

**MINUTES of the Deviock Parish Council PLANNING COMMITTEE  
MEETING at the DOWDERRY METHODIST CHURCH  
SCHOOLROOM on THURSDAY 16<sup>th</sup> AUGUST 2007 AT 6.30PM**

**PRESENT:** Parish Cllrs. D. L. G Elliott (Chairman), R.J. Daniel (Vice-Chairman), G.K. Berncastle, Mrs. M.Y. Byles, J.P. Candy, Mrs G. E. Hartland, S.J. Parry, Ms. E. R. Saville and Mrs. M.E. Temlett

**Public Participation Period** There being no members of the public present, the Chairman waived the public participation period.

**1. APOLOGIES:** Cllr. M. J. Crutchley and Cllr. Mrs. A. Robinson

**2. PLANNING APPLICATIONS**

**2.1. 07/01050/FUL: Mr. & Mrs R. Guest, Bali Hai, Top Road, Dowderry**  
**Construction of single storey extension to front elevation with balcony at first floor level and two storey extension to rear elevation (removal of existing conservatory) and revised parking area.**

Councillors found it difficult to distinguish between this revised application and the previous one that had been objected to on the grounds of overlooking. Reference made to a revised parking area appeared to be the only material difference. On the basis Cllr. Mrs. M. Y. Byles **proposed** that this application should be again **objected** to on the grounds of overlooking; this was seconded by Cllr. Mrs. G.E. Hartland and **agreed** by the Meeting with one abstention. It was noted that further work to the parking bay had taken place prior to permission having been granted.

**2.2. 07/00943/FUL: Mr. G. Hoskin, Land at Pt OS 3226 St Winnolls, Polbathic**  
**Construction of livestock and fodder store.**

After discussion the Vice Chairman proposed that the Council **neither support or object** to this application, but expressed his concerns at the proposed height of the store that would be very prominent because of the raised location.

Cllr. J.P. Candy suggested that if this issue concerned the Parish Council then it would be best to object to the application. The Vice-Chairman's proposal was then **seconded** by Cllr. S. J. Parry and **agreed** by the Meeting with one abstention.

**2.3. 07/01048/FUL: S. V. Martin Lanthorne House, Brenton Road, Dowderry**  
**Construction of extensions, internal alterations to dwelling, rebuilding of garage and deck area and construction of swimming pool**

The Vice-Chairman expressed his concern over the location of a swimming pool close to the edge of the coast retaining bank. Cllr. G.K. Berncastle stated that the structural details were the concern of the building surveyors and should not become issues that influence the Parish Council in its decision-making. Cllr. G.K. Berncastle **proposed acceptance** of the application, this was **seconded** by Cllr. S. J. Parry and **agreed** by the Meeting with one against and one abstention.

## Minutes of the Planning Committee Meeting of 16<sup>th</sup> August 2007 Continued

### 3. PLANNING APPLICATIONS RECEIVED AFTER PUBLICATION OF THE AGENDA

#### 3.1. 07/01065/FUL Mr. & Mrs. Hampton LOWER DEVIOCK FARM, DOWNDERRY Conversion of redundant barn / store to living accommodation

Cllr. J.P. Candy declared a prejudicial interest.

After discussion Cllr. Mrs. M.Y. Byles **proposed acceptance** of the application; this was **seconded** by Cllr. Mrs. G. E. Hartland and **agreed** by the Meeting with two abstentions.

#### 3.2. 07/01125/FUL Mr. & Mrs. Early 14 TRERIEVE ESTATE, DOWNDERRY Replacement of flat roof to pitched roof with natural slate

After discussion Cllr. S. J. Parry **proposed acceptance** of the application; this was **seconded** by Cllr. Mrs. G. E. Hartland and **agreed** by the Meeting with one abstention.

### 4. PLANNING DECISIONS

The Clerk reported that no planning decisions had been received

### 5. PLANNING APPEALS

#### 5.1. Appeal by Mrs. A. G. Collier Site at Trelowia Manor Farm Barn, Hessenford (DoE Ref: APP/KO805/A/07/2050200WF)

The Clerk reported that appeal had been received by the Department of the Environment on 20<sup>th</sup> July 2007 and that this is to be dealt with by the written representation method. Representations for consideration by the Secretary of State are to be submitted by 31<sup>st</sup> August 2007.

