



PENRYN TOWN COUNCIL

NOTICE IS HEREBY GIVEN THAT A MEETING OF PENRYN TOWN COUNCIL'S PLANNING COMMITTEE WILL BE HELD ON **MONDAY 20 OCTOBER 2014 AT 7.00 PM IN THE COUNCIL CHAMBER, PENRYN** for the transaction of the undermentioned business.

*Michelle Darcy*

Town Clerk

---

## AGENDA

**1. APOLOGIES**

**2. DECLARATIONS OF INTEREST**

**3. PUBLIC PARTICIPATION**

An opportunity for members of the public to address the Town Council concerning matters on the agenda. Members of public who wish to speak should contact the Town Clerk by 5.00 p.m. on Thursday 16 October to register. For full details of procedures for public speaking at Council meetings, please visit the Town Council's website, [www.penryntowncouncil.co.uk](http://www.penryntowncouncil.co.uk), click on the link below, or visit the Town Council offices and request a copy:

[Protocol for Public Speaking at Council Meetings](#)

***PLEASE NOTE: This meeting has been advertised as a public meeting and as such could be filmed or recorded by broadcasters, the media or members of the public. Please be aware that whilst every effort is taken to ensure that members of the public are not filmed, we cannot guarantee this, especially if you are speaking or taking an active role.***

**4. MINUTES**

To approve and sign as a correct record Minutes numbered 23 to 29 of the meeting of the Planning Committee held on 15 September 2014 [Pages 1-2]

**5. TOWN AND COUNTRY PLANNING APPLICATIONS**

To consider Planning Applications submitted for observations [Pages 3-4]

**6. DECISION NOTICES**

To receive Town and Country Planning Act Decisions of the Local Planning Authority [Pages 5-6]

**7. PA14/04495 - VINERY MEADOW**

To note the intention of the case officer to refuse Application No. PA14/04495 contrary to the views expressed by the Town Council [Pages 7-13]

Councillors: M Snowden (Chairman)  
Mrs M V Bennett, Mrs G A Grant, W J Hodge, Mrs C Hutchings, J Langan,  
Mrs M K May, M J Mullins, C S F Smith and E L Wilkes

---

### **23. APOLOGIES**

Apologies for absence were received on behalf of Councillors D Garwood (personal), Mrs B Hulme (work), and Mrs S Peters (work).

### **24. DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **25. PUBLIC PARTICIPATION**

The Town Clerk advised that no requests had been received from members of the public wishing to speak at the meeting.

### **26. MINUTES**

**RESOLVED** that Minute Nos. 16 to 22 of the meeting of the Planning Committee held on 21 July 2014 be approved and signed by the Chairman as a correct record.

*Proposed by Councillor E L Wilkes and seconded by Councillor Mrs G A Grant*

### **27. TOWN AND COUNTRY PLANNING APPLICATIONS**

**PA14/07980 – 7 Mutton Row, Penryn**

**RESOLVED** that the application be fully supported.

*Proposed by Councillor E L Wilkes and seconded by Councillor J Langan*

### **28. DECISION NOTICES**

The list of decision notices was noted.

### **29. PRE-APPLICATION CONSULTATION**

The Planning Committee received details of a planning pre-application consultation for two agricultural scale wind turbines at Nangitha Farm and Higher Kergilliack Farm. The Town Council welcomed the opportunity to comment, but had no observations to make at this stage.

There being no further relevant business the meeting was declared closed at 7.20 p.m.

Chairman



## PENRYN TOWN COUNCIL

**PLANNING COMMITTEE**

**20 OCTOBER 2014**

### Town and Country Planning Applications

<b>App. No.</b>	<b>Details</b>	<b>Response Deadline</b>	<b>Response</b>
PA14/08004	Linden Homes South West Ltd Land at College Farm, College Hill, Penryn TR10 8LG Erection of a dwelling (amended design to plot 1 approved under decision notice PA14/00944)	30/09/14	<i>No objections. Signed off by Councillors Grant and Snowdon 23/09/14</i>
PA14/08554	Mrs Zoe Willey 17 Green Lane, Penryn TR10 8QQ Loft conversion, re-roofing (in part) and new stair from first floor to loft	02/10/14	<i>No objections. Signed off by Councillors Grant and Snowdon 23/09/14</i>
PA14/09094	Mr and Mrs M White 33 Trewarton Road, Penryn TR10 8JB Proposed loft conversion to form two bedrooms, bathroom and stairs and landing	16/10/14	<i>No objections. Signed off by Councillors Snowdon and Wilkes 03/10/14</i>

