

BETLEY, BALTERLEY & WRINEHILL PARISH COUNCIL

Minutes of the meeting held on 25th February 2010

PRESENT

Cllrs Robert Bettley-Smith, Steven Ball, Sebastian Daly (from min.40/10), Simon Harrison (from min.39/10), David Hales (from min.37/10), Richard Head and John Price and Chris Watkin (from min.37/10).

IN ATTENDANCE

Borough Cllr David Becket
Two members of the public
Gwyn Griffiths (Clerk)

34/10 Apologies for absence were received and accepted from Cllrs Berrisford, Cameron, Daly and Speed. Apologies for likely late arrival due to work commitments were received from Cllrs Daly, Harrison and Watkin. An apology for absence was also received from County Cllr Chapman. [Subsequently the Clerk was notified of an apology which had been submitted by Cllr Morris]

35/10 Members considered the declaration of interests in agenda items. There were no declarations at this point.

36/10 **RESOLVED that, subject to the correction of a typing error (Bwecket for Becket) in Minute 12/10, the minutes of the meeting of 28th January 2010 be approved as a true record and be signed by the Chairman.**

37/10 The meeting was adjourned to allow public participation. Two members of the public participated.

The first member of the public expressed concern regarding drainage issues in the Cracow Moss area. Residents were required to pay water rates for the disposal of highways water, but run-off in the area was drained into lane-side ditches which were not maintained at public expense. Since highways run-off was being routed into these ditches he felt that the Highways Authority should maintain the ditch. He was also concerned that there were no grids or gullies on the tarmaced stretch of Cracow Moss; the resultant run-off was undermining the lower unsurfaced stretch of lane, which then had to be maintained by residents.

[Cllrs Hales & Watkin joined the meeting during this item]

The second member of the public was present to listen to the Council's discussion regarding the Blue Bell Inn, and indicated his willingness to discuss the future of the site with members.

38/10 The Chairman reported on his activities since the last meeting. He had received he necessary forms to take up his role as a Trustee of the Rural Runabout scheme. He had received an e-mail from the Treasurer of the PCC regarding the public meeting to

consider closure of the Old Churchyard, and a possible Community Chest application for audio equipment. He had been involved in discussions regarding the Model Farm planning applications and the work of the Conservation Advisory Working Group.

39/10 Borough Councillor Becket reported on the following issues:

Community Chest. As it might not be possible to 'carry forward' any balances he urged the Council to allocate its full budget for 2009-10.

Lamp at The Butts. The Borough Council had been reviewing lighting which was not the responsibility of the County Council. Although the Borough had undertaken some limited work in the past there was now concern about the council's potential role in maintaining and accepting responsibility for this lighting. He suggested that the Parish Council should write to the Borough's Chief Executive setting out the view that the lights were important for public safety, and seeking an early resolution of the matter.

Council Tax. The Borough had approved an increase of 1.5%, the lowest in the history of the Borough.

New recycling programme. Calendars should now have been delivered to all properties, and the scheme would start on Thursday 4th March.

39/10 Members considered the following planning application:

010/00057/LBC Repair and minor alterations to listed barns for re-use as agricultural buildings, Betley Model Farm, Betley.

RESOLVED that the Parish Council strongly supports the application.

[Cllr Harrison joined the meeting during this item]

40/10 Members considered the following planning application:

[Cllr Daly joined the meeting during this item]

[Cllr Watkin declared a personal interest in this application as his parents were residents of Betley Hall Gardens, though not directly affected by the application]

[During discussion of this item the meeting was briefly adjourned to allow Cllr Becket to comment on the Parish Council's consideration of the matter]

010/00059/FUL Construction of a one and a half storey, two bedroomed guest annexe, The Old Wood, Betley Hall Gardens, Betley.

RESOLVED a) that, contrary to the line advanced by the applicant, the Parish Council is firmly of the opinion that there are no very special circumstances to justify permission being granted. The application should be refused for the following reasons:

i) that it contravenes Policy S.3 as new development within the Green Belt, and that there are no very special circumstances to justify development;

ii) that the Council believes that the application is not consistent with Policies B.10 and B.11 (in that there is an intent to demolish an existing structure), and B.13 and B.15 (in that the application requires the removal of semi-mature trees);

iii) that it is not consistent with Policy N.18, in that its siting, form and materials fail to reflect the character, or protect the appearance, of the area.

b)

i) The Parish Council would draw to the Borough Council's attention the Permitted Development Rights legislation which refers, among other things, to "a purpose incidental to the enjoyment of the dwelling house". The Parish Council is firmly of the view that providing separate three-bedroomed accommodation is beyond what could reasonably be considered "incidental to the enjoyment of the dwelling house".

ii) By definition a separate, substantial building capable of independent occupation (comprising three bedrooms, kitchen, lounge, bathroom and double garage, along with the usual domestic offices and facilities) represents a separate stand-alone dwelling and is not by definition incidental or ancillary. Should the law not appear sufficiently prescriptive or definitive in this area then it is necessary to examine what the draftsman actually intended and here, on the balance of probabilities, it is clear the legislation was not drafted with the intention of permitting such development.

