

BETLEY, BALTERLEY & WRINEHILL PARISH COUNCIL

Minutes of the meeting held on 27th September 2012

PRESENT:

Cllrs Seb Daly, Karen Burton (from min.258), Dave Hales, Hayley Kerr and Chris Watkin.

IN ATTENDANCE:

County Cllr Frank Chaopman
Borough Cllr David Becket
Gwyn Griffiths (Clerk)
Seven members of the public

255/12 Apologies for absence were received and accepted as valid reasons for absence under Section 85 of the Local Government Act 1972 from Cllrs Ball (work), Berrisford (work), Bettley-Smith (family), Head (family), Speed (work), and Thomas (holiday).

256/12 Members considered the declaration of interests in agenda items.

257/12 The Clerk advised members that he had integrated the notes of the 26th July meeting taken by Cllr Watkin in the Clerk's absence into the draft minutes, incorporating clarifications agreed with the Chairman. He also indicated an appropriate form of words to give effect to the conclusions reached in Minutes 252 to 254.

RESOLVED a) that the minutes of the special meeting of 19th July 2012 be approved as a true record and be signed by the Chairman;
b) that the minutes of the meeting of 26th July 2012 as circulated, and including the additional resolutions suggested by the Clerk and now incorporated, be approved as a true record and be signed by the Chairman.

258/12 The meeting was adjourned to allow public participation.

A member of the public wished to comment on application 12/00545/PLD for a Certificate of Lawful Development (CLD) for proposed use as a wedding venue, land adjoining Buddleigh Farm, Balterley.

He outlined the complex planning history of Buddleigh Farm and its associated buildings, and suggested that some development had already taken place without the benefit of planning consent.

[Cllr Burton joined the meeting at this point]

The site was already being advertised as a venue for weddings, wedding receptions, and other events, with both the marquee and existing buildings being advertised as a package. He felt that the attempt to gain permission for the marquee through the lawful development procedure was wrong, and could have excluded local residents, the area's Borough Councillors and the Parish Council from consideration of the proposal. Almost fourty objections to the proposal had already been submitted since the application came to light.

He proceeded to set out the principal objections to the application:

- The applicant had misunderstood the Local Planning Authority (LPA) advice;
- Access directly onto the A531 would be dangerous, and – as the Highway Authority recommended alterations to the entrance arrangements – the application was outside the requirements of permitted development;
- The proposal represented a substantial change, not a *de minimis* alteration;
- The claim that the siting of a marquee on the field, independently of the buildings at Buddleigh Farm, and thus separate from its curtilage, was not credible;
- The LPA should reject the application, and the proposal should be subjected to the normal planning procedure.

A second member of the public indicated that the CLD application represented the tip of an iceberg of other activities which were already taking place without the benefit of planning permission.

A member asked for clarification on some of the issues raised. Members of the public responded.

A third member of the public stated that marriage ceremonies had to take place in a fixed structure, and were not legally permissible in a marquee. Therefore the proposed use as advertised had to involve the use of neighbouring buildings within the curtilage of Buddleigh Farm.

259/12 There was no Chairman's Report, and the Vice-Chairman had nothing to report.

260/12 The Clerk reported that he had been unable to secure a tender to carry out the necessary works to noticeboards within the budget authorised at the last meeting. He presented members with details of the three tenders received, and invited them to consider the schedule of works and tender prices submitted.

RESOLVED that the scheme of works set out in Tender B be chosen, and that a contract in the sum of £675 be entered into with B Heywood of Willaston, Nantwich, Cheshire.

The Clerk advised that he was still awaiting a definitive response from BT regarding the future of the telephone kiosk on Main Road, Betley.

261/12 County Cllr Chapman advised members that, following the retirement of the current member for the Eccleshall division he would be contesting that division (his home area) in the 2013 County Council elections, and that he would be replaced as the Conservative candidate for the Newcastle Rural division by Mr Brian Tomkins, who he introduced to members.

Cllr Chapman provided information on the Police Commissioner elections which would be taking place on 15th November, and advised members that he would be unable to attend the Parish Council's October meeting.

262/12 Borough Cllr Becket presented his report, which included the following matters:

Core Strategy Site Allocations. There was only one site in the parish identified for possible development: the East Lawns garage area. He had submitted an objection to such an allocation, and suggested the Parish Council might also wish to object.

Buddleigh Farm. He shared the concerns expressed by members of the public earlier in the meeting. He did not feel that a Certificate of Lawful Development was how the matter should

be dealt with, but that was in the hands of the applicant. In particular he was concerned that such a process prevented the use of planning conditions to control any development.

Blue Bell. The officers had recommended three grounds for refusing the recent application, but members had insisted on removing one of those grounds as it would effectively have prevented any redevelopment, however appropriate. He felt an appeal was unlikely, and that a smaller scale development was more likely to be submitted.

