

St Mellion Parish Council

Extraordinary Meeting

Friday 12th August 2016 at 7pm at St Mellion International Resort

Minutes

In attendance: Cllr Ian Waite (IW), Vice Chair (Chair of meeting); Cllr Anita Brocklesby (AB); Cllr Steve Crook (SC); Cllr Jean Dransfield (JD); Cllr Geoffrey Postles (GP); Christine Douglas (CD), Clerk to the Parish Council.

35 members of the public, including the applicant for PA16/06080 and a representative of St Mellion Residential Limited.

1. Councillor matters

1.1 To receive apologies for absences

Cllr Ken Henley, Chair (health reasons).

1.2 To receive declarations of pecuniary interests

None.

1.3 To receive declarations of non-registrable interests

None.

1.4 To approve written requests for dispensations

None.

2. Questions from the public

Not related to item 3: none.

Related to item 3.

Is the site agricultural land or 'brownfield'; and is there any consultation on the designation of 'brownfield' status?

IW confirmed the site originally was agricultural but the applicant now claims it to be 'brownfield'.
The designation 'brownfield' is determined by Cornwall Council Planning.

How does this application fit with the neighbourhood plan?

IW confirmed the neighbourhood plan was suspended in 2015 and so carries no weight.

Does a lack of neighbourhood plan mean no housing allocation?

CD explained the housing allocation is set by Cornwall Council for the Caradon area. The neighbourhood plan would state where houses should and shouldn't be located in St Mellion.

If permission is granted, can it be for one house only and say no others can be built there?

IW confirmed there can be no guarantee of no further applications.

3. PA16/06080 Erection of detached dwelling with garage at The Yard, Dunstan Lane: to discuss and agree a comment to Cornwall Council

i. Representations from the public

IW asked for representations from the public before the Parish Council discussed the application. He requested that points be planning-focused and not of a personal nature.

Mr Keith Abbot spoke as a director of St Mellion Residential Limited, the residents' association that manages St Mellion Park for the owners of the 76 homes. The directors asked all these home owners to express a clear preference on whether they would like the Association to support the application, oppose it or remain neutral. Home owners were assured that their preferences would not be shared with anyone and that no comments would be attributed to individuals. Just under a third supports, just over half object, and the remainder are neutral. Key reasons for objection: precedent (further development on north side of Dunstan Lane would have an adverse impact on the character of St Mellion Park); the site is in open countryside and not considered 'brownfield'; issues with sewage, drainage, parking, access and the boundary hedge are not addressed; the application is not in line with Caradon policies and the neighbourhood plan [note the neighbourhood plan has not been 'made']. Key reasons for support: content to have another family home in Dunstan Lane; to improve the current state of the site; concerns about alternatives for the site with some being influenced by the applicant's comments that it could be used for caravans or lorries. The Association has posted a comment of

objection on Cornwall Council's website and felt that the Parish Council also should oppose the application.

Prof Bridie Kent spoke as a Park resident and objected because, regardless of changes to the house design (vs the previous application), the siting is contrary to Caradon and neighbourhood plans for new-builds and it would set a significant precedent for further development on the north side of Dunstan Lane. There has been no evidence of fly-tipping on the site in 3.5 years and the entrance gate was never locked. It was predominantly overgrown and could have reverted to agricultural land.

Mr Tony Webb spoke as a Park resident and objected because there are issues with visibility splays at the site entrance and concerns that the applicant will remove privately-owned hedges as a consequence. Mr Webb noted some residents have been influenced by the applicant's comments re using the site for caravans and lorries and felt it is not conducive to grant an application under threat.

Dr Hugh Campbell spoke as a Park resident and objected because the proposed house will overlook properties on the south side of Dunstan Lane, particularly in autumn and winter when the trees are bare. He had been assured the new plans would take this into account but felt it hasn't happened. There has been no evidence of fly-tipping in the last ten years and, although, there is a general wish to see the site improved, alternatives to a house would be preferred. Dr Campbell asked about plans for the elevated parking area on the site.

Mr Roger Kent spoke as a Park resident and objected because of concerns that construction would damage privately-maintained verges at the entrance. This had happened when a shipping container was delivered to the site and cost several £100 to repair with grass regrowth taking several months.

