

## **DRAFT MINUTES**

At a future meeting the council will consider the accuracy of these minutes so they may be subject to change. Please check the minutes of the next meeting to confirm whether or not they have been amended

### **Minutes of a Remote Extraordinary Meeting of Lanlivery Parish Council held via Zoom on Wednesday 7<sup>th</sup> October 2020 at 5pm**

**Meeting ID: 892 7331 3684**

**Passcode: 129339**

**20/44 Present** Cllrs Sinkins, Challis, Haley, Paterson and Turner

**In attendance** The Parish Clerk, Sally Vincent  
Cornwall Cllr C Martin (part)  
1 member of the public

**20/45 Apologies** Cllr Richards, Cllr Roberts

#### **20/46 Declaration of Interests**

- i. **Pecuniary** – None
- ii. **Non Registerable** – Cllr Turner registered a non registerable interest in the New Churchyard agenda item
- iii. **Dispensations** - None

#### **20/47 Public Questions**

None

#### **20/48 Minutes of the Meeting held on 7<sup>th</sup> October 2020**

It was proposed by Cllr Haley, seconded Cllr Paterson and RESOLVED that the minutes be confirmed and signed by the Chairman

#### **20/49 Matters arising from the minutes not on the agenda – *for report only***

There was no update on the passing places; the Parish Clerk would ascertain the current position.

#### **20/50 To receive the report from the Cornwall Councillor**

Cllr Martin reported

- He was continuing to chase up on Covid testing issues as he considered that Cornwall should have its own Track & Trace system as the national one was not fit for purpose
- Individuals and Town and Parish Councils had until the end of October to make representations about proposed changes to the planning system. The proposals would, *inter alia*, reduce the ability of Town and Parish Councils and even Cornwall Council to control applications, would increase the 20-year housing target in Cornwall from 52K to 81K and would increase the number of houses developers could build before having to provide affordable units to 50.

Members agreed to respond as individuals and cc their responses to the Parish Clerk. It was proposed by Cllr Turner, seconded Cllr Challis and RESOLVED that Cllr Sinkins and the Parish Clerk be given delegated power to respond on behalf of the Parish Council, using members' responses as a basis.

Cllr Martin left the meeting.

#### **20/51 Accounts for Approval**

It was proposed by Cllr Haley, seconded Cllr Challis and RESOLVED that accounts to the value £770.39 be approved

#### **20/52 Resolutions from Councillors**

None

#### **20/53 Correspondence – *for information only***

Electronic correspondence had been circulated. Correspondence was left 'on the table' for Councillors attention.

It was agreed that Ed Veerman should be asked to attend to the gaps around the edge of the safety surfacing in the play area highlighted in the RoSPA Play Inspection Record.

It was agreed that John Truscott should be asked to repair the gate between the Playing Field and the Forest Field and check the entrance gate that the RoSPA checks had highlighted as closing too quickly.

#### **20/54 Reports from Representatives**

Tree Warden Cllr Paterson reported that road hedges in the parish were looking tidy, having been well cut back.

Luxulyan Valley Partnership – Cllr Sinkins reported that, together with the Parish Clerk, she had attended a meeting called by Cornwall Council to discuss the future of the Luxulyan Valley. It appeared that rather than looking to sell the valley CC was now looking to invest in it; £400,000 was available, with priority being given to the leat system, trees and the car park. In addition there are plans to get the leat system properly mapped as parts of it had been lost due to development between the valley and Charlestown. Any local knowledge of the valley and leat system would be welcomed.

#### **20/55 Forest Field**

Cllr Haley gave the following report

Councillor Paterson and I met with Cheryl Turner in the Forest field last week. Cheryl took us to the top area quite near to the school playground wall. There were several ash trees there, and all have got ash die back. Some worse than others. Cheryl wants to cut some of the worst trees down to about 8 -10 feet from the ground at the point where the branches separate. It was noted that sometimes large ash trees can make a comeback in time. Some of the trees are very close together and many would benefit from having just a few of them taken right down to ground level, to give the few oak trees a chance to grow. One of the parents is a tree surgeon and has offered to do the necessary work free of charge but some costs would occur for hire of the wood chipper, fuel etc. Cheryl estimates this to be approximately £150. The chipped wood would be used to make paths in the rest of the forest field.

