

BETLEY, BALTERLEY & WRINEHILL PARISH COUNCIL

Minutes of the meeting held on 20th December 2018

357/18 PRESENT:

Cllrs Robert Bettley-Smith, Neil Bullock, Dave Hales, Richard Head, Ian Walton and Chris Watkin.

358/18 IN ATTENDANCE:

Five members of the public.
Gwyn Griffiths (Clerk).

359/18 Apologies for absence had been received from Cllrs Ecclestone & Reah (work), Berrisford, Daly, Speed and Townsend (family).

RESOLVED that the apologies for absence be accepted as valid reasons for absence under Section 85 of the Local Government Act 1972.

360/18 Members considered the declaration of interests in agenda items.

Cllr Walton declared a prejudicial interest in matters relating to Betley Court as an immediate neighbour.

Cllr Head declared a personal interest in matters relating to Betley Court as a friend of the applicant and as a former tenant.

Cllr Bullock declared a personal interest in planning applications 18/00884, 927 & 929 as he was acquainted with the applicants.

361/18 The Chairman outlined the procedure for public participation, and the meeting was adjourned to allow the public to speak.

The first member of the public wished to comment on the Betley Court application as an adjacent resident, and was also speaking on behalf of other residents of Court Walk.

They had hoped that the revised application would respond to the objections raised by residents but all residents of Court Walk remained concerned on key elements of the application:

Noise and disturbance and congestion particularly at the entrance to Court Walk;

Noise and disturbance from visitors arriving and leaving the proposed parking area;

The parking area was immediately adjacent to private gardens.

The large new building proposed was within the Green Belt and close to neighbouring properties giving rise to concerns of smells and noise.

It had originally been said that the gardens would only be open to the public for a limited number of weekends but the application placed no restriction on opening.

Residents were unconvinced that the proposals were viable and could lead to further proposed development.

The Chairman advised the member of the public that the application had been “called in” to be considered by the planning committee and that he would have an opportunity to address that committee if he so wished.

The second member of the public wished to express concern at the proposed developments at Old Hall Farm. He considered the application to be invalid as the certificate contradicted other statements within the application: it was stated that there was “no associated dwelling” but two nearby properties were in the ownership of the applicant family; it was stated that “no trees or hedges” would be affected but the application site was actually an orchard which had been identified as a priority habitat. He felt that any dwelling at this stage should be a temporary structure until the viability of the proposed business could be demonstrated. The business plan submitted seemed to exclude capital costs and some revenue costs.

The third member of the public (an applicant for planning permission at Old Hall Farm) indicated that she did not wish to debate the issue, but was confident that the ownership details had been accepted by the Borough Council. She would be happy for members to visit the application site, and was confident that the application would be dealt with fairly.

362/18 There were no urgent reports from members or Clerk. No urgent business had been dealt with since the last meeting.

363/18 Members considered the following planning application.

18/00968/FUL Demolition of existing garage, extension and remodelling of dwelling at The Spinney, Bowhill Lane, Betley for Mr Stantchovsky

RESOLVED that the Parish Council has no objection to the proposal.

364/18 Members considered the following planning application.

18/00943/FUL Opening of gardens as a visitor attraction, construction of detached building to form toilets/ office and facilities for light refreshments, demolition of garages and construction of car parking at Betley Court, Main Road, Betley for Dr N Brown

RESOLVED

The Parish Council objects to the application.

The Council is strongly of the view that the preservation of the Listed Building is to be encouraged, however the application submitted cannot be supported for the following reasons:

a) The Council does not consider that very special circumstances exist to justify the development;

b) The very special circumstances claimed by the applicant, that the development would “increase the income generated by the property” in order to secure the future of the Listed Building are not supported by any evidence (see footnote 1);

c) The Council is concerned that the size of the proposed accommodation to service the visitor attraction is excessive at 84m².

d) The Council is concerned that there could be a significant adverse impact on neighbouring properties and has received objections from several members of the public.

365/18 Members considered the following planning application.

18/00927/FUL & 00929/AGR Erection of calf shed (927) and cattle shed (929), Old Hall Farm, Main Road, Betley for Mr & Mrs McDowell

RESOLVED that the Parish Council would ask the local planning authority:

A) to satisfy itself that the proposed buildings are necessary for the farming system proposed, in addition to the several buildings that have been erected on the site in recent years, not all of which appear to be fully utilised, and that the system of farming proposed is sustainable;

B) to ensure that the siting of the buildings is appropriate within the landscape setting, close to Listed Buildings and the Conservation Area;

C) adequately considers issues relating to the 400m amenity distance between agricultural buildings and residential properties as indicated in the Town & Country Planning Act (GPDR) requirements;

D) to ensure there is no adverse impact on nearby properties;

E) to ensure adequate provision to address slurry, effluent and other potential waste issues arising from the significantly more intensive operation proposed and to work with

relevant statutory bodies (e.g. Natural England) to ensure protection of the Betley Mere NNR and Ramsar Site.

366/18 Members considered the following planning application.

18/00884/FUL Erection of farm manager's dwelling, land at Old Hall Farm, Main Road, Betley for Mr & Mrs McDowell

RESOLVED The Parish Council is very firmly of the view that the nature and intensity of the current enterprise on the site clearly does not meet the necessary justification for a new dwelling, with the current owner/farmer living about a mile from the site. At the meeting of the Parish Council the applicant indicated that the current operation is managed by a tenant resident in Derby, although this may relate to the sheep enterprise rather than the cattle on site.

With regard to the proposed enterprise the Parish Council notes that the normal practice is for the Planning Authority to consider three years of business accounts before determining any application for a permanent dwelling of this nature; particularly where the abilities and experience of the applicant is unknown. . In the absence of three years of business accounts there can be provision for a temporary provision (e.g. caravan or similar temporary accommodation) in order to allow time to confirm viability and prove the sustainability of the enterprise.

There is also a requirement to consider whether suitable dwellings are available within reasonable proximity to the business. This is the case in Betley where suitable properties are regularly available (e.g. in East Lawns) which would meet the requirement to be in reasonable proximity to the proposed business.

The Parish Council is also concerned at the proposed siting within the orchard which is a significant historical and environmental feature the loss of which should be avoided; advice of Natural England should be obtained.

The Parish Council therefore objects strongly to the application as:

- A) the business case does not appear to be very robust;
- B) there are no business accounts to demonstrate the viability and sustainability of any such business on the site;
- C) The application is for a permanent dwelling which should not normally be permitted until long-term viability has been established;
- D) alternative dwellings are available locally and regularly come on to the market (e.g. East Lawns).

If the Local Planning Authority was minded to grant permission for a dwelling despite the Parish Council's very strong objection this would require an agricultural occupancy condition and the dwelling would need to be tied to the agricultural holding to prevent separate sale at a later date.

367/18 The Clerk formally reported to members the recent road traffic collision at Balterley which had damaged both the bench and the notice board beyond repair. An insurance claim would be submitted to meet replacement costs and the Clerk was authorised to seek prices for quality replacements.

368/18 The Clerk submitted to members a list of invoices to hand and payments due.

RESOLVED that the Council authorises payment of the following :

Swarco	Speed Monitoring Equipment	£3,824.41	1433
L Rimmer	Meml Garden maintenance	£ 60.00	1434
CPRE	Subscription	£ 36.00	1435
S Daly	Christmas Lights Event		
	(Children's treats)	£ 122.00	1436
LB Shepherd	Meml Garden Electrical	£ 50.00	1437

369/18 Date of the next meeting: Thursday 24th January 2019.