App. No.	Details	Response Deadline	Response
PA14/08800	Mrs Val Ashby Accommodation Bank House, 33 Higher Market Street, Penryn TR10 8EQ Replace roof covering and other works to roof furniture, chimney and roof window	22/10/14	
PA14/09000	Ocean BMW Falmouth Road, Penryn TR10 8AD The proposed change of use of a building and grounds for the sale and display of motor vehicles and for alterations to the building (alternative design to PA10/06677) and for alterations to the external appearance to the existing building	27/10/14	
PA14/09228	Dr J Ryan 95 The Terrace, Penryn TR10 8EN Listed building consent for replastering in lime of one interior room, renewal of power points, lighting, and replacement of wooden lintel with prestressed concrete lintel	31/10/14	



## PENRYN TOWN COUNCIL

**PLANNING COMMITTEE**

**20 OCTOBER 2014**

### Decision Notices

<b>App. No.</b>	<b>Details</b>	<b>Decision</b>	<b>Decision Date</b>	<b>Council's Observation</b>
PA14/07710	Mr and Mrs Peter Williams 22 Bronescombe Close, Penryn TR10 8LE Erection of raised decking/balcony to the north elevation of the property	Approved	11/09/14	No objections.
PA14/04789	Mr Barry Cooper 20 St Thomas Street, Penryn TR10 8JN Listed building consent for repairs to chimney	Approved	18/09/14	The Town Council supports the majority of the proposed works, but has concerns regarding the use of cedar cladding on the extension and questions whether the design of the patio doors is appropriate for a listed cottage with paned windows in this setting.

<b>App. No.</b>	<b>Details</b>	<b>Decision</b>	<b>Decision Date</b>	<b>Council's Observation</b>
PA14/07047	Mr Graham Parker 1 Dunstan Close, Penryn TR10 8RY Erection of two dwellings, increased building line depth, additional side glazing to conservatories and side windows from approved application PA13/04120	Approved	19/09/14	Fully supported.
PA14/07115	Radgel Developments Land adjacent to 21 Andrewartha Road, Penryn TR10 8QW Construction of three houses and associated works (amended design)	Approved	24/09/14	Fully supported.
PA14/07424	Mr Harry Hepburn 5 Golden Acre, Durgan Lane, Penryn TR10 8DG Erection of a two bedroom bungalow	Withdrawn	25/09/14	Penryn Town Council supports the principle of development on the site, but feels that the proposed design is poor and fails to take the opportunity to improve the character of the area. The Town Council requests that the application be referred to the Cornwall Design Review Panel.





## PENRYN TOWN COUNCIL

PLANNING COMMITTEE

20 OCTOBER 2014

### PA14/04495 – Vinery Meadow

**Author:** Michelle Davey, Town Clerk

#### 1. Background

At its meeting of 16 June 2014, the Planning Committee resolved to fully support Application No. PA14/04495 (Vinery Meadow). A copy of the minute is set out below:

#### *PA14/04495 – Vinery Meadow, Penryn*

The Chairman advised that the Planning Committee had supported the previous application, which had since been withdrawn, subject to the inclusion of a contribution to affordable housing and that the revised application included an offer of a £16k offsite contribution. He added that the Town Council had also raised concerns regarding the monterey pine and that measures had been taken to protect the tree by redesigning the parking area.

**RESOLVED** that the application be fully supported.

*Proposed by Councillor E L Wilkes and seconded by Councillor J Langan*

On 6 October, the case officer wrote to advise that he intended to refuse the application under delegated powers. The letter set out his reasons for doing so and a copy is attached as Appendix 1 to the report.

#### 2. Discussion

Given that the Town Council has fully supported the application, the Chairman of Planning Committee contacted the Local Member, Councillor Tony Martin, to request that the application be considered by the Central Area Planning Committee, to which he has agreed.

It should be noted that at the time of the meeting of the Town Council's Planning Committee, neither the comments from the Tree Officer nor the Affordable Housing Officer were available. The Tree Officer's comments are attached as Appendix 2 to the report, and the Affordable Housing Officer's comments as Appendix 3 for information.

#### 3. Recommendation

That the intention of the case officer to refuse Application No. PA14/04495, contrary to the views of the Town Council, be noted.

#### **4. Appendices**

1. Letter from Martin Woodley, Senior Development Officer, Cornwall Council, dated 6 October 2014
2. Comments from the Tree Officer
3. Comments from the Affordable Housing Officer (attached separately)



Miss Michelle Davey  
Clerk to Penryn Town Council  
Ground Floor  
Saracen House  
Higher Market Street  
Penryn  
TR10 8HU

**Your ref:**  
**My ref:** PA14/04495  
**Date:** 6<sup>th</sup> October 2014

Also Via E-mail: [townclerk@penryntowncouncil.co.uk](mailto:townclerk@penryntowncouncil.co.uk)

Dear Miss Davey,

**Planning application PA14/04495**  
**Proposed residential development of seven houses;**  
**Site at Vinery Meadows, Truro Hill, Penryn – Borough Developments (Cornwall)**  
**Ltd**  
**Local Council Protocol letter.**

Thank you for the comments of Penryn Town Council, sent via e-mail/consultation response dated the 18<sup>th</sup> June 2014, which advises that Penryn Town Council considers that the development is fully supported.