The Parish Clerk noted that Cheryl would need to lodge a certificate of public liability from the tree surgeon before any work could be done and that the Forest Field would need to be closed to the public. On this basis Cllr Sinkins proposed, Cllr Paterson seconded and it was RESOLVED that permission should be given and the Parish Council would provide a grant of up to £150 if invoices were provided. Cllr Paterson noted that volunteers would be needed on the day as quite a lot of work was required.

Cllr Turner left the meeting

### **20/56 New Churchyard**

A request had been received from the Churchwardens that the Church be permitted to erect a gate between the Forest Field and the New Churchyard to allow access for grass cutting equipment, following the sale of the village hall. This would be financed by the PCC. Members discussed this proposal at some length and, whilst fully supportive of the Church, considered that it was important that a right of way was not created across Parish Council land. With this in mind Cllr Haley proposed, Cllr Challis seconded and it was RESOLVED that permission should be given for the gate but that it would be kept locked with the Parish Council holding the key and access would be restricted to a contractor with grass cutting equipment. It was also noted that as Lanlivery School had a Licence to Occupy during certain hours arrangements would need to be made by the contractor with the school if access was required during school time.

Cllr Turner returned to the meeting.

### **20/57 Planning**

1. PA20/06971. Application for removal of condition 10 on Decision Notice 02/01901 dated 30/12/2002 for Erection of extension to and conversion of barn to form unit of holiday accommodation, namely removal of holiday occupancy condition. Lower Bodwen, Willow Barn Road from Bodwen Farm to Junction South of Nankivell, Redmoor, PL30 5AT. It was noted that the Design & Access Statement submitted with this application suggested that the local occupancy condition required by the Lanlivery NDP does not apply. However, the 2015 case law that this claim relies on predates the NDP (adopted in February 2019) and the NPPF (also February 2019), which specifically gives weight to NDP policies (para 47). Members considered that the case law referred to in the design and Access Statement was, therefore, irrelevant. Members considered that it was essential to be consistent and transparent when responding to all planning applications and it was, therefore proposed by Cllr Sinkins, seconded Cllr Paterson and RESOLVED that a recommendation of objection should be submitted to Cornwall Council.  
*Reason: 1. This application is for an open market dwelling and whilst the Lanlivery NDP supports the removal of conditions restricting the use of properties to holiday lets in Policy LH3 this housing is subject to a Local Occupancy Condition (applicable to policies LH1-4). 2. This property is in an unsustainable location for a permanent dwelling. This was noted in the original application for use as a holiday let and there are no material changes that alter this position.*

2. PA20/06969. Removal of Condition 9 on Decision Notice C2/08/00293 dated 09/04/2008 for Conversion and extension to barn to form a unit of holiday accommodation, namely removal of holiday occupancy condition. Lower Bodwen, Bracken Barn Road from Bodwen Farm to Junction South of Nankivell, Redmoor, PL30 5AT. It was noted that the Design & Access Statement submitted with this application suggested that the local occupancy condition required by the Lanlivery NDP does not apply. However, the 2015 case law that this claim relies on predates the NDP (adopted in February 2019) and the NPPF (also February 2019) which specifically gives weight to NDP policies (para 47). Members considered that the case law referred to in the design and Access Statement was, therefore, irrelevant. Members considered that it was essential to be consistent and transparent when responding to all planning applications and it was, therefore proposed by Cllr Sinkins, seconded Cllr Paterson and RESOLVED that a recommendation of objection should be submitted to Cornwall Council. *Reason: 1. This application is for an open market dwelling and whilst the Lanlivery NDP supports the removal of conditions restricting the use of properties to holiday lets in Policy LH3 this housing is subject to a Local Occupancy Condition (applicable to policies LH1-4). 2. This property is in an unsustainable location for a permanent dwelling. This was noted in the original application for use as a holiday let and there are no material changes that alter this position. 3. At 34 sq. metres this building is below the minimum recommended size of 37 sq. metres required for a residential dwelling.*

3. PA20/00006/NDP. Plan Proposal and Strategic Environmental Assessment submitted for Tywardreath & Par Parish Neighbourhood Development Plan. It was proposed by Cllr Turner, seconded Cllr Challis and RESOLVED that a recommendation of no objection should be made to Cornwall Council.

**20/58 To receive reports (if any) from Parish Councillors (at the discretion of the Chairman)**

It was generally noted that speeding traffic was continuing to be an issue in Lanlivery village. Cllr Sinkins noted that the proposals to introduce a build-out at the entrance to The Crown appeared to be progressing, albeit slowly.

**Date of Next Meeting**            to be confirmed

**Meeting Closed**            6.06pm