

# **Newquay Town Council – Planning & Licensing Committee**

## **Important Information**

### **COVID\_19 – changes to the way our meetings work**

The virus responsible for the COVID-19 outbreak has meant we've had to change the way we do some things at the Town Council. We have now returned to face-to-face meetings in the Council Chambers at Marcus Hill – however, we are still observing social distancing measures wherever possible. Please see the Public Information document on the meeting page for further information.

#### **Commenting to the Town Council**

**Cornwall Council** operates as both our Local Planning Authority (LPA) and our Licensing Authority, and in the first instance they are the decision maker for all planning and licensing matters across the county. However, **Newquay Town Council** acts as a statutory consultee for all planning applications within the town and frequently comments on local licensing applications. If you have views regarding such matters, you can bring these to the attention of our Planning & Licensing Committee and we will consider them when making our own response.

**Written Questions or Representations** for the Town Council's Planning & Licensing Committee should be submitted either by emailing [office@newquay.town](mailto:office@newquay.town) or by writing to the Planning & Licensing Administrator at *Newquay Town Council, Municipal Offices, Marcus Hill, Newquay TR7 1AF*.

**Attending Meetings** - Members of the Public can attend our meetings, subject to venue capacity limitations and ongoing COVID measures. We welcome spoken representations and questions for the committee, but these must relate to the business listed on the agenda for that meeting (see our Public Info document for more detail).

Should you wish to attend a meeting of the Planning & Licensing Committee we would be grateful if you could let us know in advance. Please either email [office@newquay.town](mailto:office@newquay.town) or use the phone details at the bottom of this page.

We also provide a live stream of our meetings on the Newquay Town Council Facebook Page: [www.facebook.com/newquaycouncil](https://www.facebook.com/newquaycouncil) (please be aware that we do not monitor the comments made on Facebook during the meeting).

#### **Commenting to Cornwall Council** (our Local Planning Authority)

Wherever possible we recommend that you also comment directly to Cornwall Council. You can do this up until the Consultation expiry date. Guidance on how to comment on a planning matter can be found [here](#). Details of licensing applications and how to comment on them can be found [here](#).

If you have any queries regarding the above information, please contact us during office hours (9am – 5pm) by phoning **01637 878388** and choosing **Option 4** then

**Option 1**



**Applications - Info – Responses**  
**NTC Planning & Licensing Committee – 10 April 2024**

Central & Pentire	Porth & Tretherras	Trenance	Whipsiderry
<b>Application 01</b>	<b>Whipsiderry</b>		
<b>Type</b>	Planning Permission		
<b>Reference</b>	<a href="#">PA23/10338</a>		
<b>Proposal</b>	Removal of existing shed/workshop and new proposed annexe		
<b>Location</b>	3 Gyles Court TR7 3ER		
<b>Applicant</b>	Mrs Nolan		
<b>Town Council Response</b>	<p><b>OBJECTION:</b> When considering this application, Cllrs had regard for the Annexe Guidance Note (January 2024) to assess the proposals. When looking at the footprint of the proposed annexe, concerns were raised that this would exceed 50% of the footprint of the existing dwelling. In addition, placing the annexe at the furthest point away from the main dwelling raises questions as to how the annexe would be incorporated into the main dwelling when no longer needed; Cllrs did not feel the potential creation of a new dwelling would be particularly suited to this site. In addition, Cllrs noted the annexe would benefit from two bedrooms (one more than would appear necessary from the information provided in the Design &amp; Access Statement) without offering any justification for this. Further concerns are raised at the amount of amenity space that would be lost to the main dwelling and Cllrs were unhappy that no consideration appears to have been given to surface water management, rainwater harvesting and the use of renewable energy sources, as detailed in Newquay Neighbourhood Plan policy G2(e).</p>		

