

Luxulyan Parish Council **DRAFT** Minutes  
Ordinary Meeting, THURSDAY 11 JUNE 2020  
6.00 pm, ONLINE via Zoom

**PRESENT:**

Cllr Michaela Linfoot (Chair), Cllr Keith Bilston (Vice-chair), Cllr Michael Grindley, Cllr Bob Hatton, Cllr Margaret Higman, Cllr Francis Payne.

**ALSO PRESENT:**

Clerk to the Parish, Mrs Christine Wilson, Ward Member Cllr Sally-Anne Saunders, and one Member of the Public.

**ABSENT:**

Cllr Kay Baker, Cllr Sarah Kemp, Cllr Michele Latham, Cllr Tina Windsor.

**NOTE ON JOINING THE MEETING AS MEMBERS OF THE PUBLIC:**

Members of the public must request online Meeting details in advance from the Clerk in order to join the meeting online. All participants that join the meeting start in the 'waiting room' and are admitted by the clerk as soon as possible.

**ABBREVIATIONS:**

Councillors are abbreviated with their initials; Luxulyan Parish Council (LPC), Cornwall Council (CC), Cornwall Assoc. of Local Councils (CALC), Footpath (FP), \*\*\* indicates the Consultee Comments submitted to the Planning Authority; the general points are proposed and decided by LPC; formal submission is delegated to the Clerk.

**MINUTES:**

*The meeting began at 6.02 PM and the Chair welcomed all.*

20/16 Apologies

Apologies were received from SK, KBa, TW, MLa.

20/17 Declarations of interest or requests for dispensation.

BH declared an interest in items 20/23.C.i (PA20/02942) and 20/23.C.ii (PA20/04012).

20/18 Public Session

The Agent for items 20/23.C.i (PA20/02942) and 20/23.C.ii (PA20/04012) gave a brief explanation of both applications.

*The Chair brought items 20/23.C.i (PA20/02942) and 20/23.C.ii (PA20/04012) forward and asked the agent if she would mind leaving and the agent agreed. Cllr Hatton left the meeting for the duration of the discussion and vote on these items. During the discussion Zoom meeting Part 1 ended. Zoom meeting Part 2 began at 6.30 pm. Cllr Hatton and the agent remained in the Zoom waiting room until the decisions were recorded. On returning to the meeting the agent asked for an explanation of the decisions. This was given by Cllr Payne and the agent thanked the council and left the meeting. See the decisions at these items.*

20/19 Meetings and governance

A The council **RESOLVED** that the minutes, as read, of the ONLINE meeting on 14 May 2020 held via Zoom were a true and correct record (proposed KBi, 2nd MH). The Chair's signature will be obtained by post.

B It was **RESOLVED** (proposed MLI, 2<sup>nd</sup> KBi) that a Coronavirus Risk Assessment Working Party would be formed to determine the Covid-19 Risk Assessments for the council's

activities, assets and services, and that the Working Party would be made up of the Audit Panel (MLi, KBi, KBa, FP) plus Cllr Grindley. The Working Party will meet every week until the Drafts are completed by the clerk and presented to the council for approval.

**ACTION: Clerk**

20/20 Finance

A Items A-E. The internal auditor’s report was not ready for this meeting and therefore 20/20.A-E, concerning the Annual Governance and Accountability Return 2019-20, could not be decided. They were **DEFERRED** until the next meeting.

F There were no questions about the accounts and it was **RESOLVED** (proposed KBi, 2nd FP) to receive the Clerk’s reports, *Budget Comparison, Cash Flow and Bank Reconciliation* to the end of May 2020, as a correct record.

G It was **RESOLVED** (proposed FP, 2<sup>nd</sup> KBi) to pay for the cleaning of the toilets at 50% whilst the toilets are closed because Cormac considers itself an at-risk supplier in accordance with Procurement Policy Note – Supplier Relief due to Covid-19 (PPN 02/20).

H The council **AUTHORISED** payments for June 2020 totalling £2,949.39 (proposed MLi, 2nd MH).

