

Minutes of the Ordinary Meeting of St Erth Parish Council held on Tuesday 3 July 2018 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), Ms. J. Kersey, N. Player, P. Rodda (arrived at 7.12 p.m.), A. Spencer-Smith and E.T. Taylor

Others present: four members of the community and Peter Rylett (Clerk to the Council)

Apologies for absence: Councillor E. B. Jenkin and CC L. Pascoe

37/18-19 Welcome to [Councillor Nastassia Player](#)

On behalf of the Council, the Chairman welcomed Councillor Player to her first meeting of the Parish Council since her co-option and expressed his hope that she would enjoy her new role.

38/18-19 Declarations of interest

There were none.

39/18-19 Community participation

Four matters were raised:

1. Overgrown allotment plots.

A resident pointed out that two plots at the allotments were overgrown and requested that they be strimmed.

2. Planning application PA18/04986: Application for the change of use and alteration of detached garage to a domestic annexe: Chysander, 25A Vicarage Gate.

A resident expressed her concern that unless the annexe was tied to the main property and not allowed to be sold as a separate unit, then access and parking problems would be created.

3. Planning application PA18/04740: Proposed barn conversion: Battery Mill Farm, Battery Mill Lane.

The applicant and his representative were present and the representative addressed the Council on the merits of the application.

4. Painting of galvanised gates - private land off St Erth Hill.

A resident asked the Council if it had any views on the colour of the paint to be used.

40/18-19 Action required on matters raised during community participation

1. Overgrown allotments plots.

The Clerk agreed to ask the contractor to strim the plots concerned.

(Action by: the Clerk)

2. Planning application PA18/04986: Application for the change of use and alteration of detached garage to a domestic annexe: 'Chysander', 25A Vicarage Gate.

The Clerk confirmed that the points raised by the resident would be taken into account by the Council when it came to consider the application.

3. Planning application PA18/04740: Proposed barn conversion: Battery Mill Farm, Battery Mill Lane.

The Clerk confirmed that the points raised by the applicant's representative would be taken into account by the Council when it came to consider the application.

4. Painting of galvanised gates - private land off St Erth Hill.

The Council thanked the resident for raising the matter and commented that a subtle shade of green would seem suitable in a rural setting.

41/18 -19 Planning and Listed Building applications

The Council considered and determined its responses to the following applications:

a) PA18/04894: T1 Yew Tree: seeking permission to fell due concerns over root stability and also believed the tree has outgrown its location: 1 Strawberry Hill, Tolroy Manor Holiday Park, St. Erth Praze.

RESOLVED - that this application be supported and the applicant be requested to plant a tree elsewhere.

b) PA18/04826: Retention and alteration of dormer windows, internal alterations and installation three timber single glazed windows to the rear: Anvil House, 15 Fore Street; and

c) PA18/04827: Listed building application for the retention and alteration of dormer windows, internal alterations and installation three timber single glazed windows to the rear: Anvil House, 15 Fore Street.

The Chairman stated that the Council would consider these applications together.

RESOLVED - that the Council maintains its objections because:

1. Planning law commentaries make it clear that complying with a listed building consent does not overcome the criminal offence committed when first altering the listed building. The Parish Council considers that it is important to maintain the integrity of the planning system and public confidence in it by sending a clear message to everyone that such breaches of planning control will never be treated lightly, so as to discourage this approach to planning law. One way to do that in this case is to prosecute the owner of Anvil House. If, however, Cornwall Council decides there are good reasons not to do so, then reporting the application to Planning Committee (including a discussion on the general enforcement question) seems a means of publicising this case;

2. The LPA has suggested imposing a condition requiring the proposed improvements to be completed within a set time. Such a condition appears to conflict with the Government's advice in its Planning Practice Guidance on "Use of planning conditions", specifically paragraph 005 on circumstances when planning conditions should not be used - the 3rd bullet point says "Conditions requiring a development to be carried out in its entirety will

fail the test of necessity..." The Parish Council considers that the proper way to ensure that any approved changes are completed is to issue a listed building enforcement notice requiring them to be carried out.

