

Dear Councillor

You are summoned to attend a **Meeting of St Austell Bay Parish Council** to be held on **Thursday 10 February 2022** at **6.00 pm** in **The Pattern Hall, Charlestown Road.**

Julie Larter

Julie Larter
Clerk
3 February 2022

07873 383400
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Please note that under the Openness of Local Government Bodies Regulations 2014 this meeting may be recorded

AGENDA

- 1. Apologies for Absence**
- 2. Minutes of a meeting of the Parish Council held on 20 January 2022**
To resolve that the minutes of the above meeting be signed as a correct record of the meeting.
- 3. Matters to note**
To receive a verbal update from the clerk on matters progressed since the last ordinary meeting
- 4. Declarations of Interest**
 - (a) Pecuniary Interests
Declare those interests which have been declared on your Register of Financial Interests relevant to the agenda of the meeting. Whenever the item is being discussed, including public participation, you must leave the room and not take part in the discussion or decision.
 - (b) Non-registerable Interests
You must declare Non-registerable Interests at the start of the meeting or whenever the interest becomes apparent. Then when the matter is being discussed, even during public participation, you must leave the room and not take part in the discussion or decision.
 - (c) Dispensations
To consider any requests for dispensations relating to items on the agenda

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(d) Gifts and Hospitality
To declare any gifts or hospitality

Please call the Clerk before the meeting if you have any queries about these matters.

5. Chairman's Announcements

To allow the Chairman to make any announcements.

6. Cornwall Councillor' Report

To receive a report from Cllr James Mustoe

7. Public Participation

The Chairman will invite Members of the public to address the meeting.

15 minutes will be allocated for public participation (this can be extended at the Chairman's discretion). Each person addressing the Council will be allocated a maximum of two minutes.

8. Planning Applications and Related Matters

(a) To consider a response to the following planning applications any planning applications received after publication of this agenda:

(i) PA22/00352 – The Retreat, Porthpean Beach Road: Extensions and general alterations including replacement roof

(ii) PA21/12768 – The Battery: Listed Building Consent for Phase 2 improvement of the site's amenity value with improved public access and historical interpretation.

(iii) PA22/00524 – Duporth Lodge, The Drive, Duporth: Work to 3 trees subject to a TPO – T1 Rhododendron prune back to hedge line to improve visibility at junction; T2 Hawthorn cut back to suitable growth point within hedge line to improve visibility at junction; T3 Holly remove two minor branches to prevent high sided vehicles striking

(b) To receive an update on the following planning applications:

(i) PA21/09839 – The Old Orchard, Ropewalk Lane: Formation of a detached dwelling

(ii) PA21/11667 – Trevean, Porthpean Beach Road: Outline application for a single dwelling plus associated works

(iii) PA21/12089 – Southwinds, Porthpean Beach Road: Construction of a single storey, combined use annexe holiday let with associated terrace within the north-west amenity

(iv) PA20/09948 – The Retreat, Porthpean Beach Road: Detached dwelling with internal garage submission following outline approval PA19/08946 but with increased plot size
5 day protocol letter received

(v) PA21/08772 – Land NE of St Levan’s Church, Porthpean:
Construction of a 3/4 bedroom house on domestic recreation land

(vi) PA20/09731 – 4 Garden Walk, Duporth: Construction of single storey extension with new sun terrace above and alterations to existing property

The parish council responded stating that it has no objections to the amended proposal but has concerns that it would negate the detached status of numbers 4 and 5. With this in mind, any approval should be conditioned with a requirement to install suitable soundproofing. The parish council also has concerns about the installation of bifold doors overlooking the flats opposite which has the potential for a noise nuisance

(vii) PA21/07841: 179 Charlestown Road: Proposed summer house and decking

(viii) PA21/10601 – The Longstore, Charlestown Road: Retrospective permission for the retention of an existing gabion wall to include new stone cladding and raised planter