Bus Service. A review of bus support by Cheshire East was likely to lead to the withdrawal of the evening service on the 85; the daytime service had however been enhanced slightly by being extended to Hanley and Nantwich.

Mayoral Events. The sponsored walk had been slightly disappointing in terms of turnout, but a good sum of money had been raised. There was to be a Civic Coffee Morning on October 12th at the Mayor's Parlour.

263/12 The Clerk reported that the following matters had been dealt with under Urgent Business procedures since the last meeting:

1. Planning application 12/00458 Replacement of rear window with door, and installation of exterior flue, Byrne Cottage, Main Road, Betley. In view of the small scale of the works, and the fact that it was at the rear of the property no objection had been raised by the Parish Council.

2. Three payments had been made on the 14th September as follows:

DA Barratt (Jubilee event)	£550.00	cheque 1061
(replaced returned cheque 1056, returned)		
Zurich Municipal (insurance premium)	£487.96	cheque 1062
(payment required before date of meeting)		
Audit Commission (external audit)	£162.00	cheque 1063
(payment required before date of meeting)		

The Clerk also advised members that, after consultation with the Chairman and Vice-Chairman, he had entered into a 5 year agreement with Zurich Municipal for insurance cover, which was likely to secure a significant saving (probably of the order of £450) over the period of the agreement.

RESOLVED that the actions of the Clerk, as undertaken following consultation with the Chairman and Vice-Chairman, be endorsed.

264/12 Members considered the following planning applications (including 12/00545 which was technically not a planning application, but an application for the determination of a certificate of lawful development).

265/12 12/00545/PLD Application for a Lawful Development Certificate for a proposed use as a wedding venue, Buddleigh Farm, Betley.

RESOLVED that the Parish Council does not believe that the application meets the necessary requirements for a Certificate of Lawful Development on the following grounds:

1. Curtilage. The proposal would not fall within permitted development if it lies within the curtilage of a building. The Parish Council would contend that the proposed use (the erection of a marquee for use as a wedding venue) clearly falls within the curtilage of the adjoining buildings (Buddleigh Farm and its associated buildings, including that known as Hunter's Tryst) on the following grounds:

a) that the proposed use is not practical unless linked to the buildings at Buddleigh Farm, for the provision of toilet, changing and other facilities, and the preparation and storage of food etc, and as a venue for civil ceremonies (which cannot be conducted within a temporary structure);

b) the commercial advertising already carried out by the applicant – and visible at www.malibumarquees.co.uk - clearly advertises the use of facilities within the Buddleigh Farm buildings, including accommodation at Hunter's Tryst and photographic opportunities within the residential curtilage, as part of the package which also includes the marquee on the application site.

On these grounds the Parish Council would contend that as the independent use of the field as a wedding venue would be impractical without access to the facilities at Buddleigh Farm (including Hunter's Tryst) then the whole site on which activities would take place would represent a single site, and single curtilage for planning purposes.

2. Access. Article 3(6) of the GPDO states that the permitted development sought by the applicant cannot apply where the use would require or involve “the formation, laying out or material widening of a means of access to an existing highway which is a trunk road or classified road, or creates an obstruction to the view of persons using any highway used by vehicular traffic, so as to be likely to cause danger to such persons”. The applicant states (paragraph 4.05 of the Supporting Statement submitted by John Rose Associates) that the Highway Authority has recommended works (widened access, surfacing of part of the access within the field and a visibility splay) which clearly place the proposal outside permitted development. If the applicant is minded to test the Highway Authority's recommendations this can only properly be achieved through a full planning application, which would allow the Local Planning Authority to reach a view in response to the comments of the Highway Authority.

The applicant's own transport consultants seem to be challenging the recommendation, but this seems to be based on assumptions that there would be no conflicting movements at the gateway (highly unlikely with guests and service vehicles arriving and departing at various, and unpredictable times), and no requirement to surface the access within the field (highly unlikely with c.150-200 vehicle movements for each event in unpredictable British weather).

Conflicting movements at the gateway, together with potential congestion caused by poor surface conditions within the site, would lead to stationary vehicles queueing on the A531 close to hazardous bends, at a location where double white lines in the centre of the road emphasise the need for caution.

3. Accuracy and consistency of application. There are a number of anomalies between the application itself and the applicant's advertising, such as the sizes and capacities of the marquees to be provided. This has a consequential effect on the potential implications for car parking, access arrangements etc. A number of basic elements essential to such use are not referred to at all in the application, such as facilities for toilets, changing, food preparation and storage, lighting, music and/or public address.

