

# KINGSLEY PARISH COUNCIL

## MINUTES OF THE MEETING OF KINGSLEY PARISH COUNCIL HELD IN KINGSLEY COMMUNITY CENTRE ON TUESDAY

19<sup>th</sup> December 2017 AT 7.30PM

**Present:** Councillor S. Billows  
Councillor D. Crossley (Chairman)  
Councillor J Dean  
Councillor A Dedman  
Councillor D Fletcher  
Councillor C. Jones  
Councillor D. Moores  
Councillor D Molyneux  
Councillor Warburton

### MEETING No 7

REF.	DISCUSSION	ACTION
	<p><b>Opportunity for Public to Raise Issues</b></p> <p>There was an attendance of several members of Kingsley parishioners. Three members of the public spoke regarding the approval of 15 affordable houses at Higher Heyes by Cheshire West and Chester Council's (CWAC) Planning Committee.</p> <p>Mr Simon Sherlock thanked Cllr David Crossley and Dr Chris Pownall for attending the meeting and speaking on behalf of the Council stating KPC's objection to the development. He then went on to say he was shocked and amazed by the attitude of the councillors at CWAC who appeared to have pre-determined the decision and did not take into account the statement by the KPC. Mr Sherlock also offered his services with regard to crowd funding and any IT assistance required.</p> <p>Mr Chris Burrows also thanked Cllr David Crossley and Dr Chris Pownall for attending on behalf of the Council and the Parish. Mr Burrows stated the Planning Committee appeared amateurship in their handling of the case and did not meet the guidelines regarding affordable housing. CWAC talked of Kingsley parking peculiarities rather than it being a major problem within the village. Mr Burrows also wanted it noted that he felt the CWAC councillors behaviour amounted to misconduct in public office.</p> <p>Dr Pownall felt the decision could be challenged on two major points</p> <ol style="list-style-type: none"><li>1) Evidence of need not proven. The response rate of the Housing Needs Survey was changed from 20% to 30% which was not acceptable.</li><li>2) Kingsley is not yet a Local Service Centre and there is time for this to be objected to from between 11 December 2017 and 29 January 2018.</li></ol> <p>He proposed that legal advice be sort regarding rural exception sites and a letter sent to the Secretary of State.</p>	

