LPA. Until that point, no work on the holiday villas should be carried out.

• Works and maintenance of the cliff defenses shall be carried out in accordance with the approved details unless otherwise agreed by the Local Planning Authority.

Some form of legal agreement between the developer and the LPA would appear appropriate in order to guarantee the ongoing works and maintenance are carried out in accordance with the approved details.

It is also noted that the securing of a Licence from the MMO was a requirement of the previous discharge of Condition 2. Presumably the LPA will require confirmation from the MMO that previous Licence has been unsuspended – or that a new Licence is secured.

It is the Town Council's contention that whilst cliff defence works may be appropriate where development is already in place, the notion that

such works are undertaken to facilitate the construction of holiday villas is wholly unacceptable; page 22 of the report includes a recommendation that the building be placed on piles in order to ensure that the loads from foundations cannot be transmitted onto the cliff face. This in itself appears to be a very clear acknowledgement that the current permission will inevitably result in damage to the existing cliff structure.

Can Condition 2 ever legally be achieved – and if it is unachievable, then does this mean that Planning Approval C2/07/00913 should be considered as failed?

Whilst C2/07/00913 predates current coastal protection policies and thus doesn't appear to have to comply with them, there is uncertainty as to whether the application to discharge Condition 2 should be afforded the same status. To interfere with the cliffs is against Strategic policies, the Climate Emergency DPD, the Newquay Neighbourhood Plan and Coastal Change Management Area policies."

**Minute Ref
P226/24**

20:00pm It was proposed by Cllr J Kenny, second by Cllr S Thomson and
RESOLVED unanimously to extend the meeting by up to 60 minutes.

**Minute Ref
P227/24**

Active Consultations

	None	
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Minute Ref P228/24	<u>To discuss and make any decisions on Licensing applications and other Licensing matters.</u>	
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	None	
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Minute Ref P229/24	<u>To discuss and make any decisions on previous Planning Applications</u>	
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	Planning Ref	i. Five Day Protocols: i. PA24/00044 - Brandon Hire Storage Land, Prow Park Treloggan Ind Est For Info: Cllr Olly Monk has referred to Central Sub Area Planning Committee	
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	<p>D McLeod reports that x5 Cllrs responded with a majority Agreeing To Disagree with the Officers decision to approve.</p> <p>D McLeod reminds members regarding two outstanding five-day protocols – Bezat Place due Friday 12th April & Chylan Cres due Monday 15th April.</p>		
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Minute Ref P229/24 (1)	It was proposed by Cllr N Morris, second by Cllr J Kenny, and RESOLVED unanimously to ratify the above decision.		
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Minute Ref P230/24	20:22pm – Cllr N Morris left the meeting due to a prior appointment.		
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Minute Ref P231/24	<u>To consider Planning Applications and correspondence relating to Planning Applications</u>		
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	Application 1	Whipsiderry	
	Reference	PA23/10338	
	Proposal	Removal of existing shed/workshop and new proposed annexe	

	Location	3 Gyles Court TR7 3ER	
	Applicant	Mrs Nolan	
Minute Ref P231/24 (1)	Decision	It was proposed by Cllr S Thomson, second by Cllr J Kenny and RESOLVED unanimously to OBJECT to PA23/10338	
	Comments	<p>When considering this application, Cllrs had regard for the Annexe Guidance Note (January 2024) to assess the proposals. When looking at the footprint of the proposed annexe, concerns were raised that this would exceed 50% of the footprint of the existing dwelling. In addition, placing the annexe at the furthest point away from the main dwelling raises questions as to how the annexe would be incorporated into the main dwelling when no longer needed; Cllrs did not feel the potential creation of a new dwelling would be particularly suited to this site. In addition, Cllrs noted the annexe would benefit from two bedrooms (one more than would appear necessary from the information provided in the Design & Access Statement) without offering any justification for this. Further concerns are raised at the amount of amenity space that would be lost to the main dwelling and Cllrs were unhappy that no consideration appears to have been given to surface water management, rainwater harvesting and the use of renewable energy sources, as</p>	ACTION - post OBJECTION on CC Planning Register

		detailed in Newquay Neighbourhood Plan policy G2(e).	
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	Application 2	Whipsiderry	
	Reference	PA24/01819	
	Proposal	Non-Material Amendment (1) to application no PA21/11058 dated 21 st January 2022 for loft conversion with dormer, namely, new circular window to the west elevation, for the en-suite.	
	Location	Barn cottage, Tregurrian Hill, Tregurrian TR8 4AD	
	Applicant	Mr & Mrs Benamer	
Minute Ref P231/24 (2)	Decision	It was proposed by Cllr S Thomson, second by Cllr J Bell and RESOLVED unanimously to SUPPORT to PA24/01819	
	Comments	Cllrs agreed the changes applied for were minimal and would be unlikely to harm the existing street scene or neighbouring properties.	ACTION - post SUPPORT on CC Planning Register