Otherwise, the Parish Council is concerned that the LPA might find itself unable to secure the promised physical changes; and

3. The Parish Council reminds the LPA that the matter of the unauthorised fence still requires resolution.

d) PA18/04740: Proposed barn conversion: Battery Mill Farm, Battery Mill Lane.

RESOLVED - that this application be supported.

e) PA18/05454: Non-material amendment (No. 2) for permission to allow the site to operate until 5pm on the 22nd December 2018 only to (PA16/11279). Variation of condition 2 attached to planning permission PA13/05648 dated 07/04/14 in order to extend the operational hours at the site. Waste Transfer Station Treloweth Lane.

RESOLVED - that this application be supported.

f) PA18/04986: Change of use and alteration of detached garage to a domestic annexe: 'Chysander', 25A Vicarage Gate.

RESOLVED - that this application be supported with a condition to tie the annexe to 'Chysander' 25A Vicarage Gate, preventing its sale as a separate property.

g) PA18/05582: Construction of kitchen extension: 'Pelistry', 8 Tolroy Road St Erth Praze.

RESOLVED - that this application be supported.

42/18-19 Minutes

RESOLVED - that the Chairman signs, as true and correct records, the minutes of the ordinary meeting held on 5 June and the Co-Option meeting held on 26 June 2018.

The Clerk updated the Council on the current position regarding the applications considered at the ordinary meeting held on 5 June as follows:

a) related to the application by SUEZ.

b) PA18/04237: Retention of replacement windows, installation of roof light, internal refurbishment and associated works: 1 Holbrook Row - *the LPA had subsequently advised that no planning application had been necessary as these works fell under 'permitted development'*.

c) PA18/04604: Proposed felling of two trees - a sycamore and a stump: adjacent to the Public Conveniences, Tredrea Lane - *the LPA had decided not to make a Tree Preservation Order (TPO)*.

d) PA17/11655: Variation of planning obligation dated 16.02.2015 in respect of decision PA16/10192 (construction of 10 new dwellings) to reflect new market prices for houses: Land NNE of Chenhalls Road cemetery - *awaiting determination and application to be re-considered by Parish Council*.

e) PA18/04199: Listed building consent for replacement of existing life-expired platform lighting with energy-efficient LED luminaires: St Erth Station, Station Approach - *awaiting determination*.

f) PA18/04766: Proposed two storey rear extension providing extra bedrooms and kitchen area: 4 Chenhalls Close - *approved by the LPA*.

g) PA18/04748: Retention and completion of works to demolish and rebuild two mundic block extensions, Cherry Tree Cottage, 6 The Green Lane - *awaiting determination*.

43/18-19 PA17/11655: Variation of planning obligation dated 16.02.2015 in respect of decision PA16/10192 (construction of 10 new dwellings) to reflect new market prices for houses: Land NNE of Chenhalls Road cemetery.

The Clerk advised that this application had been considered at the previous meeting at which the Council had

“RESOLVED - that St Erth Parish Council requests that this application be deferred for more information from the Affordable Housing Officer on the evidence to justify the variation of the planning obligation and to enable the Planning Case Officer to investigate the changes to the approved plans regarding the use of the bedrooms in some of the houses.”

Whilst the LPA had agreed to defer the application, the information requested had not been forthcoming and so the Parish Council was in the same position as it had been at its previous meeting on 5 June and was unable to make an informed view on this application.

For that reason, it was

RESOLVED - that the Parish Council objects to this application and requests that it is reconferred once Cornwall Council has clearly established whether two bedroom affordable houses have in fact been built as approved; and that until it is confirmed that the layout complies with the approved plans, it is inappropriate to entertain and consider the Section 106 application.

Notwithstanding this, if the Case Officer is minded to approve the application, then it be referred to the Planning Committee (West) for determination.

44/18-19 Clerk’s appraisal

The Chairman reported and the Council noted, that following the Clerk’s Appraisal on 5 June, the Contract of Employment and Job Description had been updated. As soon as the appraisal paperwork had been agreed, it would be signed off and circulated to Councillors.