9. South West Coast Path Closure

To receive an update on the current situation

10. The Queen’s Platinum Jubilee

To note any progress

11. Carrickowel Point

To consider a report on a meeting with Cornwall Council’s Countryside Ranger and consider any further steps

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12. Council Governance

Personnel and Staffing Committee
To adopt Terms of Reference for the Committee

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13. Working Parties

- (a) Traffic Working Party
To note the current situation
- (b) Environment and Climate Crisis Working Party
To receive a report

14. Highways Matters

To note any concerns

15. Financial Matters

- (i) *Grant Funding Application*
To consider an application for grant funding received from Cornwall Air Ambulance Trust
- (ii) *To note the current financial position and authorise payments*

Appendix (i)

Appendix (ii)

16. Meetings/Training Attended

To receive an update from meetings or training recently attended by members or the Clerk

17. Correspondence

18. Dates for the Diary

To note any forthcoming dates for members' diaries

19. Dates of future Parish Council Meetings

17 March, 21 April, 17 March, 21 April, 19 May, 16 June, 21 July, 15 September, 20 October, 17 November, 15 December

MINUTES of a MEETING of ST AUSTELL BAY PARISH COUNCIL held on THURSDAY 20 JANUARY 2022 at 6.00pm in The Pattern Hall

Present: Cllrs Bill Leach (Chairman), Sue Leach, Nick Foster, Nigel Chatterjee, Mike Norris, Sandie Bailey, Richard Hallows, Trudy Reynolds

In attendance: Cllr James Mustoe CC; Julie Larter (Clerk), 3 members of the public.

(21/123) Apologies for Absence

Apologies were received from Cllr Bull

(21/124) Minutes of a Meeting of the Parish Council held on 18 November 2021

It was **RESOLVED** that the minutes of a Meeting of the Parish Council held on 18 November 2021 be signed as an accurate record of the meeting.

(21/125) Matters to Note

The Clerk reported that the new toilet entry system is working well and that the system for crediting the contactless entries is proving efficient.

South West Water is running another campaign in Charlestown to try to educate people not to dispose of fat down the sink as there have been a number of blockages in the village recently.

The Post Office Outreach service in the hall is changing to Tuesday afternoons from 1.30pm – 3.30pm from 8 February. There will no longer be a service on Thursdays.

The Clerk has checked with the Pier House who have confirmed that the public access defibrillator is accessible 24/7).

(21/126) Declarations of Interest on Items on the Agenda

There were no declarations of interest.

(21/127) Chairman's Announcements

The Chairman apologised for cancelling the December meeting, but this was on the advice from the National Association of Local Councils. The Chairman said that he felt it was important for people to stay safe and be able to spend time with their loved ones at Christmas. Cllr Hallows said he was disappointed with the decision and asked whether NALC's advice had changed. Cllr Chatterjee stated that he supported the decision to cancel the meeting.

(21/128) Cornwall Councillor's Report

Cllr Mustoe reported that he has been liaising with Cormac about a number of signage issues in the parish.

A new fence has been erected on the eastern side of Charlestown harbour and Cormac will be resurfacing the SWCP next month. Cormac has also agreed to lay some gravel on the path on the western side of the village.

There was a major sewage leak in the woods behind the Duporth development in December and Cllr Mustoe was pleased to report that this was rectified satisfactorily.

Cllr Mustoe was pleased to second a motion at County Hall to declare an ecological emergency in Cornwall. Cllr Mustoe's full report can be viewed on the parish council's website.

(21/129) Public Participation

No members of the public wished to speak.

(21/130) Planning Applications and Related Matters

(a) (i) PA21/12767 – The Battery, Charlestown: Felling and works to trees within a Conservation Area as detailed in application. This application was for notification only.

(ii) PA20/09731 – 4 Garden Walk: Construction of single storey extension with new sun terrace above and alterations to existing property (revised plans)
Councillors felt that revised plans were more acceptable but did not feel it could formally respond to the consultation as neighbours had not had time to consider the application. The Clerk was requested to ask the planning officer to comment on party walls.