Three copies of any representation should be sent to the:-

Planning Inspectorate, Dept. of the Environment, Room 3/19/A, Temple Quay House,  
2 The Square, Temple Quay, BRISTOL. BS1 6PN

Cllr. J.P. Candy declared a prejudicial interest.

The Chairman informed the Meeting that the Parish Council had previously approved this application and he **proposed** that a letter of support be sent to the Planning Inspectorate stating the views of the Council; this was **seconded** by the Vice-Chairman and **agreed** by the Meeting with one abstention.

### 6. PLANNING CORRESPONDENCE

#### 6.1. Planning Application Decision Procedure

Letter from Sue Walters, Head of Development Control, Caradon D.C., dated 7<sup>th</sup> August 2007

Discussion took place over this previously circulated letter.

The Vice-Chairman stated that his recent request for clarification of the Planning Application decision procedure resulted from a case when the Ward Member had declared a prejudicial interest concerning a particular application and had therefore not felt able to play any part in requesting a particular course of action by Caradon, Development Control, with regard to that application; the application had then been decided by delegated authority, not being referred to the Planning Committee.

## **Minutes of the Planning Committee Meeting of 16<sup>th</sup> August 2007 Continued**

### **6.1. Planning Application Decision Procedure - Continued**

The Vice-Chairman maintained that all applications that are objected to by the Parish Council should go before the Caradon Planning Committee and that there was a flaw in the system because of the compromised position of the Ward member in this instance.

Cllr. J.P. Candy (Ward member) stated that the case of which the Vice-Chairman spoke was unfortunate and that the system in place at Caradon, Development Control, had now been changed so that all applications where the Ward member has an interest would be dealt with by the Chairman of the Planning Committee and that all those cases would be decided by the Planning Committee.

### **6.2. Planning Control Committee (East) – Site Visit – Letter dated 7<sup>th</sup> August 2007**

Notification of site visit at 4.00pm on 13<sup>th</sup> August 2007 regarding:-

07/006714/FUL: Mr. & Mrs. G. Wallace

Construction of Dwelling. Land adjacent Coastguard Cottages, Downderry.

The Chairman summarised the events of the meeting that had taken place earlier in the week and expressed his concern that supporters of the proposed development had not been seen to have been given an opportunity to speak. The official format of the site meeting procedure made it difficult for supporters to know when they were allowed to voice their views. The Chairman suggested that supporters of the development should be urged to attend the Planning Committee meeting and ask to speak at that time. The Chairman asked Cllr. J.P. Candy if he would help to make this happen? Cllr. Candy agreed to assist in this way.

Cllr. G.K. Berncastle stated that Chairman of the site meeting had not made it clear that when he asked for comments from "other interested parties" that supporters of the development could speak at that time.

Cllr. Mrs. M.Y. Byles stated that because of the number of people present at the site meeting it was difficult to hear what was happening and that some sort of amplification system would have been useful.

Cllr. J.P. Candy stated that control of site meetings when large numbers of people were present was sometimes difficult. Repeated requests for quiet by the chairman were required so that the minute clerk could take notes of the speakers.

Cllr. Mrs. M. E. Temlett suggested that if a meeting could not be properly controlled then the Chairman of the site meeting should stop the meeting until order is regained, and that inappropriate behaviour should not be tolerated.

The Vice-Chairman **proposed** that a letter "expressing concern" over the management of the site meeting, be sent to the head of Development Control at Caradon D.C. with copies to Cllr. Bernie Ellis and Cllr. Jim Candy; this was **seconded** by the Chairman and **agreed** by the Meeting.

## **7. URGENT BUSINESS ADMITTED BY THE CHAIRMAN**

### **7.1. Parish Plan – To approve the finalised version of the Parish Plan (subject to ratification at the next full Council Meeting)**

The Chairman asked that the thanks of the Council be conveyed to the Vice-Chairman's daughter, Teresa, for the work she had undertaken in reformatting the finalised plan into a professional looking document. The Vice-Chairman agreed to convey this thanks on behalf of the Parish Council.

Cllr. G.K. Berncastle suggested an amendment to the "statement of need" in section B of the plan, Housing, affordable Housing and Services. Cllr. Berncastle asked that under item "e" On site parking, the reference to one of the parking spaces being a garage be deleted. There are many garages that are utilised in other ways than that of the storing of cars and that therefore result in on street parking. It is therefore best only to state the requirement for two parking spaces.

