

Minutes of the Ordinary Meeting of St Erth Parish Council held on Tuesday 4 September 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, A. Spencer-Smith and E.T. Taylor

Others present: eight members of the community, CC L. Pascoe and Peter Rylett (Clerk to the Council)

Apologies for absence: Councillors E. B. Jenkin and P. Rodda

71/18-19 Declarations of Interest

There were none.

72/18-19 Community participation

Seven matters were raised:

1. Resident's support for improved bus services.

A resident informed the Council that she had spoken to many other residents who supported improvements to the current bus service in the parish. On its website, Cornwall Council had stated that one of its aims for the Multi-Modal Hub was to provide: *"...improvements to the frequency and quality of trains and buses in the area to promote integration of rail and bus in Cornwall."* and the resident confirmed that she was happy to work with the Parish Council to try to secure such improvements.

2. Repairs to damaged hedge at Porthcollum Lane.

A resident stated that as this hedge adjoined the highway, he wished to inform the Council that repairs would soon be undertaken, following damage caused by a vehicle.

3. Junction at Porthcollum Lane.

A resident enquired about the possibility of new signage to improve safety, which had been discussed when Parish Council representatives and Cormac had visited the junction.

4. Mobile homes on St Erth Hill.

A resident asked the Council if it was aware of the three mobile homes which were sited on land just below Taylors Farm on St Erth Hill.

5. Motorcycles using public footpaths.

A resident informed the Council that he had reported to the police, that motorcyclists were using some of the footpaths in the parish.

6. Planning application: PA18/06887: Retrospective: Change of use from Golf Course to Doggy Day Care: Doggy Day Care, Chenhalls Road.

The applicant's agent outlined the details of and background to this application and requested the Council's support.

7. Obstructed access to the Public Conveniences.

A resident said that he was unable to access the Gents toilet due to a vehicle which had parked thoughtlessly and asked if the Council could control the situation.

73/18-19 Action required on matters raised during community participation

1. Resident's support for improved bus services.

The Council thanked the resident for this update and her offer of support.

2. Repairs to damaged hedge at Porthcollum Lane.

The Council thanked the resident for this information.

3. Junction at Porthcollum Lane.

The Clerk would establish the latest position with Cormac.

(Action by: the Clerk)

4. Mobile homes on St Erth Hill.

The Clerk would raise this matter with Planning Enforcement.

(Action by: the Clerk)

5. Motorcycles using public footpaths.

The Council thanked the resident for this information and asked to be kept informed.

6. Planning application: PA18/06887: Retrospective: Change of use from Golf Course to Doggy Day Care: Doggy Day Care, Chenhalls Road.

The Clerk stated that the points raised by the applicant's agent would be taken into account by the Council when it considered the application.

7. Obstructed access to the Public Conveniences.

The Clerk stated that he was waiting for a date from Cormac when the forecourt would be lined out to provide two dedicated parking spaces and a walkway for pedestrians and that this would control the parking situation.

74/18-19 Planning and Listed Building applications

The Council considered the following applications:

a) PA18/07281: Provision of a new conservatory, for residents use, joined to existing buildings: Bosence Farm, 69 Bosence Road, Townshend.

RESOLVED - that this application be supported.

(Action by: the Clerk)

b) PA18/06887: Retrospective: Change of use from Golf Course to Doggy Day Care: Doggy Day Care, Chenhalls Road.

RESOLVED - that this application be supported.

(Action by: the Clerk)

c) PA17/12089: Outline consent for the construction of up to 44 dwellings, provision of access, allotments and associated ancillary works. Land east of Treloweth Lane.

RESOLVED - that Cornwall Council be informed that St Erth Parish Council objected to the original application on the following grounds:

1. The application proposes a comprehensive residential development without phasing and with a single point of access throughout the development. It does not, therefore, accord with policy HI 1 of the St Erth Neighbourhood Plan which is a material consideration deserving weight when deciding the application;
2. In itself and taken together with other sites for new housing identified in the St Erth Neighbourhood Plan, the application will result in a level of residential development out of scale with the village and its facilities; and
3. The application is not acceptable as a "rural exception" site under St Erth Neighbourhood Plan policy HI 1 and Cornwall Local Plan policy 9 because it does not justify the overall proportion of open-market housing it proposes to cross-subsidise the affordable housing.

