

# LUXULYAN PARISH COUNCIL

Clerk to the Council: Mrs C Wilson, Lower Burlorne Tregoose, Washaway, Bodmin PL30 3AJ  
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## NOTICE

### **AN EXTRAORDINARY MEETING OF LUXULYAN PARISH COUNCIL WILL BE HELD FRIDAY 3 JULY 2020 AT 6.00 PM - ONLINE**

**MEMBERS OF THE PUBLIC ARE CORDIALLY INVITED TO ATTEND.**

**THE MEETING WILL BE HELD ONLINE USING "ZOOM" SOFTWARE.**

If you wish to attend the online meeting you need **1)** an internet connection or telephone, and **2)** to email the Clerk for simple instructions and the meeting ID number, and **3)** if you wish to speak during the Public Session, please advise the Clerk in your email.

*This meeting will be held in accordance with The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020*

#### **PUBLIC SESSION.**

Time is allocated during the Public Session for members of the public to comment on any of the items detailed in the agenda below or to bring any relevant matter(s) to the attention of Luxulyan Parish Council. Contributions may be limited to 5 minutes on each subject.

## AGENDA

**MEMBERS OF LUXULYAN PARISH COUNCIL ARE HEREBY SUMMONED TO TRANSACT THE FOLLOWING BUSINESS:**

20/31 **Apologies for absence**

20/32 **Declarations of interest**

- a) Declarations re agenda items.
- b) Requests for dispensation.

20/33 **Public Session**

20/34 **Planning**

a) To ratify consultee comments for the following planning applications:

- i. **PA20/02942** | Application for a Certificate of Lawful Use in respect of an Existing use for part of workshop as residential dwelling (Class C3) | The Workshops Station Yard The Bridges Luxulyan PL30 5EF .

#### **Consultee Comments:**

Luxulyan Parish Council OBJECTS to this application. 1) There is no concrete evidence that the building was lived in before 2018. Three parishioners who hold allotments close to the site report that there was no residential activity there until the applicant returned from overseas in 2018. The council requests that the 3rd, 19th and 21st items in the list of evidence at '5.Evidence' in the SUPPORTING STATEMENT are subjected to examination to see if they comply with the laws of evidence. Post can certainly be delivered to buildings that are not lived in. 2) The parish council is concerned for the loss of the industrial use of the building and requests that a

Development Order prescribe the continued use of the larger part of this building as industrial. Provision for such an arrangement is permitted under section 193 (4a and b) of the Town and Country Planning act. This will safeguard this section of the building for future use. On appeal, the Planning Inspectorate approved development there because of the potential to create jobs. 3) Luxulyan's Neighbourhood Development Plan, adopted in August 2019, recognised the station yard as an area lending itself to industry and employment and did not include it as an area of recommended residential development as industrial classification was already in existence on the whole area.

- ii. **PA20/04012** | Change of use of ground floor workshop space to residential floor space, and associated works | Land At The Workshops Station Yard The Bridges Luxulyan PL30 3EF.

**Consultee Comments:**

Luxulyan Parish Council OBJECTS to this application. This application receives no support from the Luxulyan Neighbourhood Development Plan, adopted in August 2019. Historically, the parish council and the Planning Inspectorate have supported the industrial development of this site (along with the residential homes above the workshops) and it is crucial to see the planning history of the site to understand the parish's position now.

Firstly, the Luxulyan Neighbourhood Development Plan (LNDP), adopted in August 2019, sets its desire for housing to be undertaken in other areas of the parish. The Station Yard falls outside its suggested areas. The LNDP looks to this area as industrial land and considers it to be invaluable for the long-term economic wellbeing of the parish. It is the view of the LNDP that the retention of industrial areas within the parish are going to become particularly important in the future in order to maintain the parish as a thriving community and to retain a well-balanced community of all ages, catering for the needs of all its inhabitants. Removal of the industrial nature of this development would not be beneficial to the long-term aim of the plan. Under the principal of sustainable development, it is imperative that the council adopts a long-term view of the parish. The council considers, therefore, that to allow these changes to succeed unopposed, would be to remove from future generations the ability to make use of the area as their own future needs would dictate.

Secondly, previous permissions, including that at appeal, have been supported because of the industrial nature of the development. Restormel Council points this out in the submission to the planning appeal inspector, Mr P Goodman, in 1999: that the site has been used to generate employment since 1984. Mr Goodman referred to this in paragraph seven of his decision notice, stating at one point that he gave the judgment that he did because the proposed development would allow for four jobs to be created on the site. Mr Goodman compared this to the four jobs that Mr Harman suggested would be created when he submitted his plans to create a storage yard on the site (approved just prior to his appeal in 1999).

Thirdly, the applicant's agent addressed our meeting on this application. She informed the council that it was the intention that the applicant and his son to move into these two houses and use them as their own homes, and that this was one of the reasons for making this application, namely that neither occupant would need the workshop area and it would therefore become undesirable. The parish council considers that the personal desires of a developer and their family members cannot be considered as a material consideration in planning terms. The agent also went on to suggest that the removal of this clause would enable easier financing of the properties

and aid their early completion. Again, the parish council considers that such factors cannot be used as material considerations in planning terms.

Fourthly, the council is concerned that Condition One of the 1999 appeal decision has not been fully complied with. The condition states that: *“Approval of the details of the design, external appearance and finished slab levels of the building and the landscaping of the site... shall be obtained in writing from the local authority before any development is commenced.”*

The applicant submitted planning application C2/02/00998, in 2002, to seek approval for the reserved matters listed by planning inspector in his 1999 decision statement. However, this application did not include any details of the landscaping of the site and this area seems to have become completely overlooked by the planning authority at the time of that application. The parish council wishes to express concerns that this oversight is leading to a very confusing situation concerned with the correct positioning and classification of the four DOMESTIC GARAGES which were to be built on LAND ADJACENT to these four houses with workshops that were granted consent under the original application 96/12/00589 in 1996 and granted at appeal in 1999. As time has moved on since the appeal and the submission of C2/02/00998 these four domestic garages have been described as FOUR WORKSHOPS in several documents, and indeed by the planning inspector in his decision notice, and supported by both the applicant and his agent Ms Sully when the council met them at a site visit made in March of this year.

Also the applicant has erected a fence along the northern boundary of the site (in February/March of 2020). This fence now forms the sites northern boundary and separates the site from the extreme northern end of the SITE LOCATION PLAN. At the council’s site visit in March, we were informed that four workshops were to be built on the NORTHERN SIDE of this new fence. It is the parish council’s concern that unless the an agreed landscape plan is given attention by the authority, and the loose classification of these four domestic garages is given a clear definition at this point, we shall end up with an even more confusing situation.

Luxulyan Parish Council requests that the case officer consider all these points in depth. Industrial units/workshops are appropriate in that position, contribute to the economic diversity of the parish and therefore its future economic sustainability.

**20/35 Meetings and governance**

- a) To approve and sign the minutes of the ordinary ONLINE meeting held via Zoom on 11 June 2020. The Chair’s signature will be obtained by post.

**20/36 Finance**

- a) To receive the Internal Auditor’s report. Action will be considered at the July ordinary meeting.

**20/37 Business for the next meeting**

**20/38 Second PUBLIC SESSION for feedback from the public**

**20/39 Dates of next meetings.**

- a) Ordinary Meeting Thursday, 9<sup>th</sup> July, 6.00 pm ONLINE via Zoom.

**SIGNED:**

*Michaela Linfoot*

**Michaela Linfoot**

**Chair of Luxulyan Parish Council ~ 26 June 2020**