<b>Application 02</b>	<b>Whipsiderry</b>
<b>Type</b>	Non Material Amendment
<b>Reference</b>	<a href="#">PA24/01819</a>
<b>Proposal</b>	Non Material Amendment (1) to Application No. PA21/11058 dated 21 <sup>st</sup> January 2022 for Loft conversion with dormer, namely, new circular window to the West elevation, for the en-suite.
<b>Location</b>	Barn Cottage, Tregurrian Hill, Tregurrian TR8 4AD
<b>Applicant</b>	Mr and Mrs Benamer
<b>Town Council Response</b>	<b>SUPPORT: Cllrs agreed the changes applied for were minimal and would be unlikely to harm the existing street scene or neighbouring properties.</b>
<b>Application 03</b>	<b>Trenance</b>
<b>Type</b>	Application under Section 73 of TCP Act
<b>Reference</b>	<a href="#">PA24/01904</a>
<b>Proposal</b>	16 live-work serviced workers accommodation units associated with PROW Park Business Village (retrospective) without compliance with Condition 1 of Application No. PA17/07291 dated 24th September 2018.
<b>Location</b>	Prow Park Treloggan Industrial Estate TR7 2SX
<b>Applicant</b>	Julian R T Julian & Son Ltd
<b>Town Council Response</b>	<b>OBJECTION: Cllrs noted the comment from Public Protection Contaminated Land Planning Consultations, regarding the AGS Phase 1 report being over 8 years old and not covering the type of proposed development of residential accommodation for workers. Furthermore, Cllrs were aware that Condition 2 of the original permission required submission of a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health; the Town Council has been unable to find any evidence that such a scheme was ever submitted, which is a grave cause for concern.</b>

**Cllrs also noted that in responding to another recent PROW Park application (PA24/01296), the HSE has stated the industrial estate lies within the consultation distance of at least one major hazard site and/or major accident hazard pipeline, and that the HSE wishes to be consulted on any developments on this site. Cllrs would expect the HSE to be consulted on any current and future planning applications for PROW Park, including PA24/01904.**

**When considering the application site, Cllrs noticed the red line site overlaps other current applications at PROW Park. None of these separate applications seem to recognise the multiple uses being allocated to the land concerned and Cllrs feel this is strong evidence that the piecemeal approach to applications on PROW Park needs to be replaced by a coherent and transparent approach that would include an overall masterplan being submitted to the LPA.**

**Strong concerns exist that the clash of use classes resulting from allowing longer-term residential occupation on an existing industrial area would inevitably lead to occupiers of the dwelling units complaining about noise and odours – and that the subsequent actions/mitigations would potentially harm the operation of what is Newquay's primary protected Employment Site. Furthermore, Cllrs are fully aware that the working patterns of NHS and care staff can be far from straightforward and that the need for such workers to sleep during the day when the site is at the height of its (noisy) operation, is unavoidable.**

**It is noted that no understanding of what 'serviced' accommodation would mean in the context of these units had been communicated in any of the submitted documents. Similarly, there is no detail as to how the**

	letting of the units would be managed and no indication as to who would be responsible for this.
<b>Application 04</b>	<b>Trenance</b>
<b>Type</b>	Planning Permission
<b>Reference</b>	<a href="#">PA24/01296</a>
<b>Proposal</b>	Retention of Darbari Units 16, 17, 18 and 19 for Use Class E purposes
<b>Location</b>	Darbari Units 16, 17, 18 And 19 Prow Park Business Village Treloggan Industrial Estate TR7 2SX
<b>Applicant</b>	Julian RT Julian and Son
<b>Town Council Response</b>	<p><b>OBJECTION: Cllrs noted the operation of the Dabari Units included in application PA24/01296 is closely associated with the currently undetermined application PA23/02376 (Retrospective change of use of land for parking, storage and the siting of storage containers), in that the cleared lands is facilitating the use of the Units. This may be in the form of providing parking for visitors to the Dabari Units or enabling access for waste collection vehicles servicing the Units – an activity which Bedowan Meadows residents have highlighted as causing unwanted noise disturbance. With this in mind, Cllrs feel this is another example of the piecemeal approach to applications on PROW Park – an approach that needs to be replaced by a coherent and transparent approach that would include an overall masterplan being submitted to the LPA.</b></p> <p><b>Given the increased levels of flooding that are now being reported around residential areas neighbouring PROW Park, Cllrs were concerned at the absence of measures proposed within the current application to manage surface water run-off.</b></p> <p><b>Although recognized as a Building Regulations matter, Cllrs were deeply concerned that no consideration appears to</b></p>