(b) It was **RESOLVED to ratify comments submitted to Cornwall Council on the following applications which had been received since the November meeting:**

(i) PA21/09839 – The Old Orchard, Ropewalk Lane: Formation of a detached dwelling
The parish council objects to this application. The design and appearance of the proposed dwelling are out of character for the area. The size and mass, in particular the roof height, is excessive and would be obtrusive creating serious overlooking. It would negatively impact upon the view up to the chimney of the former Lovering Clay Dry and as such it contravenes Design Policy 2 points 3, 5 and 6 of the St Austell Bay Neighbourhood Plan and also Historic Environment Policy 1, point 4. This excessive size and mass would have a detrimental impact on 33 – 35 Quay Road which are Grade 2 Listed properties.

(ii) PA21/11667 – Trevean, Porthpean Beach Road: Outline application for a single dwelling plus associated works
The parish council objects to this application to sub divide the plot and create an additional dwelling. The proposal is contrary to the Local Landscape Character Assessment, forming part of the evidence base of the St Austell Bay Neighbourhood Plan, which acknowledges that one of the key characteristics of Lower Porthpean is of individual residential properties often within large gardens and it states that any development which through redevelopment or extension which significantly increases the footprint or volume of a property within a plot should be avoided, to prevent the erosion of the landscape of Lower Porthpean. Whilst it is within the development boundary, it does not meet the criterion in H1 "preserve and enhance the identity of the parish". It also contravenes Policies D1 and D5. Furthermore there is no requirement for additional housing in this area as the housing target for the St Austell and Mevagissey Community Network Area has already been exceeded. The council considers that considerable weight should be given to the Tree Officer's comments as the proposed development could have adverse implications for the adjacent trees.

(iii) PA21/11273 – Rockpools, Porthpean Beach Road: Demolish existing double garage and annex. Replace with one bedroom annex
The parish council has no objections to the proposal provided that it is accompanied with a condition specifying that off road parking must be maintained.

(iv) PA21/12089 – Southwinds, Porthpean Beach Road: Construction of a single storey, combined use annexe holiday let with associated terrace within the north-west amenity

The parish council objects to this application. It considers the proposed unit to be a separate dwelling, not an annexe as it is unconnected to the host building and does not fit the NPPF's definition of an annexe.

The proposal is contrary to the St Austell Bay Neighbourhood Plan because the Local Landscape Character Assessment (part of the Evidence Base of the Plan) acknowledges that one of the key characteristics of Lower Porthpean is of individual residential properties often within large gardens and it states that any development which through redevelopment or extension which significantly increases the footprint or volume of a property within a plot should be avoided to prevent the erosion of the landscape of Lower Porthpean so this proposal contravenes policy H1 of the St Austell Bay Parish Neighbourhood Plan and policies D1 and D4.

The council has concerns about the development of holiday lets within what is primarily a residential area, and the associated increase in traffic.

Finally, the council has concerns about the ecological impact of the proposal.

(v) PA20/09948 – The Retreat, Porthpean Beach Road: Detached dwelling with internal garage submission following outline approval PA19/08946 but with increased plot size

The Parish Council objects to this application. The proposed dwelling is too large for the size of plot and is too close to the neighbouring property of Robin Hill, resulting in it being overbearing and an associated loss of privacy and amenity. If permission for this amended plan is approved, a condition must be attached requiring a Traffic Management Plan.

(c) Update on the following planning applications

(i) PA21/08772 – Land NE of St Levan's Church, Porthpean: Construction of a 3/4 bedroom house on domestic recreation land
No update was available.

(iii) PA21/07841: 179 Charlestown Road: Proposed summer house and decking
No update was available.

(iv) PA21/10601 – The Longstore, Charlestown Road: Retrospective permission for the retention of an existing gabion wall to include new stone cladding and raised planter
No update was available.

(d) Concern was expressed about the large amount of development taking place in Porthpean Beach Road and as most houses are not connected to the main sewerage system there is no provision for the disposal of grey water. This will have an effect on the fragile cliffs in this area. The Clerk was asked to ascertain which properties have septic tanks.