As a Local Planning Authority you will be aware that the relevant legislation requires that applications for Certificates of Lawful Development “must precisely describe what is being applied for ... [with] precise details of what use, operations or failure to comply with a condition are found to be lawful, why and when” [paras. 8.11 & 8.16 of Annexe 8 of the 1990 TCPA]. The Parish Council is of the view that the application, in view of the vagueness regarding size and capacity of marquees, provision

of essential services and facilities, times of operation, and potential for ‘bad neighbour’ activities such as music and fireworks, clearly fails to meet the requirements of paras 8.11 & 8.16.

As a Local Planning Authority you will also be fully aware of the severe penalties contained within the relevant legislation where applicants provide inaccurate or misleading information in pursuit of a Certificate of Lawful Development. The Parish Council asks that you ensure that you are in possession of full and accurate details of all elements related to the proposed use before consideration, and that in its absence you must refuse the application.

4. Conditions. In considering development, or change of use, on any site the Local Planning Authority will wish to consider whether there are elements within the proposed use which require control by the imposition of conditions (e.g. times/days of operation, areas of use etc). The Parish Council understands that conditions cannot be attached to a Certificate of Lawful Development, and feels that this would be totally unacceptable for this proposed use in such a sensitive semi-rural location.

5. Days of operation. The applicant is seeking to operate on the basis of Class B of Part 4 of the GPDO, which allows the use of land for not more than 28 days in any calendar year, and further submits that each wedding reception should only represent a single day under that provision, even though the marquee might typically be in place for four days for each reception. The Parish Council would suggest that since the application refers to “the development of a marquee on the field” (para 1.04 of the Supporting Statement) then the use would commence with the erection of a marquee, and end only with its complete removal.

6. Existing development in area. The Parish Council has been informed that significant development has already occurred at Buddleigh Farm (as advertised on the website referred to above), and this may not enjoy the benefit of appropriate planning permission. The Local Planning Authority is asked to ensure that all existing development has the benefit of planning permission.

Betley, Balterley & Wrinehill Parish Council therefore urges the Local Planning authority to reject the application for a Certificate of Lawful Development on the following grounds:

a) the use is only viable if integrally linked to the existing buildings at Buddleigh Farm, and therefore falls within its curtilage, and would fail the test set out by the TCP(GPD)O 1995;

b) the advice – indeed recommendation – of the Highway Authority is that the use would require works at the entrance to the A531 and within the field which would place it outside the requirements of Article 3(6) of the GPDO;

c) the discrepancies between the application and the website offering services at Buddleigh Farm are such that the application fails to meet the test set by Annexe 8 of the 1990 TCPA.

The Parish Council is also strongly of the view that the significance of the development, and its potential impact on Green Belt policies, residential amenity and highway safety demand that it should be subject to the full rigour of the normal planning procedure

266/12 12/00544/AGR Prior notification of agricultural development. Livestock building, Bowhill Farm, Bowhill Lane, Betley

RESOLVED that the Parish Council has no objection.

267/12 12/00550/FUL Two storey side extension, Nelson House, Main Road, Betley

RESOLVED that the Parish Council supports the application.

268/12 The Clerk advised members of the following Planning Decision Notices:

12/00251/FUL Detached double garage, 1 Ravenshall Barns, Betley – WITHDRAWN

12/00338/FUL Detached dwelling, opp 1 Church Villas, The Butts, Betley – PERMITTED

12/00344/FUL Retention of double garage, Whitegates, Main Road, Betley –

PERMITTED

12/00345/FUL Replacement of boundary fence with wall, Daisy House, New Road, Wrinehill – PERMITTED

12/00362/AGR Extension to Dutch Barn, The Old Hall Farm, Betley – REFUSED

The Clerk drew particular attention to 12/00362 where the grounds for refusal closely followed the arguments set out by the Parish Council, and advised that conditions attached to 12/00344 addressed the concerns regarding possible damage to the hedge expressed by the Parish Council.

269/12 There was nothing further to report regarding the collapsed wall at the rear of Main Road, Betley.

270/12 Members considered arrangements for the illumination of the Christmas Tree on the Memorial Garden.

RESOLVED a) that the event take place on Friday 30th November, and follow the usual pattern;

b) that a donation of £50 be made to the Audley Rotary for their co-operation in ensuring the attendance of Father Christmas and his float;

c) that packs of sweets be obtained for distribution to children in attendance, within a maximum budget of £50.

271/12 Members considered a complaint raised by a member of the public regarding grass mowing arrangements, particularly in the Main Road/ East Lawns area. The Clerk advised that the mowing standard, whether carried out by the Borough Council or Aspire Housing, was essentially budget-led and that the removal of grass clippings would incur additional costs. The Parish Council had approached Aspire to explore the possibility of taking over maintenance in that area, but Aspire felt unable to co-operate.