## Minutes of the Planning Committee Meeting of 16<sup>th</sup> August 2007 Continued

After further discussion Cllr. M.Y. Byles **proposed** that the Committee approve the finalised draft plan, subject to minor amendments and ratification at the next full Council Meeting; this was **seconded** by Cllr. J.P. Candy and **agreed** by the Meeting with one abstention.

### 7.2. Parish Projects

#### 7.2.1. The Axe – Update by the Chairman following the site meeting held on 31<sup>st</sup> July 2007

Cllr. J.P. Candy declared a prejudicial interest.

The Chairman gave a brief outline of the site meeting that had been called by Mr. Bill Knight that included members of the Deviock Parish Projects Group as well as members of the Parish Council. Bill Knight had talked through the details of the proposed paths, gates, benches and signage at the site and had asked for the opinions of those present.

It was decided that one extra seat was required near the top entrance to the field; that the path in Beachfield be hard surfaced and the paths in The Axe field be left grass surfaced.

Bill Knight had revised the two lowest quotations based on the submitted priced schedules with W.H. Bond & Sons at £37,900.00 and Groundworks at £40,927.00 plus VAT. Bill Knight agreed to contact the lowest tenderer to query certain points and obtain confirmation of the revised figure.

#### 7.2.2. Rocknose Corner Walkway

The Chairman suggested to the Meeting that in order to progress this project it might be possible to complete the work in two phases. Phase one would be to create a path from the opening opposite Nafford house down to the Seaton Hill corner, while phase two would continue the path from that corner down into Seaton. The proposed phase one would not involve the degree of construction work required for phase two and would therefore be more easily attainable. The problem of attracting grant funding for the project where work had already been carried out could possibly be overcome by identifying phases one and two as separate projects.

Members agreed that the Chairman should continue to investigate this possibility and should discuss it with Mr. Bill Knight.

### 7.3. New Code of Conduct

#### 7.3.1. To consider whether to adopt clause 12.2. of the new code (subject to ratification at the next full Council meeting)

The Clerk informed the Meeting that Paragraph 12 of the new code relates to the effect of prejudicial interests on participation in meetings.

Sub-paragraph 12.1. states that where you have a prejudicial interest in any business of your authority:-

- (a) you must withdraw from the room or chamber where a meeting considering the business is being held:-
  - i) in a case where sub-paragraph (12.2.) applies, immediately after making representations, answering questions or giving evidence
  - ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting
- (b) you must not exercise executive functions in relation to that business; and
- (c) you must not seek improperly to influence a decision about that business

Sub-paragraph 12.2. Where you have a prejudicial interest in any business of your authority, you may attend a meeting (or that part of the meeting dealing with the matter in which you have the interest), but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

## Minutes of the Planning Committee Meeting of 16<sup>th</sup> August 2007 Continued

### 7.3.1. To consider whether to adopt clause 12.2. of the new code - Continued

Discussion took place as to the merits of adopting clause 12.2. The view that members who have prejudicial interests should be allowed to speak because they would have specific knowledge of the subject in which they had the interest, was generally supported.

A **proposal** to adopt clause 12.2, subject to ratification at the next full Council meeting, was made by Cllr. J. P. Candy, **seconded** by Cllr. Mrs. M.Y. Byles and **agreed** unanimously by the Meeting.

### 7.3.2. To consider whether to participate in a combined public notice for Parish and Town Councils in respect of the Council's adoption of the Revised Code of Conduct, being organised by Caradon D.C., for publication in October 2007 (subject to ratification at the next full Council meeting)

The Clerk informed the meeting that Caradon D.C. is to place an advert on behalf of Parish & Town Councils in early October. As Deviock P.C. should have adopted the code at the September meeting it seems sensible to participate. The cost to the Parish Council of participating in the joint advert will depend on the take up by other Parish Councils and Caradon will invoice Deviock P.C. once the advert is placed.

After discussion a **proposal** to participate in the combined public notice, subject to ratification at the next full Council meeting, was made by the Chairman, **seconded** by Cllr. Mrs. M.Y. Byles and **agreed** unanimously by the Meeting.

### 7.3.3. Caradon D.C. Polling District and Polling Places Review.

#### To consider making any representations on this matter by 31<sup>st</sup> August 2007

Members discussed this matter and decided that as the present arrangements were satisfactory, they did not wish to make any representations at this time.