<u>Description</u>	<u>VAT</u>	<u>Amount with VAT</u>
Clerk's salary and expenses		£878.22
Clerk's HMRC		£35.54
Clerk's Pension May20		£27.00
Playground inspections - 4 weeks		£46.00
Public Conveniences, electricity	0.55	£11.58
Public Conveniences, cleaning Apr20	34.79	£208.72
Public Conveniences, cleaning May20	34.79	£208.72
Postage - 1st & 2nd class + various		£54.90
New website - 1st payment	45.00	£270.00
Lowther bench x2	198.45	£1,190.71
Bank Service Charge		£18.00

20/21 Reports

A Report on Actions. Nothing to report that is not in these minutes.

B Chair’s report. Nothing to report this month.

C Crime & Prevention.

The Police’s Councillor Advocate Scheme has restarted and LPC’s representative, Cllr Latham, has been updated. The clerk posted on Facebook information from the police about a unique dash camera road safety project to be launched on Bodmin Moor.

Neighbourhood Watch. The Chair reported that a person in the village looked into heading up a Neighbourhood Watch; however, the task was more time-consuming than originally thought and they hope that someone else will take it on.

D Luxulyan School has launched a Crowdfunder campaign to reach the final of the Calor Rural Community Fund to buy STEM (Science, Technology, Engineering and Maths) Curriculum equipment.

*Part 2 of the meeting finished and all returned using Part 3 details.*

E Cllr Hatton and Ward Member Saunders updated on the leats and sluice gates after online 1st June meeting with Peter Marsh and others from Cornwall Council. Ward Member Saunders requested the keys to the sluice gates bypassing the weir but this request has been denied by CC until further investigations can be made. A follow-up meeting with Peter March is scheduled for Thurs, 17th September 2020.

F Cornwall Councillor Saunders' report to the Parish.

I just wanted to start with a thank you to Luxulyan Parish Council for the very kind birthday wishes last month and follow that up with a brief overview of how Cornwall Council is gradually returning to at least a semblance of business as normal.

Whilst most office buildings remain closed and Officers are in the main still working from home, virtual meetings using Microsoft Teams, having been carefully trialled are now being rolled out to certain specific committees where the Council has a statutory duty in decision making. Planning and Licensing were the first of these and then in early June I sat on the first virtual Appeal's Panel. In July (7th) we will have our first Full Council meeting since prior to the Covid crisis and it is anticipated that in July also, most of the Overview & Scrutiny Committees will return to their business.

A series of weekly Members Briefings have enabled Members to keep abreast of the work that the Council has been and is still doing, as it moves out of the crisis management phase of the pandemic, into recovery. We can be in no doubt that this crisis has cost Cornwall dear economically and much emphasis will no doubt now be put, on how to make repairs and manage budgets going forward. The change in emphasis and pace has though meant that many Officers have now been freed up to return to dealing with some of the everyday matters that were shelved when Covid-19 first launched itself upon us, hence I have tentatively returned to following up on the many issues that I have previously been championing on behalf of residents and the Parish Council.

One such matter where there is progress of a sort to report, relates to the Highway Scheme where we have a number of schemes up for consideration across the parish. Having now finally had a catch-up meeting with the Area Highways Manager and our Network Officer, I am happy that most on the list are proceeding well. However, having forwarded the proposal put forward by Highways for Reperry to the residents for their consideration and thoughts, it is clear that they are not in favour of the proposed scheme, feeling that it does not go remotely far enough - and it now looks likely that this scheme will have to be withdrawn. Unfortunately, from the discussions I have had with Highways, it is also clear that they do not feel that there is a sufficiently strong case for the more significant interventions at Reperry that the residents would like to see.

In Lockengate however, where we had an incident last summer of a vehicle leaving the road at speed and crashing into the garden of an adjacent property - I was informed that work has been programmed in for this financial year, to reengineer the curb along a stretch of the carriageway coming from the Bodmin direction. As this is considered a safety issue, this particular piece of work is not part of the Highway Scheme and is funded from elsewhere in the Highways budget.

