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#  **MINUTES OF THE MARAZION TOWN COUNCIL MEETING**

# **TUESDAY 10th JANUARY 2023 TOWN HALL MARAZION**

# **Meeting number 14/22**

Present: Cllr W Collins Chairman, Cllr J Nicholas Deputy Chairman, Cllr D Laity, Cllr J Rawlins, Cllr P Hosking, Cllr R Stokoe, Cllr J Tutchier, Cllr G Reynolds, Cllr R Clayton.

**In attendance:**

Mrs T Unstead Town Clerk

**1442 Address Address by Reverend Sophie Troczynska.**

Reverend Sophie gave an address to the council.

**1443 Apologies**

Cllr P Read

Cllr D Walsh

**1445 Public Participation**

None.

**1446 Declarations of Interest**

Cllr J Nicholas agenda item 24.

**1447 Dispensations**

None.

**1448 Mayors Report - Matters of Urgency**

**The Mayor Cllr Collins reported that:**

i on Thursday 5th January 2023, he did with other members of the Play Area Working Group met with a play area equipment provider about removing and replacing play equipment in the Folly Field play area. A report will be brought to Full Council in due course.

ii on Friday 6th January 2023 did upon a call from the Town Clerk, carry out a temporary repair to the flooring of the play train.The train is one of the pieces of play equipment that needs to be removed.

iii he is looking forward to the Civic Service being held this forthcoming Sunday, Sunday 15th January 2023.

**1449 Clerks Report.**

**The Town Clerk reported that:**

i not a report, a reminder for everyone to be at the Town Hall well in advance of 10.30am to line up for the Civic Service Parade, Sunday 15th January 2023.

ii the November 2022 Royal British Legion Poppy Appeal raised £1,785.98.

iii an Extraordinary council meeting to discuss the Maypole Gardens and the Dollen needs to be arranged.

 **AGREED** – for an Extraordinary council meeting to be held on Tuesday 21st February 2023.

v a telephone conversation has been had with the Cormac Highways Manager about the Expression of Interest submitted to the West Penwith Community Network Panel in 2022 for a pedestrian crossing, Gwallon Lane.

 The Highways Manager explained that the scheme is likely to progress, and the Highways Manager is keen to seek the view of the town council in respect of options so the Town Clerk will circulate the e-mail received and an agenda item to consider for the next Full Council meeting, Tuesday 24th January 2023. Cormac and Cornwall Council have also asked for a financial contribution towards the scheme.

**1450 Correspondence Received**

None to report.

**1451 Education Officer St Michaels Mount and St Aubyn Estates.**

 The Education Officer for the St Aubyn Foundation gave a verbal presentation to the council about their role.

 Recently appointed and working three days a week, the Education Officer explained the purpose and aspirations of the role which includes developing an education programme for local schools in the area, relationship building with educational establishments and introducing incentives so that school children and early learners can benefit from access to St Michaels Mount.

 Recent projects have included the planting of trees in Friendhip Wood, St Hilary as part of the late Her Majesty The Queen Elizabeth II Green Canopy project linked to the Platinum Jubilee and now working with Marazion School to create a time capsule to be buried into the new Gwelva landing platform.

 At the end of the presentation, Cllr Collins thanked the Education Officer for attending the meeting and that they would be welcome at anytime to come and speak to council.

**1452 Councillor Reports**

1. **County Councillor Report.**

The Town Clerk read out a report provided by Cllr Linda Taylor, Leader of Cornwall Council which the Town Clerk will circulate.

Marazion Town Council is bitterly disappointed at the lack of communication and courtesy given around the resignation of Tara-Sherfield-Wong.

Tara Sherfield-Wong did not notify the town council of her intention to resign her position as Cornwall Councillor. Marazion Town Councillors also felt that Cornwall Council could have more proactive in formally advising the town council of Tara Sherfield-Wongs resignation.

1. **Town Councillors**

i **Cllr G Reynolds**

**Reported that:**

A resident has reported that the grass verge at the bottom of the access steps to St Levans Road needs to be trimmed and that there are a few deep puddles and mud on the main footway opposite the former Mount Haven hotel.

The nosing on the access steps to St Levan Road do need repainting.

