

MINUTES of the Meeting of the PLANNING COMMITTEE held in the Guildhall, St John's Hall, Penzance on Tuesday 24 March 2009 at 7.00 p.m.

PRESENT

Councillor – Semmens A C - Chairman
Councillor Maddern W G - Vice Chairman

COUNCILLORS

Bailey Miss A I	Lewarne R (for Mates P E)
Bennett J (for Payne M J)	Pilcher M E (for Eddy R H)
Cook D J	Smith H H (for Penhaligon Mrs E M)
Goninan C J	Thomas S E
Harding R	Tonkin G E T
Lello R H (for Dixon J H)	Watson Mrs Y
Mrs T Lello (for Ruhrmund J)	

OFFICERS

Chief Executive
Head of Sustainable Development and Improvement
Sustainable Development and Design Manager
Principal Sustainable Development Officer
Sustainable Development Officer
Planning Solicitor
Senior Conservation Officer
Committee Manager

APOLOGIES FOR ABSENCE – were received from Councillors Dixon J H, Eddy R H, Mates P E, Payne M J, Penhaligon Mrs E M and Ruhrmund J.

P.178 MINUTES

RESOLVED: That the minutes of the meeting of the Committee held on 10 February 2009 be signed as a true and correct record.

P.179 CHAIRMANS ANNOUNCEMENTS

The Chairman made the following announcements:

- 1.1. It was with regret that the Chairman reported the death of Councillor Eddy's father and it was agreed that a letter of condolence would be sent on behalf of the Committee to him and his family.
- 2.
2. I would like to welcome those members of the public here tonight and remind those of you booked to speak that in accordance with the agreed protocol, any representation you make must relate to a planning application on the agenda and must be confined to material planning issues. I will stop a speaker if their comments are defamatory, frivolous

or offensive and I will not allow comments on procedural issues. Additionally, I would like to request that my fellow Members confine their comments and questions to the planning matters at hand.

3. Will all mobile phones be turned off or made silent during the meeting.
4. The Chairman reported that this was the last meeting of the Committee and expressed his personal thanks to all members of the Committee and staff for their help and support.

P.180 **DECLARATIONS OF MEMBERS/OFFICERS INTERESTS**

Councillor Bennett declared a prejudicial interest in minute no.183 as a member of the Hayle Area Plan Partnership Management Team and agreed to leave the meeting for consideration of this item.

Councillor Cook declared a personal interest in minute nos. 181 and 182 as he lived close by Councillor Mates sister. He also declared a personal interest in minute no.183 as member of the Hayle Area Plan Partnership Management Team.

Councillor Lello declared a personal interest in minute no.183 as a member of the Hayle Area Plan Partnership Management Team.

Councillor Mrs Lello declared a personal interest in minute no.183 as a member of Hayle Area Plan Partnership Management Team.

Councillor Tonkin declared a personal interest in minute no.184 as a member of St Ives Town Council which had been consulted on the application.

Councillor Mrs Watson declared a personal interest in minute no.184 as a member of St Ives Town Council which had been consulted on the application.

P.181 **08-0613-P REDEVELOPMENT OF HARBOUR AND LAND TO NORTH AND NORTH EAST TO PROVIDE A MIXED USE DEVELOPMENT INCORPORATING RETAIL SPACE, BUSINESS SPACE, RESIDENTIAL, GENERAL INDUSTRIAL, STORAGE & DISTRIBUTION, CREATION OF MARINA AND COMMERCIAL HARBOUR & ASSOCIATED ACCESS WORK (THIS PROPOSAL AFFECTS THE SETTING OF LISTED BUILDINGS) : HAYLE HARBOUR, HAYLE: ING RED UK (HAYLE HARBOUR) LTD**

Members considered a representation from an objector to and a supporter of this application.

The Sustainable Development Officer provided the Committee with a number of updates of comments received since the preparation of the report:

- The Government Office for the South West had confirmed that the application would not be called in for decision;

- That the County Councils's Environment & Heritage Service supported the proposal to repair the breach in South Quay prior to occupation of the 351st dwelling;
- A response from ICOMOS, together with a supplementary information sheet was circulated to all members of the Committee. The County Council's Environment & Heritage Service had been consulted and shared concerns about the report. The Council's view was that the report was factually wrong, misleading, did not take account of the full range of heritage benefits, unrealistic in its aspirations and view that determination should be deferred to allow for the development of a new scheme.
- LDA design in respect of visual impact, wider ambitions of the scheme, build role of the town (not a tourist settlement), conservation management plan, uplifted land levels, creation of promenade, flood protection issues, interruption of views, building height and historic interpretation.

Members were advised that they would have the opportunity to address these issues again when the reserved matters application was submitted.

The Head of Sustainable Development and Improvement reported that in light of the positive involvement of the Hayle Ward Councillors in taking the negotiations forward with the applicant that a second recommendation be added to the one printed as follows:-

"In the absence of Hayle District Ward Members from 1 April 2009 until 4 June 2009, that Hayle Town Council be invited to attend regular meetings with the applicant where it was considered appropriate."

The amendment was moved by Councillor S E Thomas and seconded by Councillor Harding.

Councillor Bennett read a short prepared statement which proposed an amendment relating to the land behind Clifton Terrace, identified in the local plan as "West of Phillack" and protected by TV-2. Support of the amendment would remove the TV-2 protection from a prime greenfield site and replace it with a covenant as follows:

"For the remaining applicant – owned land between Riviere Fields and Phillack, a covenant shall be given in favour of Hayle Town Council requiring approval of the Council at a properly constituted meeting prior to any development taking place on the land."