(21/131) South West Coast Path Closure

The legal process is proceeding – other updates were covered in Cllr Mustoe's earlier report.

(21/132) Queens Platinum Jubilee Celebrations

Cllr Sue Leach explained the criteria for Lottery Funding and councillors suggested ways of commemorating the Jubilee. The favoured options were a beacon, a bench for each ward in the parish and a beacon and local street parties will be encouraged. Costings will be obtained and Cllr Leach will submit an application to the Lottery.

Cllr Mustoe gave his apologies and left the meeting.

(21/133) WW2 Lookout at Carrickowel Point

Cllr Reynolds explained that she had recently had a conversation with a walker who suggested that the lookout would make a good bird hide. Cllr Reynolds added that the lookout is listed as a heritage asset in the Neighbourhood Plan and other agencies may wish to be involved in such a project.

It was **RESOLVED to take no action at the present time.**

(21/134) Defibrillator for Porthpean Beach

A member of the public has contacted the council requesting that a public access defibrillator be provided at Porthpean Beach. The member of the public explained that a large number of swimmers swim in the sea year-round and the nearest defibrillator is in Higher Porthpean. It was **RESOLVED to ask the Sailing Club and other interested parties if they would be willing to fund a unit and if they are, the parish council will fund the annual maintenance in the same way as it does for other units in the parish.**

(21/135) Charlestown Harbour: Historic England's proposal to amend the Grade 2* Listing

Councillors welcomed the report but Cllr Hallows expressed concern about Cornwall Council's unwillingness to enforce when planning breaches occur.

(21/136) Council Governance

(i) Emergency Scheme of Delegation

The Emergency Scheme of Delegation was reviewed and it was **RESOLVED to amend the wording to read "The Council delegates authority to the Clerk in consultation with the Chairman and Vice Chairman to take any actions necessary together with associated expenditure to protect the interests of the community and ensure council business continuity during any emergency, informed by consultation with members of the Council.**

(ii) Personnel Committee

It was **RESOLVED to set up a Personnel Committee, and Terms of Reference are to be agreed next month. Membership will comprise: the Chairman, Cllr Hallows and Cllr Norris.**

(iii) Regatta Working Party

It was **RESOLVED that the Regatta Working Party should be changed to a Committee.** The Terms of Reference will remain the same.

It was noted that the Chairman together with the Clerk and Mr Butler had a virtual meeting with officers from Cornwall Council on 17 January to discuss the drainage problem in the field. It appears that no progress has been made and Cornwall Council is unsure about the validity of establishing what the problem because it is likely to be prohibitively expensive to remedy. Cornwall Council has promised to make contact with the Duchy.

(21/137) Working Parties

(a) Traffic Working Party

The Clerk explained that the traffic survey had been delayed because Cornwall Council decided that they were not able to provide addresses for this purpose. However the survey is now at the printers and the Clerk asked for volunteers to deliver it. Cormac undertook a speed monitoring exercise in December and the results have been circulated to councillors.

(b) Environment and Climate Crisis Working Party

A report had been previously circulated (Available on the Parish Council's website). Members expressed concern at the working party's wish to compile and distribute a guide similar to the Rame Green Guide. Cllr Reynolds and Cllr Chatterjee will take the matter back to the working party to discuss further.

(c) History Working Party

A report had been previously circulated. (Available on the parish council's website). Cllr Foster explained that the group is trying to find a better way of working with the parish council. The Chairman expressed concern that the group appeared to be very Charlestown-centric and it had been set up to cover the whole parish. Cllr Reynolds pointed out that there is a councillor from each ward on the working party. Councillors may support the group's wish to install an interpretation board and produce walking booklets as these correspond with the Neighbourhood Plan.

(13/138) Highways Matters

(a) Community Network Highways Scheme

It was **RESOLVED to nominate double yellow lines along Porthpean Beach Road for inclusion in the scheme.** The Clerk was also asked to inform Cornwall Council that within the lifetime of this council it is seeking to resolve the residents' parking situation in both Duporth and Charlestown together with double yellow lines along a section of Church Road and Duporth Road.