The Town Clerk will report all the issues raised to Cornwall Council and Livewest.

ii **Cllr P Hoskings**

**Reported that:**

The Traffic Warden has been out and about and ticketing vehicles parking illegally. This has helped tremendously in reducing the unauthorised parking of vehicles in and around North Street.

She has some ideas about replacement play area equipment after a visit to Trelissick Gardens near Truro.

iii **Cllr J Tutchier**

**Reported that:**

He has spoken to the Cornwall Councils Regional Highway Manager about residents parking and the process and is now going to speak to the Highways Manager.

Cllr Tutchier asked fellow councillors if there are any other areas in the town that could be considered for residents parking. Cllr Laity suggested that there needs to be an agenda item to discuss and consider in more detail. The Town Clerk confirmed that there will be an agenda item at next Full Council meeting, Tuesday 24th January 2023.

The lack of volunteers coming forward means that the Speedwatch initiative cannot move forwards. Cllr Stokoe suggested that an article in the first town council newsletter may help drum up support.

He had contacted a company about speed radar signs which can be used to reduce speeding vehicles. There is one in Rosudgeon which shows vehicle speed and car registration number. There maybe some grant funding available from Cornwall Council so an e-mail has been sent to an Officer in Cornwall Council asking for more information.

iv **Cllr R Stokoe**

**Reported that:**

He continues to pursue Cornwall Council for answers in respect of the completion of the road traffic management scheme.

The Town Clerk was able to advise that she had spoken to the Highways Manager. There has been a problem with fabricating of the hoop signage which should be resolved very soon.

v **Cllr R Clayton**

**Reported that:**

Not a report but an offer to walk around the town with a 360o camera and photograph street views which can be helpful with planning applications. Town Councillors will be able to view online once the photographs have been uploaded. All Councillors were in favour.

vi **Cllr D Laity**

Thanked the Town Clerk for all her hard word with the Royal British Legion Poppy Appeal and asked for this to be put on record - unanimously agreed.

**1453 Minutes of the Council Meeting held on Tuesday 13th December 2022.**

**RESOLVED –** unanimously approved that the minutes of the Council Meeting held on Tuesday 13th December 2022 be approved and signed as a correct and accurate record.

**1454 Minutes of the Annual Council Meeting held on Tuesday 10th May 2022.**

**RESOLVED –** unanimously approved that the minutes of the Annual Council Meeting held on Tuesday 10th May 2022 be approved and signed as a correct and accurate record.

**1455 Marazion Town Council Investment Strategy**

**RESOLVED** – unanimously approved to re-adopt.

**1456** **Request for the erection of a shed – Island Field Allotments**

The Town Clerk advised Councillors that the request is for the erection of a

greenhouse and not a shed**.**

**RESOLVED** – unanimously approved.

**1457 Civility and Respect Pledge.**

The Town Clerk introduced the report and explained the rationale behind the development

of the Civility and Respect Pledge.

Much discussion followed and observations made about the pledge being purely a tick

box exercise and that as human beings we should not require a piece of paper giving

guidance on how to be civil and respectful of one another, members of the public,

contractors, staff.

**RESOLVED** – unanimously objected to signing the pledge as Marazion Town Council does

not feel the need to sign up to such a pledge.

**1458** **Matters Arising from previous Minutes.**

a **Minute 184** (Flooding Green Lane) – to receive an update.

 Cllr Laity confirmed that he had contacted the office of Derek Thomas MP again and still no reply. Cllr Laity will continue to make contact with the MP’s office.

b **Minute 381** (Footpath number 8) – note that the Town Clerk due to other priorities has yet to review the process and resources needed*.*

c **Minute 694** (Maypole Gardens repair works).

To be discussed at the Extraordinary Meeting Tuesday 21st February 2023.

d **Minute 911** (Vandalised Light Bus Shelter).

The Town Clerk has spoken to EDF Energy who were surprised about a request for a meter and that usually bus shelter lighting is unmetered supply. The Town Clerk will now contact the unmetered supply service of EDF Energy and ask the question about unmetered supplies.

e **Minute 1113** (play area repairs).

