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Minutes of the Ordinary Meeting of St Erth Parish Council held on Tuesday 4th January 2022 at St Erth School, commencing at 7.00pm

Present: Councillors T Greatrex, E Jenkin, J Kersey, S Murley, J Parris, N Player (Vice-Chair), P Rodda & T Taylor (Chair)

In attendance: Fiona Drew (Clerk), 1 representative from Gilbert & Goode and 1 member of the public

156/01/21-22 Apologies for absence

Apologies were received from Councillors W Chappell, J Lee & A Spencer-Smith

157/01/21-22 Declarations of interest & dispensations

None

158/01/21-22 Community participation

The Chair **agreed** for the representative from Gilbert & Goode to speak during the relevant planning item.

159/01/21-22 Action required on matters raised during community participation

None

160/01/21-22 Minutes

It was **RESOLVED** that the Chair of the meeting signs as a true and accurate record the minutes of the Ordinary meeting held on 7th December 2021, as previously circulated. (Action: The Chair)

161/01/21-22 Clerk's Report

The Council noted the Clerk's report regarding updates from previous minutes as follows:

- **099/09/21-22a)** Footpaths 111/7/2 & 112/52/4 – the Clerk has followed up again regarding the flooding on the alternative route 111/39/1; she has been invited to attend a virtual Hayle River Restoration Board meeting on behalf of SEPC on 17th January; she has received an email from the Countryside Officer noting that they are struggling to speak with the land owner in order to carry out work where the flooding currently is on the alternative route and Councillor Rodda has today tried to contact the relevant person
- **134/11/21-22ai)** Battery Mill Maintenance Multi Play Junior – work on the slide is now completed although it wasn't replaced prior to Christmas and will be done this week; in addition, the basketball hoop has been repaired and replaced
- **145/12/21-22ai)** PA21/09490 – Land N of 31 Treloweth Close, St Erth; awaiting decision
- **145/12/21-22aii)** PA21/10346 – Bosence Farm, Townshend; approved with conditions

- **145/12/21-22aiii)** PA21/11090 – 37 Tudor Court, Tolroy Manor Holiday Park, St Erth Praze; awaiting decision; the LPA has confirmed that they don't have a monitoring procedure for this condition but say that as with any breach of planning permission it would need to be reported to Enforcement to investigate
- **145/12/21-22ci)** PA21/10193 – 50 Trevithick Court, Tolroy Manor Holiday Park, St Erth Praze; awaiting decision
- **148/12/21-22a)** Cornwall Councillor Report – a letter has been submitted to the Monitoring Officer and acknowledged, and the Clerk will keep Councillors updated
- **149/12/21-22e)** Precept 2022/23 – the Clerk has submitted the Precept request
- **150/12/21-22b)** Membership of Professional Bodies – the Clerk has been advised by the ICCM to complete the application form at the beginning of the new financial year in April; the Clerk's SLCC application has been processed
- **151/12/21-22** Toilets – the actions from this item will be carried out in January and February and the Clerk will report back to Council accordingly
- **152/12/21-22a)** Cornwall Council Transport Consultation – the Clerk has submitted the response as circulated
- **152/12/21-22b)** A30 Action Group – the Clerk has submitted a statement as agreed
- **295/20-21b)** Water Usage – the Clerk has submitted a form regarding this outlining the issues and is waiting to hear back from South West Water
- A road closure was noted in Tredrea Lane recently – originally thought to be a collapsed main it turned out to be a blockage and was fixed by SWW faster than anticipated

162/01/21-22 Planning

a) Applications:

i) PA21/12013: Reserved matters following outline approval PA19/09982 dated 04.08.2020 for 38 dwellings, formation of access from Boscarnek and associated works; Land South East of Boscarnek, St Erth. The Chair permitted the representative from Gilbert & Goode to answer questions and provide clarity regarding landscaping, management of the site, mine works, highways, public open space, drainage, fencing, garages, access to the site, impact of traffic on the surrounding area, wildlife and the buffer zone. Following lengthy discussion, it was **RESOLVED** to support the application with the following provisos:

- a condition is requested that no garage can be converted into space other than for storage and vehicles;
- signage is requested stating 'no parking' in the turning circles;
- material other than concrete block work is used for the reconstituted stone walls around the site, due to environmental concerns;
- greater variation in finish and colour of the plots;
- the inclusion and emptying of appropriate bins to include dog mess (Gilbert & Goode to raise with Cornwall Council).