### 7.4. To consider a response to the issues raised by Mrs. Paula West in her letter to the Council dated 7<sup>th</sup> August 2007.

In response to Mrs West's first request, for the removal of ragwort from the Axe field, Cllr. J.P. Candy (the tenant of this field) stated that removal of the ragwort had already commenced and should be completed within the next few weeks.

The Chairman stated that the maintenance of the Redland path was linked to Axe project proposals that were currently awaiting grant funding.

The clerk stated that in answer to Mrs West's third point, about local bus services, he had informed her that there was to be a joint Parishes transport meeting in September at which this issue would be raised.

The clerk was requested to write to Mrs West outlining this information.

### 7.5. To consider a response to an editorial issue raised by the Editor of the Nut Tree.

The Vice-Chairman asked the Council for guidance on whether or not to include, in the September issue of the magazine, an article by a parishioner, requesting that local residents who would be interested in receiving copies of Parish Council agendas and minutes via e-mail should register their support for the setting up of such a system with the Parish Clerk.

The Vice-Chairman continued that as the Parish Council had already debated this issue and had decided that this service would not be offered, the inclusion of the article received would be opposing the position of the Council.

After discussion Cllr. Mrs. M.Y. Byles **proposed** that the editor of the Nut Tree magazine be advised not to publish the article in question; this was **seconded** by the Chairman and **agreed** by the Meeting with one abstention.

## Minutes of the Planning Committee Meeting of 16<sup>th</sup> August 2007 Continued

### 8. FINANCE

#### 8.1. Accounts to be paid

	<u>VAT</u>	<u>Nett</u>	<u>TOTAL</u>
Land Registry – West Camps Bay Footpath – Land Register Search	-	6.00	6.00
Caradon D.C. Deviock Parish Plan – 30 copies, colour, 36 pps	-	210.00	210.00
Caradon D.C. 2 packs Mini Jumbo Toilet Rolls	3.85	22.00	25.85
Galvins of Liskeard – (photocopier paper & document wallets)	4.71	26.94	31.65
EDF Energy- Downderry Public Toilets (4 <sup>th</sup> May – 27 <sup>th</sup> July 2007)	0.47	9.52	9.99
Ross Marven – Re-imburement for Parish Website internet renewal and hosting charges	-	30.54	30.54
John Bird – Re-imburement for annual public liability insurance covering work under the Parish Cleansing Contract (Previously agreed)	-	132.30	132.30
St. Nicolas Church – Re-imburement for S.W. Water Invoice relating to Downderry Public Toilets (period 26 <sup>th</sup> April – 20 <sup>th</sup> July 2007), incorrectly paid by St. Nicolas Church, Downderry	-	73.50	73.50
Councillor's stationery / ink-jet expenses for year 2007/8, for councillors who receive Parish Council documents via e-mail 9 x £25.00 = £225.00	-	225.00	225.00
<b>Total £</b>	<b>9.03</b>	<b>735.80</b>	<b>744.83</b>

Cllr. J.P. Candy **proposed** acceptance of accounts to be paid, this was **seconded** by Cllr. Mrs. G.E. Hartland and **agreed** the Meeting with one abstention.

### 9. INFORMAL CORRESPONDENCE

- 9.1. Cllr. Mrs. G.E. Hartland informed the Meeting that there was a problem with the gate onto the beach at Seaton.
- 9.2. Cllr. Ms. E.R. Saville asked if she could have a copy of the pink planning application form on which the Parish Council sends its replies to District Council, so that she could familiarise herself with the options given for comment; the Clerk promised to send her a copy.
- 9.3. Cllr. Mrs. M. E. Temlett informed the Meeting that the Downderry Public Toilets were emitting foul odours. The Clerk stated that he was already aware of this problem and that action was being taken.
- 9.3. Cllr. J.P. Candy informed the Meeting of a new post of Beach Master for Downderry being set up by Caradon D.C. Discussion followed regarding the ownership of the beach.
- 9.4. Cllr. G.K. Berncastle highlighted the problem of unauthorised boats using the beach.
- 9.5. Cllr. S.J. Parry expressed his concern over the amount of rubbish on the beach at Seaton and suggested that Caradon D.C. should provide more wheelie bins for use by the public.  
Cllr. J.P. Candy agreed to look into this matter.

There being no further business the Chairman closed the Meeting at 20.15 hrs.