(Action by: the Chairman and the Clerk)

45/18-19 St Erth Children’s Centre

The Council considered the report of the Clerk and correspondence from: the Pre-School Learning Alliance; the Chair of Governors St Erth School; and the Truro and Penwith Academy Trust (TPAT) regarding the future of the St Erth Pre-School.

The Clerk’s report included relevant extracts from the Neighbourhood Plan which supported the development of the School and the Children’s Centre in which the Pre-School service was provided.

Following discussion, the Council

RESOLVED - that the Clerk writes to:

1. the Pre-School Learning Alliance and TPAT offering to host a meeting between interested parties if those groups would find that helpful; and
2. Derek Thomas MP to keep him informed of the situation.

(Action by: the Clerk)

46/18-19 Update - [General Data Protection Regulations Working Group \(GDPR\)](#)

Referring to the report with the agenda, the Chairman of the Working Group, Councillor Taylor, highlighted the matters considered at the meeting and the recommended actions. On consideration, the Council

RESOLVED - that the report be noted and the recommended actions be approved.

47/18-19 Reports from Councillors/Clerk on meetings held since the previous meeting of the Council

A meeting of the Community Network Panel had been held on 2 July but as no St Erth Councillors had been able to attend, it was agreed that the Clerk would circulate the notes of the meeting when received.

(Action by: the Clerk)

48/18-19 Correspondence from Cornwall Council

1. [Complaints to the Standards Committee](#)

The Council considered a letter from the Chairman of the Standards Committee (which had been sent to all Town and Parish Councils) which outlined the work of that committee and how complaints against councillors were dealt with. The Annual Report of the Standards Committee and examples of six case reviews were also included.

On consideration, the Council

RESOLVED - that:

1. the correspondence be noted;
2. St Erth Parish Councillors note the importance of acting within the Code of Conduct; and
3. it be pointed out to Cornwall Council that, contrary to its assertion, the number of complaints against Cornwall Councillors is proportionately higher than those against Parish and Town Councillors.

(Action by: the Clerk)

2. [Arrangements for the Public Exhibition of Highway Improvement Proposals](#)

The Council noted the arrangements for this forthcoming public exhibition and engagement event planned for Saturday 28 July 2018 and

RESOLVED - that the Clerk, in consultation with the Chairman and Vice-Chairman, be authorised to agree any details necessary with Cormac to progress the event.

49/18-19 Cornwall Council Boundary Review

The Council noted that the Boundary Commission for England (BCE) had extended the consultation period to receive further suggestions on the future electoral arrangements for the reduced number of Cornwall Councillors.

The latest option being proposed by the BCE for St Erth saw the Parish included with the Marazion Town Council area but which did not meet the Parish Council's three principles of retaining its rurality etc.

The invitation to comment again enabled the Parish Council to review its previous decision to support Cornwall Council's four parish option, especially as that option had now been discounted by the BCE.

Councillor Spencer-Smith invited the Council to consider his original 'hybrid' option and the report contained a plan of what that would look like and the details of the elector numbers which were within the permitted tolerances.

On consideration, the Council

RESOLVED - that the Council

1. withdraws its support for the four parish option;
2. requests Councillor Spencer-Smith to add the hybrid option onto Google drive;
3. authorises Councillor Spencer-Smith and the Clerk to develop the case for the hybrid option and undertake appropriate action in that respect; and
4. that a further report be made to the August meeting of the Parish Council on the hybrid option with a view to its adoption.

(Action by: Councillor Spencer-Smith and the Clerk)

50/18-19 Receipts and Payments for June 2018

The Council considered this report and

RESOLVED - that the payments due be authorised. _

(Action by: the Clerk)

The following had been received

	£0
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TOTAL	£0

The following had been paid by Direct Debit or Standing Order

Utility Warehouse	£15.47	Electricity - Vestry Rooms
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Cherry Trees	£856.80	Grass cutting - parks, churchyard and cemeteries
SeaDog IT	£18.95	Website hosting fee
Google	£33.22	Gmail account
South West Water	£367.00	Water - Public Conveniences
British Gas	£23.00	Electricity - Public Conveniences
NEST pension scheme	£84.33	Employer contribution of £46.85 and employee contribution of £37.48
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TOTAL	£1,398.77	