In addition, the Parish Council would support:

- the footpath access to Vicarage Gate play area being moved further down to prevent damage to the football pitch;
- a footpath link to Fore Street if this is feasible (the Parish Council will facilitate an introduction to the relevant landowners for Gilbert & Goode to follow up).

(Action: The Clerk & Chair)

ii) PA21/11603: Conversion of redundant buildings to form five apartments; Lamb & Flag Inn, Canonstown. Following lengthy discussion, it was **RESOLVED** to strongly object to this application in its current form as it is riddled with contradictions and inconsistencies throughout all the documents. (Action: The Clerk)

The application form itself states this is a revised application to address the two reasons for refusal under a previous application at this site referenced PA18/11026. That application was for five proposed residential units and stated no existing units. However, in the plans submitted and the Case Officer's report at the time, it is acknowledged that there is an existing four bed flat on the first floor. The current application is for five proposed residential units but states two existing. Where has the second existing unit come from? In addition, the Design & Access Statement states under 2.1 that *'This application seeks permission for the conversion of existing former Public House known as the Lamb and Flag, Canonstown to 4 apartments'*, again contradicting with other documents submitted.

The application form states that work has not yet started. If one unit has already been created then clearly this is incorrect and it is believed, from anecdotal evidence, that work had started pre Covid-19 (so with no intention to market it as a going concern) and is currently ongoing, with the area currently resembling a building site and work to the Beer Cellar being almost complete. The Parish Council therefore requests that the Case Officer undertake an urgent site visit to clarify the situation and ensure, should any work have occurred prior to permission being granted, that it stops immediately until accurate documentation is submitted and the application is determined. Should the Case Officer find evidence that work has already begun, then clearly this would be a retrospective application. The Parish Council fully supports the comments from the Public Protection Contaminated Land Planning Consultations regarding the importance of a pre-commencement condition to ensure that potential contaminated land issues outlined in the Environmental Risk Assessment are further investigated prior to any work commencing.

This application has still not demonstrated compliance with Policies ED8 or HT2 of the adopted St Erth Neighbourhood Plan (2017-2030), as the paperwork submitted does not provide any tangible evidence that it is unviable as a business (two trip advisor comments) or any market evidence of sustained attempts to secure its existing use or an alternative business re-use (a brief letter from Marshalls). Comments from the Case Officer's report when refusing application PA18/11026 stated that *'no substantive detail however, has been provided and without details of the marketing and without knowledge of where, how and at what frequency the site was advertised, it cannot be concluded that the marketing exercise was active or that it evidentially demonstrates an absence of market demand. In addition, no viability report has been submitted.'* The letter from Punch is the same as the one submitted with the 2018 application and was considered insufficient evidence then, and the letter from Marshalls, dated November 2021, contains no details other than that they have been unsuccessful.

The Parish Council notes that the Heritage Statement has a significant omission in the form of a "well", or similar structure of historic relevance, that sits within the curtilage of the application. It is currently 'cobbled' in brick and enclosed in high walls but is deep and a feature that should be noted. There is also an error in this statement as the plans for the flats have changed from the 2018 application, but the statement has not been amended to reflect this. Furthermore, in the Case Officer's report for the previous application it is noted that *a historic building recording should be undertaken and further detailing carried out in respect of retaining the 19th century 2-panel doors and mouldings to several windows and doors and the 1930s fireplace.* There is no evidence that this has occurred.

The Parish Council remains concerned about the lack of outdoor amenity space and that the flats are in two buildings that are in close proximity to each other, so that there might be mutual overlooking. In addition, the impact this development will have on the privacy of adjoining neighbours. Again, areas that were highlighted as issues in the Case Officer's report previously, but which do not appear to have been addressed by this application.

b) Decisions:

i) **PA21/09072:** Conversion & Extension of Garage to form Ancillary Accommodation to Main Dwelling House, Higher Tremelling 2 Tremellin Lane, St Erth; Approved with conditions

ii) **PA21/09073:** Listed building consent: Conversion & extension of garage to form ancillary accommodation to main dwelling house, Higher Tremelling, 2 Tremellin Lane, St Erth; Approved with conditions

c) To consider any other planning matter received at or before the start of the meeting:

None

163/01/21-22 Reports

a) Cornwall Councillor's Report:

None

b) Other Reports:

None

164/01/21-22 Financial Matters

a) Receipts & Payments for December 2021:

It was **RESOLVED** to note receipts received, ratify regular monthly payments made and approve payments due as follows: (Action: The Clerk, Chair & Cllrs Greatrex & Lee)

Receipts received:

Cemetery	£90.00	Memorial fees
TOTAL	£90.00	

Regular Payments to note:

South West Water	£29.00	Water – Public Conveniences
British Gas	£32.00	Electricity – Public Conveniences
SeaDog IT Ltd	£25.00	Website hosting fee
Cherry Trees	£436.96	Grass cutting – Churchyard & Cemeteries
Cherry Trees	£436.96	Grass cutting – Play areas
Utility Warehouse	£53.13	Landline, broadband, electricity - Vestry Rms
Nest Pension Scheme	£159.88	ERC of £79.94 and EEC of £79.94
F Drew	£1,605.34	Clerk's Salary
HMRC	£487.25	PAYE Tax & NI
Google	£64.40	Gmail account
TOTAL	£3,329.92	

Payments due:

Cormac	£506.84	Public Conveniences – Cleaning December
F Drew	£31.48	Clerk's Expenses
SWPSI	£30.00	Monthly Play Inspection – December
SeaDog IT	£75.00	Annual licence key upgrade
TOTAL	£643.32	

b) Monthly bank reconciliation:

The Vice-Chair confirmed that she had carried out a satisfactory bank reconciliation for November with the Clerk.

c) Third Quarter Budget Update:

The Council noted the Clerk's report and the need to monitor expenditure as a result of the reversal of the levy income accrued previously from 2020-21. It was **agreed** that the Clerk would include discussion on the levy on a future agenda. (Action: The Clerk)

165/01/21-22 Highways

a) Revised proposals for Chenhalls Road EDG1704 SN05 V2:

The amended proposals for Chenhalls Road were discussed, as previously circulated. It was **RESOLVED** to support the proposals outlined. (Action: The Clerk)

b) Road Closures:

It was noted that a closure intention notice had been received for The Green Lane from 7th March – 18th March 2022 (24 hours).

166/01/21-22 Governance

a) Gender Neutral terms:

The Council considered the Clerk's report and it was **RESOLVED** to support the use of gender-neutral terms for all Parish Council documents as and when reviewed, where legislation allows. (Action: The Clerk)

b) Terms of Reference SUEZ Community Liaison Group:

Representatives from Suez had been unable to attend the meeting and it was **agreed** to discuss this following a virtual meeting with Suez on a date to be circulated to all Councillors (Action: The Clerk)

c) Risk Register:

The Council considered the Clerk's report and the draft Risk Register that had been previously circulated. It was **RESOLVED** to approve the Risk Register to include the addition of page numbers and an amendment to actions required under 'Wrongful use of data with unauthorised access of IT files'. This should now read 'review how this is managed by the IT Working Group to include encryption'. (Action: The Clerk)

d) Temporary Scheme of Delegation:

It was **RESOLVED** that the Temporary Scheme of Delegation remain in place with no changes.

167/01/21-22 Correspondence & Consultations

a) Cornwall Council Budget Consultation – closes 23rd January 2022:

It was **RESOLVED** to delegate a response to the Clerk, in consultation with the Vice-Chair & Councillor Murley. A draft would be circulated to all Councillors by 11th January for feedback. (Action: The Clerk, Vice-Chair & Cllr Murley)

b) Cornwall Council Local Council Survey on Nature – closes 4th February 2022:

It was **RESOLVED** to delegate a response to the Clerk in consultation with Councillors Murley & Kersey. A draft would be circulated to all Councillors for feedback prior to submission. (Action: The Clerk and Cllrs Kersey & Murley)

168/01/21-22 Agenda Items for a future meeting

It was noted that Councillors would submit agenda items for future meetings to the Clerk in writing no later than Monday 24th January.

169/01/21-22 Meeting Dates

It was noted that the next Ordinary Council Meeting would take place at 7.00pm on Tuesday 1st February 2022 at St Erth School.

170/01/21-22 Clerk's Hours

The Clerk had taken back lieu time from November, worked her contract hours and taken annual leave.

171/01/21-22 Exclusion of the Press and Public

It was **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.

172/01/21-22 Community Right to Bid

The Clerk outlined the email received and following discussion it was **agreed** that no action need be taken.

The Chair closed the meeting at 9.00pm.

Signed: _____ Chair

Date: _____