(b) There were no highways concerns.

(21/139) Financial Matters

The current financial position was noted and the following payments were authorised:

15/11/2021	SO	JB & J Kneale	Quarterly rent	£	212.50
01/12/2021	DD	Blenheims Estate	Foundry parc amenity charge	£	21.11
08/12/2021	DD	SWW	Water for hall	£	27.50
22/12/2021	DD	SWW	Water for toilets	£	103.50
11/12/2021	DD	Lloyds Bank	Credit card	£	240.85
20/12/2021	DD	SSE	Electricity for toilets Sept - Nov	£	129.65
16/12/2021	BACS	SSE	Electricity for hall Sept - Nov	£	424.66
15/12/2021	DD	BT	Telephone and internet	£	83.28
27/12/2021	DD	BT	Monthly mobile phone charges	£	24.00
22/12/2021	DD	ITEC	Monthly photocopy charges	£	27.90
16/12/2021	BACS	Cornwall Waste Solutions	Waste disposal	£	19.80
16/12/2021	BACS	SLCC	Clerk's membership renewal (Carlyon PC to be invoiced for 50%)	£	319.00
16/12/2021	BACS	Lyreco	Stationery	£	52.42
16/12/2021	BACS	Lyreco	Toilet rolls and disinfectant	£	60.24
16/12/2021	BACS	A & A Maintenance	Footpath cutting, inland paths and SWCP 2021	£	2,325.00
16/12/2021	BACS	Vision ICT	Hosted email accounts	£	259.20

16/12/2021	BACS	Dec salaries and oncosts	December salaries and oncosts	£	2662.53
06/01/2022	DD	Xerox Finance	Quarterly lease on photocopier	£	357.36
10/01/2022	DD	SWW	Water for hall	£	27.50
10/01/2022	DD	Blenheims Estate	Foundry Parc Amenity Charge	£	21.11
12/01/2022	DD	Lloyds Bank	Credit card*	£	193.77
22/01/2021	DD	SWW	Water for toilets	£	103.50
27/01/2022	DD	BT	Mobile phone	£	24.00
15/01/2022	DD	BT	Telephone and internet	£	83.28
22/01/2022	DD	ITEC	Monthly photocopy charge	£	4.14
			Litter bin for footpath Mill		
20/01/2022	BACS	KBS Depot	Lane/Porthpean Road junction	£	153.60
20/01/2022	BACS	Healthmatic	Toilet entry system	£	9,862.80
20/01/2022	BACS	CWS	Waste disposal	£	19.80
20/01/2022	BACS	Lyreco	Toilet rolls and cleaning sundries	£	121.94
20/01/2022	BACS	Lyreco	Stationery	£	37.00
20/01/2022	BACS	Royal Mail	Reply Paid Charge	£	0.62
20/01/2022	BACS	St Austell Print	Map printing and encapsulation	£	50.03
			Neighbourhood Plan Printing and 1		
20/01/2022	BACS	St Austell Print	footpath map	£	236.16
			Litter bin annual charge Porthpean		
20/01/2022	BACS	Biffa	Beach Road	£	280.80
			Litter bin annual charge Orchard		
20/01/2022	BACS	Biffa	Way	£	280.80
20/01/2022	BACS	Cornwall Council	Election recharge	£	510.00
20/01/2022	BACS	Cornwall Council	Election recharge	£	255.00
20/01/2022	BACS	Staff	Jan salaries and oncosts	£	2575.93

It was noted that Cllr Chatterjee carried out an internal control check on 8 December.

(21/140) Meetings/Training Attended

30 November – Clerk attended Code of Conduct training

9 December – Chairman and Clerk attended the St Austell and Mevagissey Community Network Panel meeting

18 January – Cllr Foster attended a presentation by Cornwall Council on electric vehicle charging and will circulate a report in due course.