iii) Further, the Parish Council would draw to the attention of the Borough Council Section E.1 (h) of the legislation, which specifically excludes Permitted Development Rights under Section E where "it relates to a dwelling". The Parish Council considers that the proposal to create a separate, substantial building capable of independent occupation (comprising three bedrooms, kitchen, lounge, bathroom and double garage, along with the usual domestic offices and facilities) represents a dwelling and is, therefore, specifically excluded under the legislation.

iv) For the proposed building to be considered "incidental to the enjoyment of the dwelling house" it would clearly need to be deficient in one or more components of incidental living, which is not the case.

c) If the Borough Council was minded to grant permission, with a condition to restrict its use to guest accommodation, it would be impossible to enforce any such condition in view of the isolated location and nature of the proposed site, within an extensive tract of private land and behind locked gates.

41/10 The Clerk advised receipt of the following Decision Notices received:

N09/13 Demolition of the existing entrance and toilet block extension; replacement building extension at Betley Primary School, Church Lane, Betley – PERMITTED

09/00696 700 702 703/FUL Agricultural building and feed silo (four phases), Elms Farm, Newcastle Road, Balterley – PERMITTED

42/10 Borough Cllr Becket advised members that applications 674 & 675 for Betley Model Farm had been refused, though the Clerk advised that formal notification had yet to be received.

43/10 Members considered a paper prepared by the Clerk, outlining a draft statement of the Council's view on the future of the Blue Bell Inn and its site.

RESOLVED that, subject to the amendments made at the meeting, the paper be endorsed as the Council's view and be forwarded to the Borough Council.

[The paper is appended to these minutes]

44/10 The Clerk reported that invitations to tender had now been sent out, with a closing date of 11th March.

RESOLVED that the Clerk be authorised to liaise with the Website Working Group in drawing up a report to the March meeting on tenders received.

45/10 Members noted that the public meeting to consider the closure of Betley Old Churchyard would be held on 22nd April 2010.

46/10 Members noted an approach from the PCC regarding possible support for audio equipment for the church from the Community Chest. It was agreed that this should be considered at the March meeting, and that an alternative of providing support via the Council's own budget should also be considered.

47/10 Members considered the allocation of the remaining balance in the Community Chest allocation from the Borough Council.

RESOLVED that further grants be made to the Madeley & District Community Association (£50) and the Betley Village Hall Committee (£200).

48/10 The Clerk advised members that there were no invoices to hand or payments due, but that a cheque issued at the last meeting (869 Betley Village Hall £48.00) had been returned for re-issue, having been damaged in the post. The Clerk also submitted the Financial Statement to date.

RESOLVED a) that the Council authorises the issue of the following:

Betley Village Hall	hall hire	£ 48.00	871
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b) that the Financial Statement be received;

c) that the Bank Statements be noted, and the reconciliation verified.

49/10 The Clerk reported that he had been advised by the Bank that a new security code needed to be obtained. Clearly this was not a matter which could be determined during a public meeting.

RESOLVED that the Clerk be authorised to select a new security code, and that any necessary forms be completed at the March meeting.

50/10 Members of the Laudy Croft Maintenance Working Group reported that no further maintenance work was currently required.

51/10 Members considered issues relating to communication.

52/10 Members considered the contract for maintenance of the Memorial Garden in 2010.

RESOLVED a) that the Council would wish to reappoint the existing contractor, subject to satisfactory terms being agreed;

b) that the Clerk be authorised to discuss terms and conditions with the existing contractor, with a view to extending the contract for the coming season, subject to consultation with the Chairman and/or Vice-Chairman.

53/10 Members considered a policy for allowing the Memorial Garden to be used by other organisations. Concern was expressed regarding the Council's potential liability where other organisations erected structures or signs.

RESOLVED a) that the Clerk be asked to take advice on the legal implications which might face the Council;

b) that the policy be considered again at the March meeting.

54/10 Members considered concern regarding the positioning of the Speed Camera van on the A531.

RESOLVED that the Clerk write to the Speed Camera Partnership asking them to have consideration for the safety of vehicles and pedestrians when positioning the van.

55/10 The Council considered area issues raised by members.

RESOLVED that the Clerk write to the appropriate authorities on the following issues:

- a) dips in the road surface of the A531 south of the Broughton Arms;
- b) the maintenance of 'non county council' streetlighting in Betley and Wrinehill (The Butts, Cracow Moss and New Road);
- c) highways drainage at Cracow Moss;
- d) alleged tipping of waste materials at The Slum.

56/10 The Clerk submitted details of correspondence received since the last meeting.

RESOLVED that Cllr Head co-ordinate member interest in attending the Civic Spring Ball.

57/10 Members considered items for future Agenda:

RESOLVED that the following items be tabled:

March – Memorial Garden policy; Blue Bell Working Group; Cracow Moss drainage; Dog Fouling, Balterley; possible environmental improvements, Balterley and Wrinehill; signage Roger Avenue – Ladygates; Neighbourhood Watch.

April – East Lawns/ Roger Avenue.