Dr Ioannis Dimitropoulos spoke as a resident of Dunstan Lane and supported the application because he believes it will add to the diversity of the area by bringing in a new young family.

Ms Joan Allen spoke as a resident of St Mellion village and supported the application because the house will look better than the site as it is. Ms Allen also expressed her disgust at 'open discrimination' of the applicant.

Mr David Barrett spoke as a Park resident and new owner of the land at Keason Hill. He supports the application because it will tidy up the site and a house is less invasive than larger developments that have been refused in the area (e.g. a solar farm). Mr Barrett also gave a personal endorsement of the applicant.

Mr Jimmy Manley spoke on behalf of the applicant to confirm he removed three tonnes of rubbish from the site when it was first bought and left 20 tonnes (including tar barrels) behind. He stated there is a sewage tank, water tap and electrics on-site and considered it to be 'brownfield'. Mr Manley felt that, if the site isn't developed, it will become a tip again.

Mr Bryan Hammond, the applicant, responded to various points made by the public: he was not threatening people with caravans and lorries; he has video proof of the state of the site when first purchased; the Caradon Plan carries no weight; the Planning Inspector said the proposal is 'ok'; Cornwall Council's case officer said to reduce the roof height, move the garage, and this will be 'ok'; neighbouring properties could not be overlooked without binoculars; hedges on the site boundary will not be removed; he is not responsible for dumping rubbish on the site; he has no plans to develop the elevated parking area on the site.

ii. Parish Council's discussions

IW summarised the site's planning history: PA15/00305/PREAPP (negative); PA15/08120 application and appeal (both refused); PA16/01437/PREAPP (neutral); and PA16/06080 (the current application).

The following application documents had been pre-circulated to Councillors: application form; house layout; site plan; environmental report; policy assessment and explanatory statement; sensitive development questionnaire.

Amendments vs the previous application (PA15/08120) included a reduction in house ridge height by c. 2.1 metres; relocation of the garage and reduction from triple to double; provision of a 'caravan port'. In all other respects, the proposal remains unchanged.

Four Parish Councillors (AB, JD, GP, IW) had visited the site prior to the meeting, at the applicant's invitation. During this visit, the applicant confirmed that 'mains sewer' had been ticked incorrectly on the application form and this should be 'cess pit'. Councillors suggested the existing unit would have been suitable for a site office but inadequate for a five bedroom, four bathroom house, and a larger one should be included in the proposal.

IW summarised policy guidelines to be used in considering the application: National Planning Policy Framework (carries full weight); Caradon Local Plan First Alteration 2007 (specifically Adopted Policies HO7 Housing Development in the Countryside and HO13 Rural Exception Housing) (carries full weight given Cornwall Council believes it can demonstrate a five-year land supply); Cornwall Local Plan (gathering increasing weight but not full weight yet); Planning Inspector's decision on PA15/08120; and Cornwall Council's response to PA16/01437/PREAPP.

Parish Councillors discussed the application against **six key policy 'tests'** (a. to f.), as follows.

a. Is the location sustainable (i.e. are there facilities for day-to-day living within easy reach) ?

Councillors reviewed the facilities referred to in the policy assessment and explanatory statement: bus service 76 was discontinued in 2015 when Stagecoach took over from First; Citybus service 12 will be reduced from half-hourly to hourly from 4.9.16; the closest bus stops to the site are 0.7 mile away on the A388 in a 60mph zone, and currently without shelters; St Mellion primary school is almost full to its 73 capacity (the Head Teacher confirms there are currently three spaces); the school, church, church hall and pub are a 20 minute/one mile walk from the site via two narrow country lanes without footways /pavements and often used by speeding vehicles. St Mellion International Resort is for private members only. Children from the school are allowed to use the Resort's swimming pool as a gesture of community goodwill. Access to the Resort from the site and the school is via the previously mentioned country lanes. The nearest town, Callington, is 3.5 miles to the north and can be reached by bus or car. The nearest Post Office is in Callington with another located in the village of Hatt, 3.5 miles to the south and also accessible by bus or car.

Councillors concluded that facilities for day-to-day living are not within easy reach of the site and so, based on a policy definition, the location is not sustainable. Councillors agreed, however, it was unreasonable to object to the application on these grounds given that the same conditions apply to the 76 St Mellion Park houses built in the 1990s.

b. Is the site in 'open countryside' and, if so, do 'special circumstances' apply to permit housing development in such an area ?