	have been given to making the retained units accessible to all.
<b>Application 05</b>	<b>Whipsiderry</b>
<b>Type</b>	Planning Permission
<b>Reference</b>	<a href="#">PA24/01470</a>
<b>Proposal</b>	Part-retrospective application for the erection of 2 residential apartments.
<b>Location</b>	Land To The Rear Of 240 Henver Road TR7 3EH
<b>Applicant</b>	M & J Developments
<b>Town Council Response</b>	<b>OBJECTION: Cllrs would ask for confirmation from the Case Officer as to whether the NW and SE elevations supplied by the applicant had been correctly labelled or whether they were the wrong way round. Concerns exist about the proximity to, and impact upon, the Melrose Bungalow, Block 2 situated to the immediate northwest and the Nansledan development to the southwest. A correctly labelled set of elevations would allow for more accurate consideration.</b>
<b>Application 06</b>	<b>Porth &amp; Tretherras</b>
<b>Type</b>	Householder Application
<b>Reference</b>	<a href="#">PA24/02285</a>
<b>Proposal</b>	Demolition of garage and rear extension and construction of new single-storey rear extension and a two-storey side extension.
<b>Location</b>	9 Glamis Road TR7 2RY
<b>Applicant</b>	Nic Bride
<b>Town Council Response</b>	<b>SUPPORT: The scale and appearance of the proposal, including materials, are considered quite acceptable. Cllrs felt it was unlikely the proposal would result in any additional overbearing, overlooking or overshadowing of neighbouring properties. Members felt the plot size was large enough to accommodate the proposed extension whilst leaving an adequate amenity space for the property.</b>

	<b>In line with Policy H1 of the Newquay Neighbourhood Plan (Replacement Dwellings and Extensions), Cllrs were happy to support this application.</b>
<b>Application 07</b>	<b>Newquay Central &amp; Pentire</b>
<b>Type</b>	Householder Application
<b>Reference</b>	<a href="#">PA24/02112</a>
<b>Proposal</b>	Resubmission of PA19/03602 to Extend the roof structure and replace the conservatory with a two storey extension with associated terrace. Including modifications to principle elevation, fenestration and finishes
<b>Location</b>	48 Trevean Way TR7 1TW
<b>Applicant</b>	Ms Ellery
<b>Town Council Response</b>	<b>NO OBJECTION: Cllrs agreed the modifications proposed for the principle elevation would not be out of character with the existing street scene. Cllrs were aware of similar materials/finishes being used on other properties in the near vicinity.</b>
<b>Application 08</b>	<b>Trenance</b>
<b>Type</b>	Application under Section 73 of TCP Act
<b>Reference</b>	<a href="#">PA24/02213</a>
<b>Proposal</b>	Shed for storage and workshop units. B1, B2 and B8 Use Classes without compliance with Condition 1 of Decision Notice PA19/1061 dated 24th November 2020
<b>Location</b>	Prow Park, R T Julian & Son Ltd Treloggan Ind Estate TR7 2SX
<b>Applicant</b>	Baylor Julian R T Julian & Son Ltd
<b>Town Council Response</b>	<b>OBJECTION: Cllrs were aware that the current application seeks a reduction in the scale of the structure approved under PA19/10661. Cllrs agreed this reduction in scale would be quite acceptable. However, when considering the application site, Cllrs noticed the red line site overlaps other current applications at PROW Park (PA24/00044, PA24/01904). None of these separate applications seem to recognise the multiple uses being allocated to the land</b>

concerned and Cllrs feel this is strong evidence that the piecemeal approach to applications on PROW Park needs to be replaced by a coherent and transparent approach that would include an overall masterplan being submitted to the LPA.

Given the increased levels of flooding that are now being reported around residential areas neighbouring PROW Park, Cllrs were concerned at the absence of measures proposed within the current application to manage surface water run-off.

<b>Application 09</b>	<b>Whipsiderry</b>
<b>Type</b>	Advertisement consent
<b>Reference</b>	<a href="#">PA24/01069</a>
<b>Proposal</b>	Static and illuminated signs
<b>Location</b>	Sands Family Resort, Watergate Road TR7 3LX
<b>Applicant</b>	Mr Graeme Scrimgeour - Watergate Bay Hotel Ltd
<b>Town Council Response</b>	<b>SUPPORT: Cllrs agreed to offer their support for the proposed signage, subject to confirmation from the Case Officer that there would be no significant light pollution resulting from the use of illuminated signs in this sensitive coastal setting.</b>
<b>Application 10</b>	<b>Whipsiderry</b>
<b>Type</b>	Planning Permission
<b>Reference</b>	<a href="#">PA24/01070</a>
<b>Proposal</b>	Proposed remodelling of tennis court to provide padel courts (3 x doubles and 2 x singles) with perimeter enclosures, fabric covered pitched roof and lighting.
<b>Location</b>	Sands Family Resort, Watergate Road TR7 3LX
<b>Applicant</b>	Watergate Bay Hotel Ltd
<b>Town Council Response</b>	<b>SUPPORT: Cllrs were unaware of any local objections and noted the positive comments submitted by Sport England,</b>



particularly about guaranteeing the wider community use of the Padel Courts. It is hoped that a Community Use Agreement (or similar mechanism) can be agreed upon – although Cllrs were reassured by the applicant’s ongoing commitment to making their existing facilities available to the wider community. Whilst Cllrs agreed to support the proposed remodelling, this would be subject to the Case Officer confirming there would be no harmful impact on the existing views and vistas that characterise this sensitive coastal setting.

