

ST DOMINIC PARISH COUNCIL

Minutes of the Extraordinary Parish Council Meeting of St Dominic Parish Council held in St Dominic Parish Hall, St Dominic, on Wednesday 1st May 2019, commencing at 8.35pm.

Present: Councillors: G Wilkins (Chairman), S Brady (Vice Chair), D Potter, D Fry, D Greene, E Behennah, J Wenmoth, J Totterdell and G Walker

In Attendance: Mrs L Coles (Clerk)

There were 19 members of the public present.

Item No		Action by
1	Apologies. None received	
2	Declarations of Interest a) Agenda Items. Cllr Jo Totterdell declared an interest in Item 4 and left the meeting. b) Gifts. None declared.	
3	Written Requests for Dispensation. None received	
4	PLANNING PA18/10557 Land Adj. to The Meadows, St Dominic: Outline application for residential development of 14 houses [7 self-build, 7 affordable] with all matters reserved. (Resubmission of application no. PA18/03068 withdrawn 20/08/18.) Request under the local 5-day protocol for the Parish Council to decide the following: <ol style="list-style-type: none"> 1. To agree with the Case Officer's recommendation. 2. To agree to disagree 3. To maintain the Parish Council's objection and request that the application is determined by the Planning Committee <p>The Chairman advised all of the remit of the Parish Council under the 5-day protocol and read out the previous comments of objection submitted to Cornwall Council and the response to those points made. The Chair then opened the debate to the members of the public present.</p> <p>There are concerns that the Case Officer deems the scheme to be a minor development when it is an 8% increase to the Village, which is totally within the AONB. The Cornish Hedge that bounds the site has great value for its flora and fauna. A material consideration is that the land is Grade 3a and was previously used for horticulture. St Dominic is historically a village of horticulture and there is a danger of a precedent being set if this AONB is allowed to be developed. Another member of the public said that the standard of the soil on the proposed site is probably some of the best quality in the village and he has farmed here for 50 years. The Market Garden that was once part of the field is very fertile, well maintained and very productive and the view is that the land is the same quality as this garden. Mr Bunt did not carry out sample testing of the soil and said in his report that there is no horticulture in the vicinity of the site. This is untrue, aside from the adjoining Market Garden the land opposite is a Market Garden and there is another 50yards away. Point 6.5 of the Bunt</p>	

	<p>report is refutable. Cllr Potter said that a major point is that the Bunt Report is inaccurate. The Members comments included the fact that the ownership of the back lane has not been established. It is a Right of Way but unsuitable for both pedestrians and vehicles. The Case Officer has said that it is 'almost a Highway' but it is a narrow track! Cotehele's visitor numbers of 170K for 2018 will compound the road safety issues. The Cornish Hedge has some important species in it which will be destroyed if the development goes ahead. The NPPF guidance indicates that this is not sustainable development, not in the right place and not the right type for this village. It was conceded that the Case Officer's opinion in wanting to approve this application appears to be subjective. Cllr Wenmoth said that she would like to see some affordable development in the Parish for the younger people of the village. RESOLVED: Cllr Wilkins proposed a motion to adopt Option 3 of the Protocol and require that the application is determined by the Planning Committee, this was seconded by Cllr Greene and all were in favour. The Clerk will copy the response to Chris Batters, Chair of the East Sub Planning Committee, Cllr Jim Flashman, Ward Member and Marshall Plummer, Planning. Response attached as Appendix 1 to these Minutes.</p>	Clerk
5	<p>There being no further matters to discuss the Chairman closed the meeting at 9.40pm.</p>	

Signed.....Chairman

Date.....

Copies of all Minutes of Parish Council Meetings can be viewed and downloaded from the website:
www.stdominicpc.org.uk

APPENDIX 1

Reference: PA18/10557 Land to the West of The Meadows, St Dominic, Outline application for residential development of 14 houses (7 self-build and 7 affordable) with all matters reserved.

The Parish Council has considered its options under the 5-day protocol regarding the above application. It has been unanimously agreed to choose Option 3; to maintain the Parish Council's objection to the application and to require that it is determined by the Planning Committee.

The Parish Council would like the following comments to be added to those already submitted, some of which are in answer to your responses to the Council's original consultee comments:

1. There are serious concerns regarding the access to the site. The site bounds a very busy road which services the Cotehele Estate; over 170,000 visitors to the house last year and approximately 100,000 to the Quay and the Woods (figures provided by NT local management for 2018/19 visitors, and with an increase anticipated for 2019/20 season), all travelling by car. This road is also access to and from Halton Quay, Bohetherick, Metherell and Harrowbarrow for local vehicles. Vehicles from the development will be turning onto an already busy road. There is a 'pinch-point' on a sharp bend at Stone Cross just beyond the proposed entrance to the site and there is no capacity for a pedestrian walkway at this point. The access track to the rear of the site is deemed unsuitable for pedestrians although it is used by ramblers using the St Dominica Heritage Trail. This track has no official status on the definitive map, and to our knowledge, there has been no request for an order to include it. It is used by vehicles and pedestrians; however, if the land owner were to seek to close off this route, they could legitimately do so. It is noted that the Case Officer has said that this track 'would almost certainly qualify as a Highway' although it is unclear to us how this could be the case given the comment above. In the unlikely event that Highways were to seek to adopt the track as a highway, it would be necessary to widen it, which would entail the removal of one or both Cornish hedges that bound it as otherwise this would conflict with its use as pedestrian access, as the track is far too narrow for a vehicle to pass a pedestrian. Both of these hedges are likely to qualify as "important" under the Hedgerow Regulations 1997 and are therefore likely to be protected from removal. Tarmacking and lighting this track would further damage the rural character of the area. Ownership of this land has still not been established.
2. The land is Grade 3a Agricultural land and not a Brown Field Site, as the development of The Meadows was. In July 2018 an independent Agricultural Land Valuer took borings from four different parts of the site; the land is flat, with average rainfall and the soil is more than 1ft in depth and is of a fine sandy loam. In his considered opinion the land is of Agricultural Grade 3a or higher. The Parish Council refutes the land assessment carried out by Mr Bunt. It is inaccurate and shows clearly that soil samples were not taken. His report states that "Land within close proximity is also currently within pasture and I saw no evidence of any arable cropping or any wider agricultural land, for example, horticultural cropping within close proximity to the subject land". Had he entered the field he would have seen that there are large greenhouses on adjacent land used for horticulture, there is market garden activity on land both adjacent to and 100yards from this location. St Dominic is a village with a strong history of horticulture and this piece of land was previously, up until five years ago, used successfully for horticultural purposes until the Landlord reclaimed it and locked the gate.