RESOLVED that, in view of the unwillingness of Aspire to co-operate, no further action could be taken.

272/12 Members considered initiatives being undertaken or considered by the Parish Council.

273/12 Clearance of pavements. Work had been undertaken by the SCC Neighbourhood Gang to clear a further stretch of pavement, as far as the Doddlespool Bus Stop, but no explanation had been received as to why the work had not been carried out as scheduled in May.

RESOLVED that the Clerk be authorised to commission further work to cut back vegetation encroaching onto the pavement between Doddlespool and Post Office Lane subject to a maximum budget of £700, to be funded from the SCC Highways provision.

274/12 Bus facilities, Main Road/East Lawns. Members considered a request to provide a shelter for the Crewe-bound stop at this location. It was felt that such a facility could only be installed with the support of the neighbouring residents.

RESOLVED that the Clerk write to the four households adjoining the bus stop, seeking their views on the potential provision of a bus shelter at this location.

275/12 A member suggested that the Parish Council should be more proactive in developing and supporting initiatives which contributed to quality of life in the area, and supported a feel good factor, and that specific budgetary provision should be made for such work. The Clerk listed some of the initiatives carried out by the Parish Council in recent years, such as enhancements at the Memorial Garden, improvements to Christmas lighting, the provision of a community grit supply, provision of new benches etc. He also suggested that he might bring forward ideas for the 2013-14 budget to allow for specific budgetary provision, without requiring any increase in the overall precept.

RESOLVED that the Clerk be asked to table options for the 2013-14 budget at the November meeting.

276/12 Members noted that there had been no further communication from the County Council regarding the Community Paths Initiative.

277/12 Members discussed the Community Speed Watch Scheme. It was felt that it was important that the scheme should be community-led, and not a Parish Council project, although the Parish Council would be happy to provide financial and overall administrative support. The Clerk would arrange for details of ways in which residents could support the scheme to be placed on the noticeboards and the website.

278/12 The Clerk tabled a report setting out the potential impact of the Localised Council Tax Support scheme on both residents and the Parish Council itself.

RESOLVED a) that the Parish Council does not wish to comment on the draft scheme for Newcastle-under-Lyme Borough Council;
b) that the Clerk be asked to monitor any potential impacts on the Council's setting of its budget, precept and individual Council Tax bills, and report to members as appropriate.

279/12 Members considered area issues raised by members. There were no matters requiring decision.

280/12 The Clerk advised members of the outcome of his enquiries regarding access issues at The Butts. As suspected The Butts was unadopted as a highway and the Highways Authority therefore had no powers to regulate access. Neither was it a Public Right of Way; any rights to pass were private civil matters relating to householders in, or adjacent to, The Butts and could only be established by the provisions of any title deeds or other legal provisions (e.g. through covenants), and could only be enforced by the affected rights holders through civil action. The Clerk had contacted the Ambulance and Fire Services asking for their views on the matter. No reply had been received from the ambulance service; the fire service had inspected the location and indicated that they would not seek to enter The Butts with a vehicle, and would respond to any call from the main road. In any event they had no powers to force access.

281/12 The Clerk tabled correspondence received since the last meeting. There were no matters requiring decision.

282/12 The Clerk submitted to members a list of invoices to hand and payments due, and the Financial and Bank Statements to date.

283/12 **RESOLVED** a) that the Council authorises payment of the following:

TW Heler & Sons	pavement maintenance	£264.00	1064
G Griffiths	salary (back payment)	£828.88	1065
G Griffiths	salary & expenses	£781.84	1066
CPRE	membership subscription	£ 29.00	1067

b) that the Financial Statement be received;

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

284/12 The Clerk advised members that the External Audit for 2011-2012 had now been completed, and was a clean audit, and that the External Auditor for 2012-2013 would be Grant Thornton. It seemed that the change might lead to a small decrease in the Audit Fee payable.

285/12 Members of the Laudy Croft Working Group advised that no maintenance work was currently required. Members considered potential usage of the pack of hedgerow trees which had been obtained.

RESOLVED that the matter be considered at the next meeting.

286/12 Members considered Council communication, and matters to be included in the next issue of the Parish Magazine.

287/12 Date of next meeting: Thursday 25th October 2012.

288/12 **RESOLVED** that the press and public be excluded during consideration of the following item under the provisions of the Public Bodies (Admission to Meetings) Act 1960 and Section 100A (Schedule 12A Part I) of the Local Government Act 1972 in that it relates to potential contractual arrangements for the supply of goods and services, and/or potential legal proceedings by or against the authority, and that it is considered to be in the public interest to exclude.

289/12 The Clerk advised that no further communication had been received from the Borough Council regarding land at Laudy Croft.