Under the Local Council procedure if the Cornwall Council Case Officer (myself) for the application has a recommendation which conflicts with the Local Council then the Case Officer should contact the Local Council within 5 days of receiving their comments to substantiate their recommendation. If the Case Officer and the Local Council are still in conflict after this reasoning, and the Electoral Division Member requests that the application be referred to the Planning Committee for determination, then the Local Council is invited to submit a formal request that the application be taken to the planning committee stating their reasons why and key issues for presentation. This must be received within 5 days of the Case Officers response (i.e. this letter). If conflict still exists, and the application is scheduled for the Planning Committee, the Local Council will be expected to submit a supporting statement and present their case to the planning committee.

The Case Officer recommendation for the above applications is for refusal with the principal reason focusing on the identified conflicts with the existing significant tree cover on the site as specified in the consultation responses from the Council's Forestry Officer. The most recent response from the Forestry Officer on the final revised plans states:

*The revised parking arrangement does not overcome my concerns and objections to this development. The minor repositioning of a single space is not a notable improvement, as the issues of conflict from the proposed site usage remain unchanged, as per my previous*

*comments. I note with interest the submission of the 'Case Studies' from the manufacturer of a product which is alleged to minimise root damage. The case studies contain no factual information on the soil types, site conditions, tree species susceptibility to damage etc, and is of no technical merit in this case. I would not expect the manufacturer of any product to provide information to say what they produce may not actually work in practice. The proposed access remains unchanged and the root damage to the mature Beech is unacceptable from my perspective. My objection to the proposed development remains as per my previous comments on this application.*

The scheme, with the revised site layout plan moving the parking slightly away from the trunk of the large Monterey Pine, has been assessed on site and following a review by two separate Forestry Officers the development proposal is not supported on the basis of the conflicts with both the large Monterey and a significant Copper Beech alongside the proposed access off Vinery Meadows. Whilst the terrace of dwellings itself could be sited to avoid the tree conflicts, it is the access, manoeuvring space and proposed parking bays that seriously encroach into the very sensitive root protection zones and no acceptable mitigation measures have been proposed by the applicants. A total of 17 neighbour objection have been received which focus primarily on the highway aspects of the development, the landscape value of the site and the relationship to the existing adjoining residential properties.

It is considered that the scheme is not considered acceptable on the basis that the development would significantly harm the roots of the trees which are shown to be retained. Whilst BS5837 does make allowance for root loss and offsetting of root protection areas, this is very much species dependent. Copper Beech on maturity is particularly intolerant of root damage and the proposed incursion within the root system would be detrimental to the long term health and successful tree retention. The proposal to install a load bearing three dimensional cellular confinement system with the root protection area for the Monterey Pine has not been evidenced as being appropriate for this site. Over 25% of the RPA would be covered which exceeds the 20% surface area limit recommended in BS5837.

Whilst there are no highways, drainage or visual impact reasons to reject the scheme, a further reason for refusal should focus on the failure to submit an appropriate mechanism (such as a draft Section 106 agreement) to secure the essential financial contributions towards affordable housing, education infrastructure and open space infrastructure as identified by the relevant consultees. Negotiations have been ongoing in respect of this issue and should the applicants decide to appeal any refusal of permission it is anticipated that a draft Section 106 Agreement could be in place in due course at the appeal stage.

This assessment of the revised scheme is considered consistent with the adopted planning policies of the Council as well as the National Planning Policy Framework 2012 and the emerging policies of the Cornwall Local Plan Strategic Policies 2010-2030 proposed submission document 2014.

Therefore, in line with the draft Local Council Procedure, I am formally giving you 5 working days (deadline: 10<sup>th</sup> October 2014) from the date of this letter (sent via e-mail and hard copy) to respond to myself to request that the application is heard by the Planning Committee. If I do not receive any contact I will seek to determine to application under delegated powers.

Please feel free to contact me should you require any further information or wish to discuss the contents of this letter further.