The adjacent land is Grade 3a and there is evidence that this field is also Grade 3a and is some of the best land in the village for horticulture. This development would therefore be in conflict with the cultural heritage of the area, and in addition, it would conflict with Policy 21 of the adopted Cornwall Local Plan, which states “To ensure the best use of land, encouragement will be given to sustainably located proposals that ... take into account the economic and other benefits (including food production) of Grade 1, 2 and 3a agricultural land. Where significant development of agricultural land is demonstrated to be necessary, poor quality land should be used in preference to that of higher quality.

3. The Parish Council does not consider this development to be infill or rounding off and, if a rural exception site, then not enough space has been allocated for the affordable housing. We dispute the Case Officer’s assessment that the proposed development would not extend building into the open countryside as the area in question is undeveloped to its boundaries to the SW and S and also for 50% of its boundary to the NW.
4. Local Plan Policy 23 2(a) states that 'Proposals must conserve and enhance the landscape character and natural beauty of the AONB and provide only for an identified local need and be appropriately located to address the AONB's sensitivity and capacity'. It is felt that this development does not meet these requirements. If permission is granted there is a concern that this will set a precedent for other AONB sites. The report from the AONB itself states “The proposals will not conserve or enhance the AONB and are therefore in conflict of Policy 23 of the Cornwall Local Plan and Paragraph 172 of the NPPF which afford the AONB the highest level of protection with regard to its landscape character and scenic beauty”. This view is vehemently upheld by the Parish Council, who also observe that paragraph 172 states “Planning Permission should be refused for major developments other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest”. Footnote 55 to this paragraph also makes it clear that whether or not a development is “major” is a matter for the decision maker, taking into account the nature, scale and setting and whether it could have a significant adverse impact on purposes for which the area has been designated or defined. Tamar Valley AONB Planning Guidance goes on to state that “a development is likely to be major in its effect on landscape quality where the scale of the development is likely to have a detrimental visual impact that harms the scenic quality of the AONB (either within the AONB or in its setting) or its location would erode the special qualities and features of the AONB where the development is proposed (eg biodiversity, tranquility, landscape). In the view of the Parish Council, the proposed development would have a detrimental visual impact and it would erode biodiversity not least through the proposed removal of an ancient Cornish hedgerow. When combined with the fact that the proposed development is likely to increase the number of households in the village by around 5% and within our section of the AONB by a far larger percentage, the Parish Council believe that the proposed development must therefore be considered as major and that therefore the Developer must highlight the “exceptional circumstances” that apply here. This would also be consistent with Cornwall Council’s previous guidance for this site provided in PA13/03413/PREAPP in which they implied that this would be regarded as a major development [for the purposes of paragraph 172] and therefore that the exceptional circumstances would need to be provided, together with an assessment of alternative sites within the area but outside the AONB. We therefore request confirmation from the Planning Committee as the decision maker that our assessment as major is indeed the correct assessment and that therefore the development should be refused by virtue of not having provided the

necessary evidence to demonstrate the exceptional circumstances that apply and their failure to provide an assessment of alternative sites within the area but outside the AONB.

5. The Case Officer concurs with the Parish Council's objection to the argument that a strong street scene is being developed. The illustration in the application being very urban and out of character with St Dominick Village.
6. There is substantial Cornish Hedging around the site. Legislation (Hedgerows Regulations 1997) governs their proposed removal and this is amplified in the Cornwall Council Planning Biodiversity Guide, para.10.7. It is essential that hedges are assessed as both a landscape and biodiversity feature as part of any development proposal.

The hedge bordering the road has at least 6 woody species in a 30 meter run (including ash, hazel, blackthorn, hawthorn, rose and oak) and observes four of the eight associated features listed as the eight tests of importance for a Cornish hedge, these are:

- A bank or wall supporting the hedgerow
- Less than 10% gaps
- At least 3 species from a list of 57 woodland plants, qualifying plants found so far include bluebell, common dog violet, common polypody, hard shield fern, hart's tongue, herb Robert, lords and ladies, male fern, primrose, scaly male fern, wood sage and yellow archangel.
- A parallel hedge within 15 metres

Given these observations, this hedgerow would qualify as "important".

Cornwall Council Policy on hedgerow removal states that Cornwall Council will determine each Hedgerow Removal notice on its own merits but will seek to protect and retain important hedgerows and the circumstances under which an important hedgerow is allowed to be removed are likely to be exceptional. Assuming that this hedgerow is to be retained, then the application should be refused, as the proposal clearly envisages its removal.