(21/141) Correspondence

A list of correspondence had been previously circulated.

(21/142) Dates for the Diary

18 February – Battery Recharge

(21/143) Dates of future Parish Council Meetings

10 February (change of date), 17 March, 21 April 2022

The meeting closed at 7.58 pm

Chairman

Date

Carrickowel Point

Background

A meeting took place on 28 January between Cllrs Reynolds, Norris, the Clerk and Jenny Heskett (Countryside Ranger for Cormac). The meeting arose out of a request to Cornwall Council to plant a Jubilee tree on Carrickowel Point and the general concern over neglect of the area.

The majority of Carrickowel is owned and maintained by Cornwall Council. Over the years this area has become neglected and overgrown, with only minimal maintenance taking place. Cornwall Council suggested that the asset could be transferred to the parish council, but the Clerk expressed concerns about the liability involved as the area is heavily wooded and the cliffs are unstable. Cornwall Council therefore suggested the parish council could consider entering into a license agreement to manage and maintain the area, but with liability for trees, coastal fencing and cliffs remaining with Cornwall Council.

Decisions made at the meeting

A location was agreed between all parties and Cormac have offered to spend one day clearing that area later this month.

Decision required now

Does the parish council wish to enter into a licence with Cornwall Council to manage and maintain the area?

Advantages

- The parish council does not own or manage any land in the parish and there is great scope to have a free hand to make improvements to the area and generally make it more appealing both environmentally and recreationally.
- The area could be maintained to a much higher standard
- Community engagement – an ideal opportunity for Porthpean and other residents to get involved, such as the Diggers and Doers

Disadvantages

- Cost implications. (Paths here are currently only cut once a year by Cormac but they could be added to our contract to cut the SWCP at a minimal cost)

Should the council be minded to enter into a license agreement, Cormac will undertake some maintenance work to bring the area up to a more acceptable standard before the parish council takes over.

Julie Larter
Clerk
1 February 2022

Personnel and Staffing Committee – Terms of Reference

General

- Membership of the Staffing committee and its quorum will be determined by the council
- The committee will be mindful:
 - Of the legal framework for, and good practice in, employment matters
 - Of the confidential nature of employer-employee matters and that many of the items for consideration will require that the public and press be excluded by resolution of the Committee
 - Of the nationally negotiated model contract, benchmarking and terms and conditions for the employment of the Clerk to the Council
 - Of relevant council protocols and policies
- **Matters for recommendation to the Council**
 1. Staffing and office requirements including budget allocations
 2. All policy issues relating to staff

Matters for delegation to the Committee

The Committee will receive reports from the Clerk and will:

1. Be responsible for staff recruitment
2. Confirm individual Contracts of Employment and all terms and conditions
3. The Chairman is to appraise the Clerk and make recommendations to the Committee in order for the committee to take any necessary action
4. Decide upon annual salary awards
5. Appoint members of the Committee to seek advice from the Committee in the event of a dispute between the Council and the Clerk
6. Consider matters arising from the application of the Council's Disciplinary and Grievance Procedures and take all necessary action thereon
7. As and when required under the Council's Disciplinary and Grievance Procedures, appoint an Appeals Panel, whose members will not be members of the Staffing Committee, and appoint the Chairman of the Appeals Panel who will initiate an Appeals Panel Meeting
8. Consider recommendations from the Appeal Panel and take necessary actions thereon

Correspondence Received

The following correspondence has been received since the last meeting

- NALC newsletters
- Enhanced Listing of Charlestown Harbour: Further consultation from Historic England as additional comments have been received about the eastern breakwater. The report can be viewed at <http://services.historicengland.org.uk/webfiles/GetFiles.aspx?av=A140B081-9E5E-43D4-A077-7B593008ED75&cn=51F26846-275F-41CF-B281-30AB9CF669D8>
- Correspondence from Trustees of Charlestown Church Hall
- A request for help on the narrative for interpretation boards at The Nest
- Cornwall Council Planning newsletter
- Invitation to attend the AGM of CALC on 8 March