 Two play area equipment providers have been met. The purpose of the meetings is to seek informal quotes for the removal and replacement of equipment in the Folly Field play area.

f **Minute 1224** (The Dollan)

To be discussed at the Extraordinary Meeting Tuesday 21st February 2023.

g **Minute 1355** (Cornwall Councillor Community Chest Grant application)**.**

The application has been submitted. Awaiting outcome.

h **Minute 1362** (Cornwall Council Service Level Agreement Parking Enforcement).

No update

i **Minute 1378 (b)(viii)** (new traffic management scheme and implementation)

 Refer to minutes 1452(b)(iv).

j **Minute 1402** (replacement gate Folly Field).

 No further update.

k **Minute 1408** (topple test Marazion cemetery).

The Town Clerk reported that the headstones have been made safe.

l **Minute 1424** (Grant application Emergency Plan completion).

 Application submitted waiting for payment.

m **Minute 1431** (Civic Service Parade).

Traffic management and the need to find volunteers to hold the ‘lollipop’ signage in

front and behind the parade. The Town Clerk will have a further discussion with Cllr

Collins.

**1459 Any other matters arising from Minutes not covered by items above.**

 None.

**1460 Finance**

1. **Bank Reconciliations December 2022**

**RESOLVED** - to note.

1. **Statement of Accounts**

**RESOLVED** – to note the statements of accounts as of the 5th January 2023

c) **Accounts for Payment**

**RESOLVED** – unanimously approved

d) **Receipts**

**RESOLVED –** noted.

e) **Direct Debits**

**RESOLVED** – unanimously approved.

f) **Pre-payments**

**RESOLVED** – unanimously approved and noted.

**1461 Planning**

1. **Applications for Planning Permissions**

i **Application PA22/10195**

**Proposal** Retention of enlarged shop sign and canopy

**Location** The Rigging Market Place Marazion Cornwall

**Applicant** Joel Riley Rolys Fudge Pantry Marazion Ltd

**Grid Ref** 151870 / 30583

**RESOLVED –** unanimous not to support the application on the grounds: -

**1 There is no-compliance of the Highway Act 1980.**

Section 177 Restriction on construction of buildings over highways.

(1) No person shall—

(a)except in the exercise of statutory powers, construct a building over any part of a highway maintainable at the public expense (whether it is intended to span the highway or not), or alter a building so constructed, without a licence granted under this section by the highway authority for that highway or otherwise than in accordance with the terms and conditions of a licence so granted;

(b)use a building so constructed or altered in pursuance of a licence so granted otherwise than in accordance with the terms and conditions.

The purpose of section 177 is to ensure that users of a public highway are not endangered as a result of a building oversailing that public highway, or by any works carried out to such a building. Therefore, in circumstances where the alteration does not relate to the part of the building which oversails the public highway (or to any part of the building which may impact on that oversailing part), a more reasonable view is that a section 177 licence would not be required for those works and that, in the absence of any identifiable risk to the users of the public highway, the relevant highway authority would not be entitled to adopt the strict interpretation of section 177.

Marazion Town Council is not aware that any such licence has been granted.

**2 There is no compliance with the proposed signage.**

By reason of its scale and non-traditional materials would result in harm to the visual amenities of the area, harming the historic character and appearance of the host grade II listed building and the Marazion Conservation Area. This is contrary to the aims and intentions of paragraphs 67, 126 and 131 of the National Planning Policy Framework 2012 and saved policies TV-8 and GD-6 of the Penwith Local Plan 2004 – Advertisement Notes.

Where an application being made for consent under the Town and Country Planning (Control of Advertisements) Regulations, 1992 (as amended) (“the Regulations”) consent is refused by the Local Planning Authority or is granted by them subject to conditions, the applicant may appeal to The Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, Telephone: 0117 372 6372 or download from web site www.planning- inspectorate.gov.uk

**3 Details in the application are incorrect.**

The existing west facing diagrams show no signage which is factually incorrect. The 'proposed' west facing signage is already in situ. These plans also fail to show the existing additional lights and illuminated signage that has been installed without planning permission and with still no permission being sought in this application.

**4 There has been additional works undertaken not subject of any planning permission.**

Notably the removal of a window which has been replaced with a hatch without seeking planning permission in a conservation area and AONB.

**5 There have been additional alterations to the property.**

Due to the property being in a conservation area and AONB, planning permission should have been sought to include the installation of lights and backlit menu signage on the west elevation.