The following payments were due as at 30 June 2018

P Rylett	£1,306.32	Clerk's salary (net pay - see Note 1 below)
P Rylett	£112.53	Clerk's expenses (see Note 2 below)
HMRC	£336.37	PAYE and NI
Cormac Solutions Ltd.	£450.20	Cleaning/re-stocking Toilets: May
Headland Printers Ltd.	£196.80	Printing Referendum postcard
Argos Fire Protection Ltd.	£166.79	Annual service of fire extinguishers and purchase of two new extinguishers
	£480.00	Play sand - Battery Mill Park
Cherry Trees	£450.00	Pressure wash play equipment, bench and gate - Battery Mill Park
Cherry Trees	£588.00	Repaint play equipment, bench and gate - Battery Mill Park
Cherry Trees	£595.20	Supply materials and renew all wood on park bench. Take off roof from play slide, replace and
	£60.00	repaint
Joseph Beard	£29.00	Preparation of register and plan for cremated remains - Chenhalls Road Cemetery
SeaDog IT		Email support for Councillors Chappell and Player
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TOTAL	£4,771.21	

Note 1

The gross monthly pay was £1,561.55. The net pay of £1,306.32 was the amount payable following deductions of tax and national insurance and with a deduction from the net pay for the employee's contribution to the NEST pension scheme of £37.48 as shown above.

Note 2

The sum of £112.53 was comprised of:

Home Office Payment £18.00

Reimbursement of:

Telephone calls	£0	
Postage/stamps	£14.00	
Consumables	£78.98	Printer ink, paper and envelopes
Office equipment	£1.55	Sellotape dispenser
Expenses	£0	
Mileage	£0	

51/18-19 1st Quarter Budget Position

The Council considered the report of the Clerk and the Chairman commented on various budget headings. The Council

RESOLVED - that the report be noted.

52/18-19 Vestry Rooms

The Council noted the report of the Clerk and reaffirmed its intentions for the future use of the Vestry Rooms in line with the adopted policies in the Neighbourhood Plan.

Following discussion, the Council

RESOLVED - that:

1. the Vestry Rooms Working Group meet with Sarah Mason (County Executive Officer CALC) at the earliest opportunity to discuss the project and consider her advice; and
2. report back to the Council on the progress made.

(Action by: the Clerk)

53/18-19 Business Plan

The Council noted the current version of its Business Plan and requested the Clerk to contact each Councillor ahead of the August meeting to ensure the meeting will be quorate.

(Action by: the Clerk)

54/18-19 Neighbourhood Plan - update

The Council considered the report of the Clerk which confirmed that it had now been fully adopted by Cornwall Council and was, therefore, a 'made' Plan.

The Chairman stated that the final adoption of the Plan was a milestone in the life of the Parish and deserved to be recognised. It was suggested, therefore, that the members of the Steering Group be invited to consider organising a 'get together' perhaps along the lines set out in the report and to include partners.

RESOLVED - that the Clerk writes to the Steering Group with this suggestion and that the Council supports the event accordingly.

(Action by: the Clerk)

55/18-19 Lining at the Public Conveniences

The Chairman advised that as information had not been received from Cormac, this matter would be considered at the next meeting.

56/18-19 Agenda items for a future meeting

Councillor Ms. Kersey would prepare a report to the September meeting about public transport serving the parish.

(Action by: Councillor Ms. Kersey)

57/18-19 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.

58/18-19 Neighbourhood Plan and rural exception sites

The Clerk reported that information was awaited and a report would be made to the next meeting of the Council.

The Chairman also advised that a revised application was being prepared by St Aubyn Estates and following discussions with the Clerk and the Council's Planning Adviser, it would be helpful to have an open dialogue with the applicant's representatives now that the Neighbourhood Plan had been fully adopted. The Council endorsed the approach.

The Chairman closed the meeting at 9.47pm

Signed by
Chairman.....

Date.....
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