

**Minutes of the ordinary meeting of St Erth Parish Council held on Tuesday 5 February 2019 in The Vestry Rooms, Fore Street, St Erth, commencing at 7.00pm.**

**Councillors present:** K. J. Buzza (Chairman), Mrs. W. M. Chappell, M. J. Hanley (Vice-Chairman), E.B. Jenkin, Mrs. J. Lee, N. Player, P. Rodda, A. Spencer-Smith and E.T. Taylor.

**Others present:** nine members of the community, Vanessa Luckwell (Community Network Manager) and Peter Rylett (Clerk to the Council).

**Apologies for absence:** Councillor Ms. J. Kersey and CC L. Pascoe.

**148/18-19 Declarations of interest**

None.

**149/18-19 Community participation**

**1. Notification of works to A30/Station Approach - agenda item 10**

The Chairman stated that this item would be taken first as Wills Bros. had accepted the Parish Council's invitation to send representatives to the meeting to explain how these traffic management arrangements should work and to answer Councillors questions.

The Chairman welcomed Mr. Sean Vesey and Mr. Rob Andrews of Wills Bros. who explained: why the works were necessary; the physical constraints of the junction; how the various flows of traffic would be controlled; and the requirements of Highways Agency in terms of maintaining traffic flow along the A30.

During the discussion Councillors asked questions and concluded by putting forward the following requests and suggestions for Wills Bros. to consider:

1. rationalise the signage along the A30 approaches to the junction as much as possible to enable drivers more time to read and take in the information, especially when the additional signage for these new temporary arrangements is installed;
2. advertise the new arrangements on Radio Cornwall and Heart FM in the run-up to the start date to give more advanced warning;
3. relocate the traffic lights, which are planned to be located near the bridge, at a point opposite the junction of Treloweth Lane with Dump Road as this is the decision point for drivers to either turn right to access the A30 or, if there is queuing traffic at the bridge, turn left into the village. (If drivers see a queue at the bridge, then instead of attempting to access the A30 through the village they would be able to wait in Dump Road until the queue had cleared);
4. for the duration of the works, install some 'please drive carefully through the village' or 'caution narrow roads' type signs around the village and along Treloweth Lane especially to make the area as safe as possible; and
5. in addition, the Council asked the Clerk to: emphasise to SUEZ and SWW, the need for lorries visiting their premises not to use the village as a route to and from the A30; and request Cornwall Council, through the Community Network Manager and Councillor Pascoe, to provide traffic cones to safeguard the junctions off Treloweth Lane and around the bends in Tredrea Lane.

(Action by: the Clerk)

2. PA18/08140: Continued use of restricted holiday let to unrestricted residential use (retrospective) and retention of additions to barn: The Tractor Barn, Bosworgy Road, Townshend.

The spokesperson for the neighbours of this property read out a statement and answered Councillors questions. Similarly, a representative of the agents acting on behalf of applicant also read out a statement and answered questions.

The Chairman stated that all of this information would be taken into account by the Council when it came to consider the application.

### **150/18-19 Planning and Listed Building applications**

a) PA18/12049: Construction of five Open Market Dwellings & Associated Works: Land North East of The Lamb and Flag, Canonstown.

**RESOLVED** - that St Erth Parish Council objects to this application on: the principle of the proposal including its visual impact; the precedent that would be created if approved; its absence of affordable housing and its potential harm to the heritage asset at and adjoining the site.

The application site and the part of Rose-an-Grouse to the south of the A30 are within the Designated Plan Area of the St Erth Neighbourhood Plan (SENP) but it does not define a “settlement boundary” here. Under this most up-to-date part of the Development Plan, the site is therefore not within or adjoining a settlement.

SENP, policy HI 2, includes the following restrictions: “Proposals for development outside the settlement boundary must not impact on the existing open breaks between settlements that serve to retain and safeguard their individual identity and character. Proposals for development must not impact on: i. undeveloped gaps that form an important break in development within built surroundings, or provide tranquillity and interest, or provide an important setting to a Listed Building or the character of the Conservation Areas.”