In addition, it was a pleasure to accompany the Parish Clerk and Cllr Hatton to a virtual meeting with Officers to discuss the Luxulyan Valley and in particular the concerns upstream of the viaduct, where for some time now, there has been considerable damage to the river banks, the remaining leat archaeology and

surrounding land due in the main to a permanently locked sluice gate. The Council gave us an update as to the results of their investigations to date which were useful to note and a further follow up meeting has been set for September. No doubt the matter will be discussed at next week's Luxulyan Valley Partnership meeting as well.

Things may be changing gradually, but Covid-19 is still amongst us and therefore our most vulnerable residents must continue to shield themselves, so for the foreseeable future at least and whilst my diary remains relatively quiet, I shall continue to do my bit to try and help locally by assisting the Clays Practice with their prescription deliveries. It is also worth mentioning that as a Cornwall Councillor I have at my disposal some Community Chest money which I can use to assist in dealing with the ramifications of this crisis. So if there are any individuals/community groups who are in need of some financial support in order to continue their work in helping the community through this crisis, then I would be very pleased to hear from them.

My contact details as ever are:

sally-anne.saunders@cornwallcouncillors.org.uk or 07514 050504

20/22 Considerations

A There was no proposal for a response regarding temporary 12-month renewal of existing dog control Public Spaces Protection Orders.

20/23 Planning

A Planning issues and correspondence. Planning decisions are reported in Clerk's Notes and on the website.

i. Unauthorised Encampments: Interim guidance for police during period of COVID-19 was updated for June 2020 and **NOTED** by the council.

B StARR project update. Ward Member Saunders reported that there are a few more planning applications associated with this project that affect the Par / St Blazey area. Applications that affect Luxulyan residents might come along in July.

C Applications for consultee comments.

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  
The council discussed the application and **RESOLVED** (proposed FP, 2nd MLI) to submit the following 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

The council discussed the application and **RESOLVED** (proposed FP, 2nd MLI) to submit the following 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.

iii. **PA20/02971** | Application for a Lawful Development Certificate for Existing Use for residential caravan site on family owned land. | 1 - 8 Conce Moor Conce Bugle St Austell Cornwall PL26 8RT

The council discussed the application and **RESOLVED** (proposed MLi, 2nd FP) to submit the following consultee comments:

\*\*\* Luxulyan Parish Council SUPPORTS this application.

iv. **PA20/03552** | To erect a Light Industrial (Use Class B1) and Retail Building (Use Class A1) | Annears Garage Tywardreath Highway Par Cornwall PL24 2RN.

The council discussed the application and **RESOLVED** (proposed FP, 2nd MLi) to submit the following consultee comments:

\*\*\* Luxulyan Parish Council SUPPORTS this application to support a local business that serves the community and creates jobs.

v. **PA20/04307** | Proposed new all-weather exercise area for horses and ponies | Land At Rosemullion Farm Rosemelling Luxulyan Cornwall PL30 5EQ

The council discussed the application and **RESOLVED** (proposed MLi, 2nd KBi) to submit the following consultee comments:

\*\*\* Luxulyan Parish Council SUPPORTS this application.

## 20/24 Highways &amp; Flooding

- |   |  |
|---|--|
| A | Reperry. Ward Member Saunders explained Highways' proposals for signage and markings that could slow traffic in the Reperry area. The council <b>NOTED</b> the opinions of the local residents which were largely negative toward the proposals. Ward Member Saunders is dealing with the issue. |
| B | The Environment Agency has commissioned a research project on Flood Risk. Cllr Hatton has put his name forward for to join the online focus group.   |