Councillors considered the site to be in 'open countryside' and noted the same conclusion in the Planning Inspector's report: '...located on the open countryside side of a semi-rural lane.' Para 55 of the NPPF and Caradon policy HO7 state that special circumstances must apply to justify 'isolated homes' and 'a new dwelling outside a town or village development limit' (respectively).The Local Plan's policy 7 also contains a presumption against development in the open countryside unless there are special circumstances. The application states a special circumstance applies in that 'the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting' (NPPF para 55).

During their site visit, Councillors saw evidence of three block-work bays most likely used to hold sand, stone and other aggregates during construction of the St Mellion Park estate. These would not have needed footings or roofs and so would be retaining walls rather than buildings. A cess tank on-site was used for construction workers' Portakabins/Portaloos. Water was supplied previously by a neighbouring land-owner and recently cut off.

Councillors agreed there was no evidence of buildings/permanent structures on the site and so 'special circumstances' to permit development did not apply.

c. Does the proposal constitute 'infill development'?

The application claims it is 'infill development', as defined in policy 3 of Cornwall Council's emerging Local Plan. Policy 3's actual wording is '...fill a small gap in an otherwise continuous built frontage and do not physically extend the settlement into the open countryside. Proposals should consider the significance or importance that large gaps can make to the setting of settlements and ensure that this would not be diminished.' As there is currently no built frontage on the north side of Dunstan Lane, the proposal would physically extend the settlement into the open countryside and this would be contrary to policy 3. In addition, the proposal does not 'consider the significance or importance that large gaps can make to the setting of settlements and ensure that this would not be diminished.'

Councillors agreed the proposal does not constitute 'infill development'.

d. Can the site be classed as previously developed 'brownfield'?

As per the NPPF's definition, Councillors considered whether the site is, or was, occupied by a permanent structure and, if so, whether the remains have blended into the landscape over time.

As per (b), Councillors did not consider the site to be, or have been, occupied by a permanent structure and so agreed it could not be classed as previously developed 'brownfield'.

Councillors noted public comments about the site being predominantly overgrown before being sold and that it could have reverted to agricultural land if left alone, but they felt unable to make a judgment

on what could have happened had the site not been cleared.

e. Is there a local need for this type of property?

The application is for a five bedroom, executive home adjacent to an estate of 76 similar houses. These houses already represent 43% of the parish's housing stock and regularly become available on the open market.

Councillors agreed that, whilst there may be a personal need on the part of the applicant, there is no local need for this type of property. There is greater local need for affordable housing in a more appropriate and sustainable location, as per developments by the Cornwall Community Land Trust.

f. Is 'precedent' a material consideration in deciding on the application?

Councillors noted local concern that approval of this proposal will set a precedent for further applications on the north side of Dunstan Lane. Whilst all planning applications are determined on their individual merits, it is possible that applicants of any subsequent proposals may use the decision on this case to justify their own schemes.

Consequently, Councillors agreed that 'precedent' is a material consideration in deciding this application.

g. Public opinion

IW read out a tally of comments posted on Cornwall Council's planning page¹: members of St Mellion Park Residents' Association - 8 support, 9 object; Dunstan Lane residents - 3 support; St Mellion village - 1 supports; unknown residence - 2 support²; a comment of support from the applicant himself.

In addition, the Directors of St Mellion Residential Limited had posted a comment of objection. Their own survey showed 20 households object, 14 support, and four remain neutral (these numbers include those who have posted a comment on Cornwall Council's website).

Councillors also noted several St Mellion Park residents have felt intimidated by the applicant, some to the extent that they are unwilling to object publicly or, instead, have felt coerced into supporting the application. This has taken the form of frequent 'doorstepping' and comments made about using the site for caravans or lorries if the application is refused.

Summary of discussion

Facilities for day-to-day living are not within easy reach of the site and the location is not sustainable, although it is unreasonable to object to the application on these grounds; the site is in 'open countryside' and does not fulfil 'special circumstances' to permit development; the proposal does not constitute 'infill development'; the site is/has not been occupied by a permanent structure and can not be classed as previously developed 'brownfield'; Councillors could not comment on the site's likely reversion to agricultural land had it not been cleared; there is no local need for this type of property; and 'precedent' is a material consideration in deciding the application.