In this case, the site occupies most of a 100 metres gap between the group of buildings including the Lamb and Flag and the ribbon of dwellings extending on both sides of the A30 north-eastwards as far as the St Erth Industrial Estate. The proposal will be highly visible from the trunk road, and might also harm the setting of the listed buildings near the Lamb and Flag.

The site does not immediately adjoin a “settlement” recognised in the SENP and so might not accord with the 2nd bullet-point of policy 3.3 of the Cornwall Local Plan (which concerns their “rounding off”).

Even if Rose-an-Grouse was held to be a “settlement” for the purposes of this policy, the scale of the proposal is not “appropriate” to the size and role of Rose-an-Grouse. The Parish Council concludes that approval of the current application would be likely to encourage proposals to erect houses on the rest of the applicant’s land (along the lines of an application to build 17 dwellings that was withdrawn at the end of 2018) and/or on the neighbouring land beside the A30 forming the rest of the gap before “Kittiwake”, developments which in equity Cornwall Council might well find difficult to resist.

Affordable housing:

The applicant’s description of the proposal confirms that it does not include any affordable housing.

The site is within a Designated Rural Area where, under both national guidance and CLP policy 8, the threshold for providing some is 5 dwellings. The last paragraph of policy 8 makes it clear that when assessing thresholds, account will be taken of the capacity of the “entire developable area.”

In this case, the applicant also proposes 5 dwellings in the public house as well as owning

the rest of the physically adjoining car-park and field. The proposed layout of the 5 houses opens up the rest of the applicant's land. It therefore appears that the potential capacity of all the land owned by the applicant means an element of affordable housing should in principle be required if Cornwall Council is minded to approve the application.

Heritage asset:

Cornwall Council does not appear to recognise that the application site affects the setting of the adjacent listed buildings that were once a smelting house. The CC Archaeology Team has commented on the application saying that the site may contain buried remains. They are disappointed that no Heritage Impact Assessment accompanies the application and recommend that it is not determined until one is provided and they have commented further and the Parish Council shares that view.

Affect of both applications:

If this application and the application to convert the pub into 5 flats are approved, the viability of the pub will be irrecoverably compromised and result in the loss of this important community building.

(Action by: the Clerk)

b) PA18/12087: Proposed erection of two semi-detached dwellings and associated landscaping and tree planting, boundary treatments, drainage and ground works, and re-configuration of existing Public House car park: Star Inn, 1 Church Street.

**RESOLVED** - that St Erth Parish Council supports this application on the basis that the applicant complies with the views and requirements by the Conservation and Heritage consultees and that access is maintained through the pub car park.

The Council is disappointed, however, that this is not 'enabling' development which could have resulted in supporting the viability of the pub and that, in view of the fact that none of the proposed dwellings are 'affordable', there was no offer of community gain to the community via the Parish Council instead.

It was also noted that the access through the car park reduces the number of car parking spaces which, in turn, could reduce the viability of the pub.

(Action by: the Clerk)

c) PA18/11925: Application for a larger extension than approved by decision of PA18/05582: Pelistry, 8 Tolroy Road, St Erth Praze.

**RESOLVED** - that St Erth Parish Council supports this application.

(Action by: the Clerk)

d) PA18/08140: Continued use of restricted holiday let to unrestricted residential use (retrospective) and retention of additions to barn: The Tractor Barn, Bosworgy Road, Townshend.

**RESOLVED** - that St Erth Parish Council objects to this application.

Cornwall Council has again indicated that the application is acceptable saying: "With the concerns with the loss of tourism accommodation, the proposal is considered to be a barn conversion as it was originally an existing barn that was converted for holiday purposes. It was not a building purposely built for holiday/tourism use. If an application came in for the conversion of the building for unfettered residential purposes we would not be able to refuse the application in policy terms."

Whilst the Parish Council is pleased that the applicants' Design and Access Statement (DAS) now recognises that the St Erth Neighbourhood Plan (SENP) is part of the

Development Plan, it goes on to say, however: “The SENP doesn’t appear to contain policies that are particularly relevant to this application.” The DAS then comments on Objectives 2 and 5 and policies HT2 (it is in fact policy HT3) and ED9, concluding that the proposal is acceptable against them.

Whilst the Parish Council agrees that national and local planning policies generally support the principle of re-using rural buildings for housing, it is important to read them carefully when assessing the current application to change from one type of dwelling to another.