Whilst the Parish Council objects to this application, it would welcome dialogue with the applicant about a proposal which is not in conflict with the St Erth Neighbourhood Plan.

Since the original application was considered, the St Erth Neighbourhood Plan (SENP) had been made. This meant that it was in general conformity with the Cornwall Local Plan, it deserved full weight as part of the Development Plan, and it was more recent than the Cornwall Local Plan (CLP).

The revised application related as follows to the SENP:

Its policy HI 1 identifies the smaller field in the application site as 'Site B' (within the settlement boundary) and the larger field as 'Site C' (outside it, and so affordable-led). The policy says that site B will be accessed off Trehayes Meadow until Site C comes forward and serves both off Treloweth Lane.

The SENP proposes another new housing site within the settlement boundary (Site A at Boscarnek) which together with Site B is intended to accommodate current general housing needs as well as some affordable houses.

The SENP allocates 3 sites outside the settlement boundary for 'rural exception' (affordable-led) housing. Site C, part of which is included in the revised application, is one of them.

Page 13 of the SENP says: **'Development of any of these sites (exception sites) would have the least impact on traffic through the village, a concern of residents; only be supported if proven demand exceeds supply after development of those within the settlement boundary; and must be driven by affordable housing need. All applications should assume 100% affordable housing as a starting point in line with Policy 9 of the CLP. These three sites will meet housing need for the Parish within and beyond the lifetime of the Plan. The number of people waiting for affordable housing demonstrates that demand is considerably more than the supply currently available. However, any proposal to increase the amount of affordable housing should establish that the proposed development will meet a genuine need to live in the Parish in line with the requirements of the Homechoice Housing Register and the Parish area local connection criteria set out by Cornwall Council. Development of the Little Mill site will have an impact on the road network through Trehayes Meadow and onto Tredrea Lane. The preference would be for access to this site to be from Treloweth Lane. This would require an access through the exception site at Treloweth. It is recognised that, as an exception site, its development would be delayed until the two sites within the settlement boundary have been developed unless they cannot reasonably be developed during the plan period. Therefore, proposals for development of the Little Mill site may need to provide temporary access through Trehayes Meadow (access for construction and other site traffic will be agreed through the Traffic Management Plan) until such time as the Treloweth site**

is developed. Thereafter, access to the Little Mill site should be through the Treloweth site only (by means of an access point developed to the connected edge of the Little Mill site) and any temporary access through Trehayes Meadow restricted to provide pedestrian or cycle access only.

Policy HI 1 does not conflict with CLP policy 9 both allow for 'rural exception sites' to meet needs but the SENP refines the CLP by identifying where it should be provided in and around St Erth.

The independent Examiner's report on the SENP said in relation to policy HI 1: 'I consider that they are all appropriate locations for residential development. I also believe that the capacity of the two allocated sites within the settlement boundary is of the right order, based on information set out in the SHLAA which shows the capacity of 'around 54 dwellings'. It will provide well above the 23 units required by the Local Plan. I would commend the village for taking such a positive approach to the planning of new development in the village.'

In the light of this analysis, the Parish Council agrees that parts of the revised application comply with the SENP. On the other hand, there are still significant conflicts as identified in the Parish Council's original objection and Councillors unanimously resolved to object to the revised application accordingly. In more detail:

1. There is only one point of vehicular access to the whole site, which the application details, and not serving Site B from Trehayes Meadow in the first instance.
2. There are no details of the proposed housing to explain and justify the element of open market housing in relation to affordable housing, especially on Site C, or to demonstrate that it meets the need for housing of people with a genuine local connection, as required by CLP policy 9 and SENP policy HI 1(v).
3. The revised application does not phase the development of part of Site C after Sites A and B. If the development is approved and proceeds in a single phase, the amount of new housing coming forward at one time in St Erth will (when taken into account other housing approvals) be out of scale with the village and its facilities, contrary to CLP policy 9.
4. If approved in this form, the decision will be a precedent encouraging more applications for housing, especially rural exception sites, which in equity Cornwall Council will be unable to resist. The result will be a scale and pattern of development conflicting with the aims and intentions of the SENP, despite the fact that it has only just been made part of the Development Plan.