**6 The application does not state whether the sign will be illuminated.**

There is signage in situ that is currently illuminated without planning permission and is out of keeping of a conservation area and an AONB.

**7 The proposals describe the signage as using 'moulded plastic lettering’.**

This is not in keeping with an historic market town centre within both a conservation area and AONB**.**

**8 A similar application was refused.**

A neighbouring property made a similar application for signage - PA13/06280 and was refused. This decision notice sets a precedence and should be adhered to for all other shop facades in the historic conservation area of Market Square, Marazion, TR17 0AR.

**9 Proposed materials.**

The applicant has described in their applications the materials used as being 'weather durable', yet this is not true as the current signage (illegally) erected in 2021 is both rusting and already rotting. These materials will only degrade further leading to a much less attractive conservation area and AONB.

**10 Heritage Statement.**

The heritage statement says "The proposals will be constructed in high quality materials being Local Douglas Fir timber and solid brass. The materials have already been on site for 18 months and have already been constructed. They are not high quality. The 'brass' is already significantly deteriorated, the fir timber already rotting.

**11 Area of Outstanding Natural Beauty**

The proposals go directly against sustaining an AONB local character and distinctiveness. Aside from the signage being of poor quality and completely out of kilter with the historic signage around the historic square, with Roly's being a chain having 10 shops dotted around Cornwall and 45 UK wide, this does not add to any distinctiveness or character of the town**.**

**12 Similar Canopies**

The applicant states in the heritage statement that "There are a number of similar canopy's fitted to shop fronts in the immediate vicinity to the application address.". This is untrue. There is one other canopy in the immediate vicinity of the application address which is temporary in nature and not a permanent fixing. This canopy is also sited over privately owned land, not a public highway.

**13 Lack of Transparency**

Cornwall Council have not alerted any residents through letters or alerts on nearby lampposts to the proposals meaning that no local people have the knowledge to express their views.

**14 Outstanding Enforcement**

**There is currently an outstanding enforcement issue with regard to the** alterations that were made without planning permission which has not been resolved.

This application should not be considered until these matters have been dealt with and this application should not be used as a method of dealing with the enforcement issue, shortcutting the democratic process of planning law.

ii **Application PA22/10196**

 **Proposal** Advertisement consent for enlarged shop sign above door

 **Location** The Rigging Market Place Marazion Cornwall

 **Applicant** Joel Riley Rolys Fudge Pantry Marazion Ltd

 **Grid Ref** 151870 / 30583

**RESOLVED** – unanimous not to support the application on the grounds as listed under PA22/10195

b) **Applications Approved/Refused by Cornwall Council.**

None to note.

c) **Correspondence**

 Letter received from resident objecting to Planning applications PA22/10195 and PA2210196.

**1462 The Freedom of Information Act 2000.**

Deems that all information held by this Council should be freely available to the public unless it falls under one of 23 exemptions

**1463 Data Protection Act 2018**

Precludes this authority from publishing the names, addresses or other private information of individuals unless written permission is given by the individual for such details to be made public.

Therefore, where necessary, personal details have been removed from the papers attached to ensure that information held is available, but individuals are protected.

**1464 Part II**

(Private)

Items which may be taken in the absence of the public and press on grounds that Exempt information may be disclosed as defined in the Local Government Act 1972 and Public Bodies (admissions) Act 1960.

To move that in the view of the confidential nature of the business to be transacted viz; information where public disclosure at this time may be prejudicial to the good business of the Council, it is in the public interest that they be temporarily excluded, and they are instructed to withdraw in accordance with Standing Order 3d
**RESOLVED** – unanimous to move into Part II

**1465 East End Land Dispute**

Cllr Laity gave an update on recent developments**.**

**RESOLVED –** unanimously approved the next steps as discussed and for Cllrs Laity, Collins, and the Town Clerk to speak to the council’s legal advisor.

**1466 Lease negotiations**

**Cllr Laity gave an update about recent developments.**

**RESOLVED –** unanimously approved to accept the terms offered as negotiated by the consultant employed.

It would be helpful if further clarification about inflationary increases as mentioned and the increase in income over and above the base figure estimated at 20% in the short to medium term.

Signed

Cllr William Collins

Town Mayor