In this regard, both policy 7.3 of the Cornwall Local Plan and paragraph 79(c) of the National Planning Policy Framework refer only to re-using “redundant or disused buildings” as dwellings. The application building is not redundant or disused and so these policies are irrelevant.

SENP policy HT3 is also irrelevant because it refers to the “conversion of existing non-residential buildings to dwellings” while the application building is already in residential use.

SENP policy ED9 says: “Change of use from purpose built holiday accommodation to residential will not be supported.” The DAS argues that this restriction does not apply to the application building because, as a conversion, it is not a “purpose built” holiday unit. In the absence of a precise definition of this term, there is room for dispute.

The DAS does not mention SENP policy ED8 which applies to the current application because it is headed “Support of existing business” and the DAS accepts that the application building’s authorised use is holiday accommodation.

The policy says: “Conversion or change of use of existing community facilities and commercial premises for other uses must demonstrate: (i) it is unviable to continue the operation of the uses, demonstrated by market evidence of sustained attempts to secure its existing use or an alternative business re-use for at least twelve months.” The DAS does not indicate that any such marketing of the application building as holiday accommodation has taken place and so it follows that the current application conflicts with this up-to-date part of the Development Plan.

The Parish Council wishes to maintain its objection, because it conflicts with the SENP policies ED9 and ED8 in the absence of unsuccessful marketing of the application building as holiday accommodation which is its authorised use. Permission should accordingly be refused, bearing in mind that there are no material considerations indicating otherwise and deserving more weight than this part of the Development Plan that was made in 2018, more recently than the CLP.

(Action by: the Clerk)

### **151/18-19 Minutes**

**RESOLVED** - that subject to the inclusion of the wording set out below to Minute 137/18-19 “Update on highway improvements discussed at the meeting of the Community Network Panel”, the Chairman signs as a true and correct record, the minutes of the Ordinary meeting held on 15 January 2019.

*Additional words: “The Chairman suggested, and the Council agreed, that when St Erth Parish Councillors attend the next meeting of the CNP, they are mandated to vote in support of any highway improvement projects being put forward by the other council’s based on the following principles:*

*That the proposal:*

- 1. would improve pedestrian, cyclist and equine safety;*
- 2. would improve vehicular safety;*

3. *would contribute to a CNA-wide project;*
4. *would bring about tangible benefits which seek to make a real difference; and*
5. *is not related to routine works including highway maintenance.”*

(Action by: the Clerk)

The Clerk then provided an update on the current position of the planning applications considered at that meeting as follows:

- a) PA18/08140: Continued use of restricted holiday let to unrestricted residential use: The Tractor Barn, Bosworgy Road, Townshend - *revised application just considered, now awaiting determination by the LPA.*
- b) PA18/08144: Certificate of Lawfulness for existing use of building as a self-contained, independent dwelling house: The Shed, Bosworgy Road, Townshend - *application refused by the LPA.*
- c) PA18/11955: Non-material amendment to amend construction hours of North Car Park section in respect of application PA11/09753 (Construction of a public transport interchange incorporating three car parks and new traffic signal junction): Land east south east of St Erth Railway Station - *awaiting determination by the LPA.*
- d) PA18/11513: Listed Building Consent for installation of a stepped and ramped access between the south car park (multi-modal hub) and Platform 1: St Erth Railway Station - *application approved by the LPA.*
- e) PA18/11026: Conversion of existing former Public House to form 5 apartments: Lamb & Flag Inn, Canonstown - *awaiting determination by the LPA.*

### **152/18-19 Reports from Councillors/Clerk on meetings held since the previous meeting of the Council**

The Council considered the minutes of the meeting of the SWW Odour Liaison Group which had been held on 23 January 2019 and

**RESOLVED** - that a complaint/report form be designed, for inclusion on the Parish Council's website, for residents to use when odours emanate from the works.

(Action by: the Clerk and Councillors Spencer-Smith and Taylor)

The Council also noted that the meeting of the Hayle and St Ives Community Network Panel, due to be held on 4 February, had been deferred until 4 March and that their thanks be passed onto CC Pascoe and the Community Network Manager.