Although reduced in area and maximum housing numbers, this remains a 'major' application that is probably the largest single residential development put forward in St Erth. If approved, it will no doubt significantly affect the pattern of growth of the village for several years, both in itself and the precedent it will create for more similar proposals. Consequently, the Parish Council also unanimously resolved that if planning officers are minded to approve the application, it must be referred to the West Sub-Area Planning Committee for decision and not determined under their delegated powers. The Parish Council asks that if outline permission is nevertheless granted, it is subject to a Section 106 Obligation regulating the implementation and occupation of the affordable housing it presumably includes. The Obligation should also require financial contributions to improve community facilities in accordance with the priorities set out in the SENP, including appropriately upgrading Treloweth Lane and the pedestrian link between St Erth and the A30 trunk road as well as public transport services.

(Action by: the Clerk)

75/18-19 Minutes

The Council was reminded that the Clerk had agreed previously to the request of Councillor Ms. Kersey to amend the draft minutes and the Council then considered a suggested further change as follows:

Minute 62/18-19 after the Chairman's response, that the following words be added: 'however it was still true that the main stated aim of the Multi-Modal Hub was to enhance public transport links in the area'.

Following discussion, the Council

RESOLVED - that subject to the inclusion of the additional words set out above in Minute 62/18-19, the Chairman signs as a true and correct record, the minutes of the ordinary meeting held on 7 August 2018.

The Clerk then provided the following update on the current position of planning applications considered at the meeting of the Council held on 7 August 2018:

a) PA17/11655: Variation of planning obligation dated 16.02.2015 in respect of decision PA13/09686 (allowed at appeal) to reflect new market prices for houses: land NNE of Cemetery, Chenhalls Road - *awaiting determination by the LPA; and*

b) PA18/06935: Pollard holly tree to approximately 7ft: 20 Fore Street - *withdrawn*.

76/18-19 Reports from Councillors/Clerk on meetings held since the previous meeting of the Council

1. Highway Improvements Engagement Day held on 28 July 2018.

The Clerk reported that 138 people had signed-in on the day but as some hadn't, Cormac had estimated that there had been 150 + attendees.

On the day, 98 feedback forms had been returned, a further 22 had been posted and another 11 received by email - totalling 131.

The Chairman reported that he had been asked by two residents to find out how the proposal to trial a passing bay in Fore Street had re-appeared in view of the Parish Council's previous decision not to go ahead with the original proposal.

Accordingly, he had undertaken the research and summarised to the Council, the history which had led to Cormac putting it forward for re-consideration. He reported that he and the Clerk had met with the residents concerned, explained the history and that they now accepted the position.

2. Community Network Panel meeting held on 3 September.

As the Parish Council had not been represented at this meeting, it was agreed that the Clerk would circulate the draft notes when they were received.

(Action by: the Clerk)

77/18-19 Code of Conduct: review and update

Referring to the Code of Conduct, which was on the Council's website and reproduced in the agenda, the Chairman asked the Council to consider each page and agree any required updates.

He drew specific attention to the section on gifts and hospitality which provided a choice of wording to adopt.

The Council then went through the Code and the following changes were proposed and seconded:

Page 2 - In the paragraph headed 'Respect for others' - make the following changes to reflect the current list of protected characteristics: 'gender' to 'sex', 'religion' to 'religion/belief' and add: 'pregnancy/maternity, marital status and gender reassignment'; and

Page 6 - paragraph 2.6 to read: "2.6 You must record in a register of interests maintained by the Proper Officer any gifts or hospitality that you are offered or receive in connection with your official duties as a member and the source of the gift or hospitality worth £5 or over."

RESOLVED - that the changes set out above be agreed and the Clerk update and publish the Code on the Parish Council's website.

(Action by: the Clerk)

78/18-19 Cornwall Council Boundary Review

The Council considered the report by Councillor Spencer-Smith and the Clerk on the option agreed at the Council meeting held on 3 July 2018, which had subsequently been developed and refined.

Following discussion, the Council

RESOLVED - that:

1. the preferred option, as set out in the report, be the Parish Council's submission to the BCE;
2. the Cornwall Councillor for St Erth be requested to support this submission as he has supported that put forward by Gwinear- Gwithian Parish Council;
3. the MP for St Erth be requested to support this submission as the MP for Gwinear- Gwithian has supported its submission;
4. the Chair of Cornwall Council's Boundary Review Committee (Councillor Malcolm Brown) and Cornwall Council's lead officer (Matthew Stokes) be informed of this submission;
5. community support for this submission be invited via the website and other opportunities; and
6. the BCE be invited to meet with representatives of St Erth Parish Council to discuss and better understand this submission (it was understood that Hayle Town Council had already invited the BCE to meet with them).