Debate

IW reminded Councillors of the three decision options: support, oppose, or remain neutral. Key points raised: more negatives than positives from a policy perspective; larger proportion of residents oppose vs the previous application; from the evidence discussed, there is no reason to support; sympathetic to the applicant but have to look at the policy conditions and considerations of St Mellion residents.

It was proposed by GP, seconded by JD and **RESOLVED** unanimously

To oppose application PA16/06080 and submit a comment accordingly to Cornwall Council.

iii. Calling in the application to be heard by committee

IW confirmed several residents have asked if the application will be decided by committee (as per the previous application) and said he would support this.

Discussion

If the application is refused, it may go to appeal again. For this reason, Cornwall Council has to be mindful of the Planning Inspector's previous comments, and the potential legal costs of a successful second appeal. These considerations may carry more weight than local opinion and policy. A committee hearing would open up debate on all points of the application before a decision is made by a group of elected Members. Also, the application has become contentious locally and a committee hearing would ensure a further layer of scrutiny for the proposal and provide an opportunity for public

¹ This tally was taken on 12.8.16 prior to the extraordinary meeting.

² Subsequently identified as the applicant's partner and the partner of local Member, Jim Flashman.

comment in a 'safe' environment. It is believed the case officer expects the application to be 'called in' given this happened with the previous proposal.

It was proposed by IW, seconded by AB and **RESOLVED** unanimously

To request that Cornwall Councillor Jim Flashman is requested to 'call in' PA16/06080 to be heard by Cornwall Council's East Sub-Area Planning Committee.

IW also confirmed local concerns re Cllr Flashman's impartiality in dealing with this application. An interest was considered to arise because Cllr Flashman's family sold the plot to the applicant, and also sold surrounding land (at Keason Hill) to a separate third party. The surrounding land was subject to the family receiving 25% of 'uplift' on any non-agricultural planning permission over 21 years. If permission is granted for The Yard, this could set a precedent for development on the surrounding land and trigger the uplift clause. A further interest was considered to arise from the close association between Cllr Flashman and the applicant, as evidenced by Cllr Flashman's personal written support for the previous application when it went to appeal. Several parishioners are unhappy that support was given to a non-resident developer without canvassing local views, particularly when many will not oppose publicly for fear of intimidation by the applicant.

It was proposed by SC, seconded by JD and **RESOLVED** unanimously

To request that Cllr Flashman declares an interest in the application and refrains from participating in the Planning Committee's deliberations on the matter.

4. To approve payment schedule for August 2016

The payment schedule dated 12.8.16 (totalling £498.76) had been pre-circulated to Councillors. CD's time sheets and reimbursements for July 2016 had been approved by two Councillors prior to payroll being run. Councillors had no further queries.

It was proposed by IW, seconded by AB and **RESOLVED**

To approve the payment schedule dated 12.8.16 for a total of £498.76.

IW signed/dated the payment schedule. Cheques were not signed at the end of the meeting because the bank switch from HSBC to Lloyds had not been completed. Further update on 13.9.16.

The meeting closed at 2030.

I certify that these minutes are a true reflection of the St Mellion Parish Council extraordinary meeting held on 12th August 2016.

Signed

Name

Position Chair of the Parish Council

Date 13th September 2016

St Mellion Parish Council

Payment Schedule

Date:	Friday 12th August 2016
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Payee	Invoice date	Invoice no.	Description	Amount	Cheque no.	Signed by
C Douglas	n/a	n/a	Clerk salary / reimbursements for July 2016	£367.96		
Angela Greenhough	23.7.16	1630	Payroll services for July 2016 salary/pension/reimbursements	£9.95		
Cornwall Council	27.7.16	97131466	CRC for 1no. councillor	£37.00		
Cornwall Council	27.7.16	97131642	CRC set up fee	£48.00		
NEST	28.7.16	n/a	Employer + employee contribution to Clerk's pension July 2016	£29.72	DD	n/a
EE Mobile	28.8.16	n/a	Mobile phone air time	£6.13	DD	n/a
Total				£498.76		

Payment Approval

Name	
Signature	
Position	
Date	