### **153/18-19 Correspondence from Cornwall Council for information or requiring response**

The Council noted the changes to the ways in which the Local Planning Authority would be managing the planning process by an area-based approach in future.

### **154/18-19 Community Governance Reviews**

The Council considered the joint report of Councillor Spencer-Smith and the Clerk and considered whether there was a need to express an interest in a review for St Erth.

**RESOLVED** - that the Council thanks Councillor Spencer-Smith for the report but does not believe there is a need to express an interest in a Governance Review for St Erth.

**155/18-19 Receipts and Payments for January 2019**

**RESOLVED** - that the payments due be authorised.

(Action by: the Clerk)

The following had been received

Cemetery fees	£285.00
Allotment rents	£60.00
<b>TOTAL</b>	<b>£345.00</b>

The following had been paid by Direct Debit or Standing Order

Utility Warehouse	£14.04	Electricity - Vestry Rooms
Cherry Trees	£856.80	Grass cutting - parks, churchyard and cemeteries
SeaDog IT	£25.00	Website hosting fee
Google	£39.60	Gmail account
South West Water	£367.00	Water - Public Conveniences
British Gas	£23.00	Electricity - Public Conveniences
NEST pension scheme	£112.43	Employer contribution of £62.46 and employee contribution of £49.97
<b>TOTAL</b>	<b>£1,437.87</b>	

The following payments were due as at 31 January 2019

P Rylett	£1,293.83	Clerk's salary (net pay - see <b>Note 1</b> below)
P Rylett	£99.02	Clerk's expenses (see <b>Note 2</b> below)
HMRC	£336.37	PAYE and NI
Cormac Solutions Ltd.	£450.19	Cleaning/re-stocking Toilets
SeaDog IT	£25.00	Re-issued cheque (see <b>Note 3</b> below)
SeaDog IT	£75.00	Annual fee for website security licence
Cherry Trees	£50.00	Replace broken gate spring at Battery Mill Park
Cherry Trees	£250.00	Pressure wash Public Conveniences and forecourt, clean out gutters and remove weeds
Cherry Trees	£550.00	Repair wall, completion of fencing and clearing site/highway of debris
Cherry Trees	£95.00	Cutting back and disposal of branches obstructing river bank path
Headland Printers Ltd.	£81.60	Printing of agenda/reports for January meeting
<b>TOTAL</b>	<b>£3,306.01</b>	

## Note 1

The gross monthly pay was £1,561.55. The net pay of £1,293.83 was the amount payable following deductions of tax and national insurance and with a deduction from the net pay of the employee's contribution to the NEST pension scheme of £49.97 as shown above.

## Note 2

The sum of £99.02 was comprised of:

Home Office Payment	£18.00	
Reimbursement of:		
Telephone calls	£0	
Postage/stamps	£14.00	
Consumables	£22.04	Printer ink
Office equipment	£44.98	Security Software for new laptop
Expenses	£0	
Mileage	£0	

## Note 3

On 6 November 2018, the Council authorised the payment of £25.00 to SeaDog IT for setting up the email account for Councillor Mrs. Lee. That cheque had not been presented and Mr. Cromie of SeaDog IT had confirmed that it was never received. Accordingly, this invoice remained unpaid and so the Council was required to issue a new cheque.

### 156/18-19 Adoption of updated complaints process

The Council considered the report of the Clerk and advice from the Chairman of the need to adopt an updated complaints process.

**RESOLVED** - that:

1. the complaints process, appended to the report, be approved and adopted;
2. the Clerk add the document to the Parish Council's website; and
3. the complaints process be reviewed annually by the Governance Committee.

(Action by: the Clerk)

### 157/18-19 Business Plan

The Council noted the current version of its business plan.

### 158/18-19 Agenda items for a future meeting

1. Councillor Spencer Smith referred to an earlier planning application in which the view had been expressed that some of the terminology in the St Erth Neighbourhood Plan could be open to dispute as there was no precise definition give. He acknowledged, however,

that throughout the entirety of the plan-making process, the Steering Group had been advised on what terminology the Local Planning Authority would and would not find acceptable. He stated that any other such examples should be captured and reviewed. The Clerk advised that any such examples would be reconsidered at the Plan's annual review.