	Application 5	Whipsiderry	
	Reference	PA24/01470	
	Proposal	Part-Retrospective application for the erection of 2 residential apartments	
	Location	Land to the rear of 240 Henver Road TR7 3EH	
	Applicant	M & J Developments	
Minute Ref P231/24 (3)	Decision	It was proposed by Cllr J Kenny, second by Cllr J Brook and RESOLVED unanimously to OBJECT to PA24/01470	
	Comments	Cllrs would ask for confirmation from the Case Officer as to whether the NW and SE elevations supplied by the applicant had	ACTION - post OBJECTION on CC

		been correctly labelled or whether they were the wrong way round. Concerns exist about the proximity to, and impact upon, the Melrose Bungalow, Block 2 situated to the immediate northwest and the Nansledan development to the southwest. A correctly labelled set of elevations would allow for more accurate consideration.	Planning Register
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	Application 6	Porth & Tretherras	
	Reference	PA24/02285	
	Proposal	Demolition of garage and rear extension and construction of new single storey rear extension and a two-storey side extension.	
	Location	9 Glamis Road TR7 2RY	
	Applicant	Nic Bride	
Minute Ref P231/24 (4)	Decision	It was proposed by Cllr J Kenny, second by Cllr J Bell and RESOLVED to SUPPORT to PA24/02285 Cllr J Brook Abstained	
	Comments	The scale and appearance of the proposal, including materials, are considered quite acceptable. Cllrs felt it was unlikely the proposal would result in any additional overbearing, overlooking or overshadowing of neighbouring properties. Members felt the plot size was large enough to accommodate the proposed extension whilst leaving an adequate amenity space for the	ACTION - post SUPPORT on CC Planning Register

		property. In line with Policy H1 of the Newquay Neighbourhood Plan (Replacement Dwellings and Extensions), Cllrs were happy to support this application.	
	Application 7	Newquay Central & Pentire	
	Reference	PA24/02112	
	Proposal	Resubmission of PA19/03602 to extend the roof structure and replace the controversy with a two-storey extension with associated terrace. Including modifications to principal elevation fenestration and finishes.	
	Location	48 Trevean Way TR7 1TW	
	Applicant	Ms Ellery	
Minute Ref P231/24 (5)	Decision	It was proposed by Cllr S Thomson, second by Cllr J Bell and RESOLVED unanimously to RAISE NO OBJECTION to PA24/02112 Cllr J Kenny ABSTATINED having not contributed to the debate.	
	Comments	Cllrs agreed the modifications proposed for the principle elevation would not be out of character with the existing street scene. Cllrs were aware of similar materials/finishes being used on other properties in the near vicinity.	ACTION – post NO OBJECTION on CC Planning Register

Minute Ref P232/24	<u>Terms of Reference and Risk Assessment Update</u>	
	None	

Minute Ref P233/24	<u>Reports and any associated Recommendations from Working Parties</u>	
	i. Community Governance Review Working Party There were no updates	
	ii. Newquay Neighbourhood Plan There were no updates	
	iii. Parking Working Party There were no updates	

Minute Ref P234/24	<u>Financial Statement</u>	
	D McLeod reported that no purchases had been made and there were no payments to authorise.	

Minute Ref P235/24	<u>Other Correspondence</u>	
	None	

Minute Ref P236/24	<u>Items for information and discussion only</u>	
	i. Cornwall Council - Weekly List of Planning Decisions ii. Permanent Pavement Licensing iii. Pop Up Sites & Saunas D McLeod reported that the CC Public Open Space Officer (Events and Filming) has come back to confirm the pop-up pitches at on the land above Lusty Glaze Beach, Watergate Bay Green and Watergate Bay car park will not be permitted to sell alcohol."	

Minute Ref P237/24	<p><u>Date and time of next meeting</u></p> <p>The next Planning & Licensing Committee meeting will take place on WEDNESDAY 27 April 2024 at 6:00pm in the Council Chamber, Municipal Offices, Marcus Hill, Newquay TR7 1AF.</p> <p>The Chair thanked Members for their attendance and exited the meeting at 9:02 pm</p> <p>Signed.....</p> <p>Date.....</p> <p>Chair Cllr J Kenny</p>	
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