The amendment which was moved by Councillor Bennett and seconded by Councillor Cook and proposed in addition to the proposed second recommendation.

The Sustainable Development and Design Manager advised the Committee that, in his opinion, the covenant would not meet the S.106 test regarding enforceability and that the applicant was unlikely to enter into such an agreement.

Members then debated the application with the Sustainable Development and Design Manager providing answers.

During the debate it was proposed and seconded that voting on the amendment be put to a recorded vote:

RESOLVED – that the voting on this amendment be recorded.

VOTING FOR THE AMENDMENT – Councillors Bennett and Cook – TOTAL -

VOTING AGAINST THE AMENDMENT - Councillors Miss Bailey, Goninan, Harding, Lello, Mrs Lello, Lewarne, Maddern, Pilcher, Semmens, Smith, Thomas S E, Tonkin and Mrs Watson. - TOTAL - 13

ABSENT – Councillor Pascoe – TOTAL – 1

The amendment was lost.

During the debate it was proposed and seconded that voting on the amended proposition be put to a recorded vote.

RESOLVED – that the voting on the amended proposition be recorded.

VOTING FOR THE AMENDED PROPOSITION – Councillors Miss Bailey, Bennett, Goninan, Harding, Lello, Mrs Lello, Maddern, Pilcher, Semmens, Smith, Thomas S E, Tonkin and Mrs Watson – TOTAL – 13

VOTING AGAINST THE AMENDED PROPOSITION – Councillors Cook and Lewarne – TOTAL – 2

ABSENT – Councillor Pascoe – TOTAL – 1

Therefore, it was

RESOLVED – that

1. That the application be deferred and that authority be delegated to the Head of Planning and Regeneration to grant conditional approval on the satisfactory completion of the Section 106 agreements and planning conditions; and
2. In the absence of Hayle District Ward Members from 1 April 2009 until 4 June 2009, that Hayle Town Council be invited to attend regular meetings with the applicant where it was considered appropriate.

(Action by :Matt Barton / Andy England)

- P.182 08-1721-P INFRASTRUCTURE WORKS INCLUDING FORMATION OF NEW HARBOUR, DEEP WATER QUAY & ASSOCIATED ENABLING WORKS, FORMATION OF NEW BRIDGE, NEW ROADS, FLOOD PROTECTION WORKS, REPAIR & RESTORATION OF QUAY WALLS, REPAIR & RENOVATION OF SLUICING ARRANGEMENTS, CREATION OF PROMENADE & OPERATIONAL ACCESS ROUTE ALONG NORTH QUAY AND CREATION OF NEW CAR PARK AREA & BOAT STORAGE AREA (THIS PROPOSAL AFFECTS THE SETTING OF LISTED BUILDINGS AND PUBLIC RIGHTS OF WAY) : HAYLE HARBOUR, HAYLE : HAYLE HARBOUR MANAGEMENT LTD & CPR REGENERATION LTD

Members considered a representation from a supporter of this application.

The Sustainable Development Officer advised the Committee that since the report had been produced revised plans for the stable block had been received.

Members then debated the application with the Head of Sustainable Development and Improvement providing answers.

During the debate it was proposed and seconded that voting on the recommendation be put to a recorded vote.

RESOLVED – that the voting on the recommendation be recorded.

VOTING FOR THE RECOMMENDATION – Councillors Miss Bailey, Bennett, Cook, Goninan, Harding, Lello, Mrs Lello, Lewarne, Maddern, Pilcher, Semmens, Smith, Thomas S E, Tonkin and Mrs Watson – TOTAL - 15

VOTING AGAINST THE RECOMMENDATION – None.

ABSENT – Councillor Pascoe – TOTAL – 1

Therefore, it was

RESOLVED – that the application be deferred and that authority be delegated to the head of Planning and Regeneration to grant conditional approval on the satisfactory completion of Section 106 agreements and planning conditions.

(Action by : Matt Barton / Andy England)

- P.183 09-0045-AD 6 BANNERS ON 3 LAMP POSTS LOCATED AROUND THE ROUNDABOUT ON THE B3301 NEAR HAYLE VIADUCT : HAYLE AREA PLAN DELIVERY TEAM

Councillor Bennett declared a prejudicial interest in this item and withdrew from the meeting for consideration of the item

Councillors Cook, Lello and Mrs Lello declared personal interests in this item as

members of the Hayle Area Plan Partnership Management Team.

Members then considered the matter in detail and

RESOLVED – that the application be approved subject to the conditions set out in the report.

(Action by : Chris Williams)

- P.184 09-0111-TPO : LOPPING & CROWN REDUCTION OF ONE HOLM OAK, COPPICING OF ONE SYCAMORE, LIFTING CANOPY OF ONE ASH, LOPPING OF BEECH & COPPICING OF ONE ELM TREE : MANOR DRIVE WOODS, OFF ST IVES ROAD, CARBIS BAY : PENWITH DISTRICT

Councillors Tonkin and Mrs Watson declared personal interests in this item as members of St Ives Town Council.

Members then considered the matter in detail and

RESOLVED – that the application be approved subject to the conditions set out in the report.

(Action by : Chris Williams)

- P.185 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED – that in accordance with Section 100A (4) of the Local Government Act 1972, the Press and Public be excluded from the meeting during the consideration of the following matters on the grounds that they involve the likely disclosure of exempt information as defined in the identified paragraphs of Part 1, Schedule 12A of the Act as amended.

- P.186 S.106 AGREEMENTS (EXEMPT PARAGRAPHS 1,2 & 3)

The Committee noted the content of the information report.

The Head of Sustainable Development and Improvement thanked all members of the Committee past and present for their support over the years and on behalf of the officers wished them well for the future.