<b>Application 11</b>	<b>Whipsiderry</b>
<b>Type</b>	Discharge of conditions
<b>Reference</b>	<a href="#">PA24/01668</a>
<b>Proposal</b>	Submission of details to re-discharge Condition 2 of Planning Approval C2/07/00913 as per AGS Slope Stability Report.
<b>Location</b>	Land At Former Paradise Cove, Hotel Alexandra Road TR7
<b>Applicant</b>	Mr Keith Jones
<b>Town Council Response</b>	<p><b><u>Whilst not consulted as a Statutory Consultee on the above application, Cllrs agreed the following statement of OBJECTION be returned to the Local Planning Authority:</u></b></p> <p>“Cllrs wished to make it clear they accept that nobody can say for certain why 9.5m of the cliffs at Whipsiderry have fallen into the sea since the commencement of the stabilization works. However, having considered the AGS Slope Stability Report, Cllrs have concluded the submitted document fails to discharge Condition 2 of Planning Approval C2/07/00913 and are keen to communicate their view to the LPA.</p> <p>Condition 2 of the original permission C2/07/00913 is made up of the following elements, which are commented upon in order:</p> <ul style="list-style-type: none"> <li>● <b>Prior to the commencement of works hereby permitted a detailed schedule for the cliff defence works shall be submitted and approved by the Local Planning Authority.</b></li> </ul> <p>Cllrs failed to identify anything resembling a detailed schedule for cliff defence works within the submitted AGS Slope Stability Report. At best, the Report can be said to offer some ‘suggestions’, and nothing more.</p>

Page 18 of the report states that *"Undertaking a ground investigation would provide the geotechnical information of the rock necessary for a preliminary design of the rock anchors and mesh."*

Cllrs are presuming this accounts for the core drilling that took place a few weeks ago – but until the findings of that exercise have been agreed and a detailed schedule produced, this element of Condition 2 is not met.

- **The detailed schedule for the cliff defence works to include the provision for the future maintenance to protect the development during its lifetime.**

Whilst there are some relevant suggestions as to elements that could be included within the required inspection routine, the AGS Slope Stability Report fails to detail how future maintenance would be delivered during the 125 year lifetime of the scheme – and who would be responsible for carrying out this undertaking. Furthermore, it is unclear who would be responsible for taking corrective action when failures in the measures are identified. Cllrs are keen to know whether Cornwall Council are prepared to take on this responsibility?

- **The work shall be completed prior to the commencement of the development with the exception of the demolition works.**

Clearly the demolition works have already been completed. The AGS Slope Stability Report appears to concur with Condition 2, making the recommendation that remedial measures be installed prior to the construction (page 22).

Cllrs were concerned that prior to the cliff fall, there were some aspects of the development works that had been started – which would clearly be before the cliff stabilization works had been completed.

There would appear from its wording that Condition 2 cannot and should not be considered discharged until the cliff stabilization works have been completed to the satisfaction of the LPA. Until that point, no work on the holiday villas should be carried out.

- **Works and maintenance of the cliff defenses shall be carried out in accordance with the approved details unless otherwise agreed by the Local Planning Authority.**

Some form of legal agreement between the developer and the LPA would appear appropriate in order to guarantee the ongoing

works and maintenance are carried out in accordance with the approved details.

It is also noted that the securing of a Licence from the MMO was a requirement of the previous discharge of Condition 2. Presumably the LPA will require confirmation from the MMO that previous Licence has been unsuspended – or that a new Licence is secured.

It is the Town Council's contention that whilst cliff defence works may be appropriate where development is already in place, the notion that such works are undertaken to facilitate the construction of holiday villas is wholly unacceptable; page 22 of the report includes a recommendation that the building be placed on piles in order to ensure that the loads from foundations cannot be transmitted onto the cliff face. This in itself appears to be a very clear acknowledgement that the current permission will inevitably result in damage to the existing cliff structure.

**Can Condition 2 ever legally be achieved** – and if it is unachievable, then does this mean that Planning Approval C2/07/00913 should be considered as failed?

Whilst C2/07/00913 predates current coastal protection policies and thus doesn't appear to have to comply with them, there is uncertainty as to whether the application to discharge Condition 2 should be afforded the same status. To interfere with the cliffs is against Strategic policies, the Climate Emergency DPD, the Newquay Neighbourhood Plan and Coastal Change Management Area policies."