## 20/25 Assets – reports and maintenance

- |      |  |    |   |     |   |      |  |     |  |
|------|--|----|---|-----|---|------|--|-----|--|
| A    | Playing Field. Playing Field inspections for month were received and <b>NOTED</b> . As noted, the latch on the playing field gate beside the Village Hall is missing and the weekly inspector will repair this as soon as possible as authorised with authority delegated to the clerk.  |    |   |     |   |      |  |     |  |
| B    | Cemetery. The review of the cemetery closure was <b>DEFERRED</b> until the July meeting and will be informed by the Coronavirus Risk Assessment Working Party.   |    |   |     |   |      |  |     |  |
| C    | Footpaths. The clerk reported that a CC officer has brought the footpath through Beswetherick Field (FP 14) to the attention of the Senior Countryside Officer, as it still has not been redirected through the site. Construction equipment and rubble still obstruct the potential new right of way.   |    |   |     |   |      |  |     |  |
| D    | Luxulyan Memorial Institute. Nothing to report.  |    |   |     |   |      |  |     |  |
| E    | Village Toilets. <table border="1"> <tr> <td>i.</td> <td>Unfortunately, having told LPC that it was eligible for a grant for the toilets, CC came back to say that it was mistaken, and the grant is not available to precepting bodies.</td> </tr> <tr> <td>ii.</td> <td>Water usage. South West Water has been informed that the premises is closed and does not use water. Cllr Payne is monitoring the water meter. South West Water has been sent a request to fix the stopcock which will not move and therefore cannot be turned off. SSW says it is on their list to fix.</td> </tr> <tr> <td>iii.</td> <td>CC is holding a webinar about opening public toilets on Monday, 15 June. Only one person from each council is able to attend. It was <b>AGREED</b> that the clerk will attend.</td> </tr> <tr> <td>iv.</td> <td>The clerk reported that she filled in a questionnaire circulated by CALC about the obstacles to opening public toilets during the Covid-19 crisis and after lockdown eases. CALC was using the information to work out a strategy for opening the toilets again.</td> </tr> </table> | i. | Unfortunately, having told LPC that it was eligible for a grant for the toilets, CC came back to say that it was mistaken, and the grant is not available to precepting bodies. | ii. | Water usage. South West Water has been informed that the premises is closed and does not use water. Cllr Payne is monitoring the water meter. South West Water has been sent a request to fix the stopcock which will not move and therefore cannot be turned off. SSW says it is on their list to fix. | iii. | CC is holding a webinar about opening public toilets on Monday, 15 June. Only one person from each council is able to attend. It was <b>AGREED</b> that the clerk will attend. | iv. | The clerk reported that she filled in a questionnaire circulated by CALC about the obstacles to opening public toilets during the Covid-19 crisis and after lockdown eases. CALC was using the information to work out a strategy for opening the toilets again. |
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| F    | Other matters for report. The clerk has sent information to the Village Hall and the Institute about possible eligibility for government Covid-19 grants.  |    |   |     |   |      |  |     |  |

## 20/26 Parish Matters – reports

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|---|--|
| A | Luxulyan Parish Community Fund. Nothing to report. |
| B | Luxulyan Valley Partnership. Nothing to report.    |

## 20/27 Correspondence &amp; Invitations (complete list in Clerk's Notes)

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|---|--|
| A | It was <b>RESOLVED</b> (proposed MLI, 2 <sup>nd</sup> KBi) to approve the letter to the MP (ref Minute 20/12.A) as updated and revised by the clerk and previously emailed to all councillors.<br><b>ACTION: Clerk</b> |
| B | Cllr Payne will attend the Community Land Trust AGM and Review on Wed. 24 <sup>th</sup> June.  |

20/28 Business for the next meeting

Internal Auditor's Report. Review of Cemetery closure.

20/29 Second Public Session for feedback from the public

None.

20/30 Dates of next meetings.

A Ordinary Meeting 9 July 2020, 6.00 pm ONLINE via Zoom.

B An extraordinary meeting may be called by the Chair for Planning or other business if needed. An agenda would be posted 3 clear days before.

*The meeting closed at 7.40 pm and the Chair thanked everyone for attending.*

*Mrs C Wilson ~ Parish Clerk ~ 18 June 2020*

**SIGNED:**

**THESE ARE DRAFT MINUTES.**

Chair of meeting: \_\_\_\_\_ Date: \_\_\_\_\_