(Action by: the Clerk)

2. Councillor Hanley asked that the gravel car park opposite the Church Hall be repaired. Councillor Taylor suggested, and the Council agreed, that the Clerk approach Wills Bros. to relay that car park with a permanent and permeable surface, such as grasscrete, as a goodwill gesture.

(Action by: the Clerk)

3. Councillor Spencer-Smith reported a concern expressed to him by a member of the community, regarding the danger posed to pedestrians in School Lane. Because there was no turning point beyond the school, some parents were making three-point turns in the road, reversing towards children walking on the pavement. It had been suggested that the grass verge could be used instead to provide parking bays to help alleviate the congestion.

The Council agreed that this suggestion be forwarded to County Highways for consideration.

(Action by: the Clerk)

4. Councillor Player reported, and the Council noted, that a resident of Boscarnek had raised with her the issue of children, residing in the same street, being told not to play on the green by residents of the surrounding homes. The resident had suggested, therefore, that the space could be used instead to relieve the dangerous parking situation during school drop off and pick up times on School Lane.

#### **159/18-19 Exclusion of the Press and Public**

**RESOLVED** - that in accordance with S.1 (2) of the Public Bodies (Admission to Meetings) Act, 1960, the Press and Public be excluded from the meeting during the consideration of the following business owing to the confidential nature of that business.

#### **160/18-19 Meeting at the St Erth Multi-Modal Transport Hub held on 23 January 2019**

The Chairman outlined, and the Council noted, the matters discussed at this meeting which had also been attended by the Vice-Chairman, the Clerk, Councillor Geoff Brown, (Cabinet Member for Transport, Cornwall Council) and Mr. Nigel Blackler, (Service Director - Transport and Infrastructure, Cornwall Council).

#### **161/18-19 Update on planning enforcement cases**

The Council considered the advice of its planning consultant and

**RESOLVED** - that:

1. with regard to planning enforcement notice (ref. EN17/00897), Cornwall Council be requested to pursue, urgently, both Sections 178 and 179 of the Town and Country Planning Act 1990 and provide St Erth Parish Council with monthly progress reports;

2. with regard to planning applications (refs. PA18/04826 and PA18/04827), Cornwall Council be requested to: take urgent action to resolve this matter without further delay; be advised that St Erth Parish Council reiterates its view that Cornwall Council should now issue planning and listed building enforcement notices against the works undertaken in 2017; and requested to provide St Erth Parish Council with monthly progress reports; and
3. Cornwall Council be requested to provide an update on the current position with regard to the ongoing use of land owned by Mr Leak.

### **162/18-19 Local Lettings Plan**

The Council considered the report of Councillor Taylor and the information supplied by LiveWest which included proposed changes to the Local Lettings Plan.

(Councillor Rodda left the meeting at this point.)

**RESOLVED** - that St Erth Parish Council supports the inclusion of the two paragraphs set out below in this particular LLP:

#### **“Age preference to over 55’s**

*As this scheme was originally designed to support the housing requirements of older people, in the first instance bidders over the age of 55 will be given preference when shortlisting.*

*Should the shortlist fail to provide a suitable bidder over the age of 55, LiveWest will allocate in line with banding and band date from the top of the shortlist. However, where the bungalow has disabled adaptations preference will be given to those applicants with a need for those adaptations.*

#### **Local Connection preference**

*In order to provide a sustainable community, LiveWest will look to give a preference to 50% of it’s Letting to applicants with a connection to the Parish of St Erth.”*

(Action by: the Clerk)

### **163/18-19 Confirmation of the Clerk’s salary following National Joint Council Salary Awards 2018/19**

The Clerk declared an interest in this item and left the meeting during its consideration.

The Chairman presented the report and answered questions, at the conclusion of which, it was

**RESOLVED** - that:

1. the Council notes the NJC Salary Awards 2018-19;
2. the Clerk transfers to SCP 17 on 1 April 2019; and
3. the Council decides, at the Clerk’s Performance Appraisal later in the year, whether or not to amend the Clerk’s Contract of Employment to enable progression to SCP 18 ‘subject to satisfactory performance in the post’.

(Action by: the Chairman and the Clerk)

The Chairman closed the meeting at 9.57pm

Signed by  
Chairman.....

Date.....  
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