Yours sincerely,  
Martin Woodley  
Senior Development Officer – General Team  
Development Management  
**Planning and Enterprise**  
Tel: 01872 224688  
Email: [mwoodley@cornwall.gov.uk](mailto:mwoodley@cornwall.gov.uk)

CC. Tony Martin CC - Penryn East and Mylor Electoral Division Member

**Tree Officer**

Comment Date: Thu 26 Jun 2014

The only amendment to the previously refused scheme seems to be the inclusion of a non dig parking surface within the root protection area (RPA) of one of the trees on site in place of the previous excavations. Non dig surfaces are only acceptable on soils where they cannot be compacted to a level where the bulk density is too high to allow for healthy root growth. Only a qualified Soil Engineer is able to make such an assessment and I will need to see those calculations before I can make any definitive comment. In general terms the use of non dig is only suitable for foot paths and there use as roads is not proven by scientific research as far as I am aware. BS 5837 is clear that the RPA should be a construction exclusion zone (CEZ) that should only contain development in exceptional circumstances; development in the CEZ is not a default position for developers who wish to over develop a site and ignore the tree constraints. A Rowe

**Tree Officer**

Comment Date: Tue 26 Aug 2014

Thank you for your consultation. I object to the proposed development and would recommend that planning permission is refused on the following grounds: 1. The proposed access and parking arrangement will significantly harm the root systems of trees within a Tree Preservation Order (shown as being retained within the application documents), resulting in a detrimental affect on the provision of amenity and local landscape character 2. The development proposal will result in the permanent loss of a significant number of trees covered by the Tree Preservation Order with no opportunities for compensatory planting to offset the visual impacts 3. The relationship of the car parking provision and the retained tree (T4) is unacceptable, leading to an obvious and sustained conflict with end use, leading to further pressure for tree pruning or tree removal Informative. It is important to make it clear that this development will result in significant impacts to trees which will not be offset by any meaningful replacement planting due to the density of development proposed, and the additional requirements for parking and vehicle access. Further tree losses are being presented as being necessary for construction purposes solely, with no mitigation for those losses. This is a prominently positioned area of green space within the urban environment, containing numerous established and mature trees which provide a positive contribution to the local area. Any compromise made in relation to allowing access to vehicles in proximity to trees will lead to the inevitable conflict on end use, as leaf litter, seeds, branches etc drop onto cars, placing pressure on any retained trees. \*The development proposal will significantly harm the roots of trees which are shown as being retained. Whilst BS5837 does make an allowance for root loss and offsetting root protection areas, this is very much species dependent and not a one size fits all approach. BS5837 also has a default starting point that there should be no structures within a root protection area (RPA), and it is this position I would adopt for this site. Copper Beech on maturity is particularly intolerant of root damage, and the proposed incursion within the root system of T9 is detrimental to long term tree health and successful tree retention. \*The proposal to install a load bearing three dimensional cellular confinement system within the RPA of T4 a mature Monterey Pine, has not be evidenced as being appropriate for this site. Based on the submitted plans, it would appear that over 25% of the RPA of T4 will be covered by a cellular confinement system if this development goes ahead. This is clearly exceeds the 20% surface area limit recommended within BS5837 for permanent hard surfacing within the RPA. Site specific assessment

of the soils has not been undertaken in accordance with Section 4.3.1 of BS5837, and a generic approach to the use of load bearing structures, which is led by the manufacturers of products which claim to minimise damage to trees, is not acceptable in my view. APN 12 also provides good practice notes and states that no dig construction is no more than 5m wide (which the current proposal exceeds) and that 'For site specific prescriptions and materials specifications advice should be sought from a qualified geotechnical or civil engineer who should work in consultation with an arboriculturist'. In this case the site has not been assessed by a competent person and no evidence has been provided to adequately demonstrate harm is not going to be caused. On this basis I object to the principle of using a cellular confine system within root protection areas. \*The recommendations within BS5837 Section 5.3.4 (d ' e) has clearly not been applied in terms of the functional requirements for car parking provision and conflict which will arise from needle / cone drop which takes place throughout the year from Monterey Pine. Monterey Pine cones are often cited as causing damage to vehicles due to their size and weight. This is an obvious cause of future conflict leading to pressure to prune or more realistically fell Tree 4 on this site. \* The density of housing, car parking, access requirements and construction zones all place pressure on a diverse and established tree group. This will inevitably reduce its amenity contribution in both the short and longer term and erode the value of this green asset. Oliver Bennett Tree Officer

**Tree Officer**

**Comment Date: Mon 15 Sep 2014**

Thank you for your consultation. The revised parking arrangement does not overcome my concerns and objections to this development. The minor repositioning of a single space is not a notable improvement, as the issues of conflict from the proposed site usage remain unchanged, as per my previous comments. I note with interest the submission of the 'Case Studies' from the manufacturer of a product which is alleged to minimise root damage. The case studies contain no factual information on the soil types, site conditions, tree species susceptibility to damage etc, and is of no technical merit in this case. I would not expect the manufacturer of any product to provide information to say what they produce may not actually work in practice. The proposed access remains unchanged and the root damage to the mature Beech is unacceptable from my perspective. My objection to the proposed development remains as per my previous comments on this application. Oliver Bennett Tree Officer