(Action by: the Clerk)

79/18-19 Co-option meeting of the Council

The Clerk informed the Council that it would be necessary to hold a Co-Option meeting, following the receipt of an expression of interest form a resident to become a Parish Councillor and the Council

RESOLVED - that the Co-Option meeting be held on 17 September 2018.

(Action by: the Clerk)

80/18-19 Correspondence from Cornwall Council

a) Gambling Act 2005

RESOLVED - that:

1. this consultation be noted; and
2. CALC be requested to provide an executive summary of large documents in future.

(Action by: the Clerk)

b) How the Community Infrastructure Levy (CIL) money should be allocated and spent (document emailed to Councillors and will be projected).

RESOLVED - that the Clerk liaise with the Parish Council's Planning Solicitor to agree an appropriately worded response to Cornwall Council related to the inequity of zero-rated areas and for a mechanism to enable community benefit to be made.

(Action by: the Clerk)

81/18-19 Bus services

The Council noted that Councillor Ms. Kersey would be reporting to the November meeting of the Parish Council.

(Action by: Councillor Ms. Kersey)

82/18-19 Receipts and Payments for August 2018

RESOLVED - that the payments due be authorised.

The following had been received

Cemetery fees	£1,470.00
Allotment rent	£12.00
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TOTAL	£1,482.00

The following had been paid by Direct Debit or Standing Order

Utility Warehouse	£15.18	Electricity - Vestry Rooms
Cherry Trees	£856.80	Grass cutting - parks, churchyard and cemeteries

SeaDog IT	£18.95	Website hosting fee
Google	£36.30	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
BT	£100.44	Quarterly phone bill - Vestry Rooms
TOTAL	£1,530.10	

The following payments were due as at 31 August 2018

P Rylett	£1,293.83	Clerk's salary (net pay - see Note 1 below)
P Rylett	£45.29	Clerk's expenses (see Note 2 below)
HMRC	£336.37	PAYE and NI
Cormac Solutions Ltd.	£450.20	Cleaning/re-stocking Toilets
Royal Mail Group Ltd.	£64.80	Response Plus Licence - annual fee
Jon Pender	£85.00	Advice - Anvil House
Jon Pender	£50.00	Advice and application for felling tree at Public Conveniences
Jon Pender	£85.00	Advice - Chenhalls Road
KPK Builders Ltd.	£462.20	Electrical repair works to Public Conveniences following water damage
TOTAL	£2,872.69	

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 for the employee's contribution to the NEST pension scheme of £49.97 as shown above.

Note 2

The sum of £45.29 was comprised of:

Home Office Payment	£18.00	
Reimbursement of:		
Telephone calls	£0	
Postage/stamps	£0	
Consumables	£27.29	Printer ink and copier paper
Office equipment		
Expenses	£0	
Mileage	£0	

(Action by: the Clerk)

83/18-19 Business Plan

The Council received and noted the latest version of its Business Plan.

84/18-19 Agenda items for a future meeting

None raised.

85/18-19 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.

86/18-19 Planning update

The Chairman introduced Ms. Susan Mauger (Solicitor-Advocate (All Higher Courts)) who had been asked to advise on the options available to the Parish Council in relation to two planning matters.

Following consideration, the Council

RESOLVED - that:

1. Cornwall Council's Chief Executive be requested to take steps to correct the Inspectors wording for appeal decision EGD4624 where this is published - i.e. the 'slip' rule;
2. a case be prepared to the Secretary of State for having application PA17/12089 called-in for his own determination rather than by the Local Planning Authority;
3. a case be prepared with which to lobby the members of Cornwall Council's Strategic Planning Committee asking them to refuse the application if it is not called-in;
4. Derek Thomas MP be lobbied for his support to have the application called-in; and
5. a 'correction' be prepared to correct Cornwall Council's Planning Portfolio Holder, Councillor Egerton, in response to his televised misinterpretation of the purpose of Neighbourhood Planning.

(Action by: the Clerk)

The Chairman closed the meeting at 9.59pm

Signed by
Chairman.....

Date.....
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