<p>17/178 (c)</p>	<p><b>The CWAC Planning Committee decision to approve the Higher Heyes scheme for 15 affordable dwellings and for Council to consider if further action is required.</b></p> <p>This item was brought forward in order that the members of the public could hear Council’s decision.</p> <p>Councillor Billows had produced a report titled ‘Higher Heyes and Affordable Housing Development in Kingsley’ which she talked through for the benefit of those attending. She was dismayed by the decision taken by the CWAC planning committee which refuted local views and she felt the decision was flawed in several areas.</p> <p>Cllr Billows report states that the housing needs survey was flawed in terms of response rate and the conclusions it drew regarding local need (ie the initial CWAC quoted acceptable response rate of 30%, the response was actually 20%). Changes in the housing mix were not circulated to responders and all consultees. Last minute change of plans were dismissed as immaterial when they were considerable re size and type of accommodation. Kingsley was referred to as already being designated as a Local Service Centre but this is still under consultation. Councillor Billows also informed the group that even though the decision had been taken by the CWAC planning committee, under the rules governing development in the green belt, this decision would need to be sent to the SoS to be ratified. In effect, this gives us a small window of time within which, if we do believe the decision should be challenged, we can make direct contact with the SoS and request that he delays ratification of the decision for the time being until we have taken further legal advice.</p> <p>Councillor Billows recommended the following resolutions:</p> <ul style="list-style-type: none"> <li>• Kingsley Parish Council take advice from a solicitor</li> <li>• To investigate funding for any legal costs incurred</li> <li>• To form a Working Group to further the investigations.</li> </ul> <p>Councillor Moores said that he believed that in general terms, this type of development does accord with planning policy set out in the CWAC Local Plan so in taking further advice as to whether we should challenge this decision we need to be careful about what we do decide to push back on – we can’t challenge it just because we don’t like the decision itself. However disappointed parishioners and councillors were, the decision by the CWAC Planning Committee is largely in accordance with local and NPPF planning policy which states that this type of development can be built on green belt under the Rural Exception policy if it can be demonstrated there is a local need for this type of development. Councillor Moores felt that concerns raised around response rate would be difficult to argue as whilst it is very low, there is no apparent policy or agreed standard that has not been met – albeit there was some e-mail correspondence between CWAC officers suggesting/advising that a response rate should be 30%. Councillor Moores felt that the key area where CWAC could be challenged is on their acceptance of a flawed housing needs survey which we felt did not provide sufficient evidence or justification for this development in Kingsley. The results of</p>	
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	<p>such surveys will always be interpreted by those commissioning the surveys to ensure the conclusions are in their favour and it seems clear that this is what happened here. Councillor Moores felt that to conclude that there was a need/demand for 15 affordable houses in Kingsley from the survey results was very misleading and this is something that we need to take further advice on. Councillor Moores went on to support the proposal to take expert advice as he felt it would be very difficult for the Parish alone to overturn the decision of the CWAC Planning Committee.</p> <p>Councillor David Molyneux also agreed that legal advice must be sought and to take into consideration any misconduct in public office.</p> <p>Councillor David Crossley confirmed that legal advice should be sought and that it is a matter of urgency to find a local solicitor as it is now very close to the Christmas holiday season.</p> <p>Councillor Claire Jones said that an organisation called Planning Aid should be approached as they will have much information on any assistance available.</p> <p>A discussion took place regarding the S106 money and why it was going to Frodsham and not to Kingsley. CWAC hold a pot for S106 money which is allocated as required and not ring fenced to the area where the development takes place.</p> <p>Councillor Oultram said that the only real challenge that could be made was to the results of the Housing Needs Survey.</p> <p>Councillor Dedman was interested in whether there is a divide nationally between the decisions made on planning by the various political parties.</p> <p>A vote was taken on the Resolutions proposed by Councillor Billows On all 3 resolutions there was a majority agreement that action should be taken. Proposed by Councillor Billows, Seconded by Councillor Molyneux.</p> <p><b>RESOLVED THAT</b></p> <ul style="list-style-type: none"> <li>• Kingsley Parish Council take advice from a solicitor</li> <li>• To investigate funding for any legal costs incurred</li> <li>• To form a Working Group to further the investigations</li> </ul> <p>Councillor Billows to lead the Working Group which will include Councillor Moores, Councillor Molyneux, and residents representatives; Mr Sherlock, Mr Burrows, Ms Harrison, Dr Pownall</p>	
17/175	<p><b>Apologies</b></p> <p>Councillor J Cliff Councillor R Wilson</p>	
17/176	<p><b>Minutes of the Meeting held on 21<sup>st</sup> November 2017</b> The minutes of the meeting held on 21<sup>st</sup> November were approved and signed</p>	

	by the Chairman as a true and correct record.																						
17/177	<p><b>Declaration of Interests</b> Register of interests: Councillors are reminded of the need to update their register of interests and the need to disclose both the type of interest and its nature.</p>																						
17/178	<p><b>Planning Issues</b></p> <p>a) <b>Council to NOTE the Planning decisions made by Cheshire West &amp; Chester Council</b></p> <p><b>Land Off Higher Heyes Road 17/02356/FUL APPROVAL</b> 15 affordable dwellings</p> <p><b>Blakelees Cottage Hollow Lane Kingsley 17/04120/FUL APPROVAL</b> Erection of one dwelling</p> <p><b>Westbrook House Hollow Lane Kingsley 17/04305/FUL APPROVAL</b> Conversion of farm building into 4 dwellings and alteration of farmhouse into 2 buildings. Plus garages and stores.</p> <p><b>Land at Dodsley Farm Beech Lane Norley 17/04581/PDQ REFUSAL</b> Change of use of agricultural building to dwelling house.</p> <p><b>72 Beech View Road Kingsley 17/04499/FUL APPROVAL</b> Proposed 1<sup>st</sup> floor side and single storey rear extension</p> <p><b>b)To Consider applications received and reviewed by the Planning Working Group:</b></p> <p><b>Hurstlea The Hurst Kingsley 17/04945/LDC RESCINDED NO COMMENTS REQUIRED</b> Conversion of garage to studio and replace ground floor windows/doors</p>																						
17/179	<p><b>Finance</b></p> <p>(a) <b>To agree the following payments and sign cheques</b></p> <table border="0"> <tr> <td>Suez Cemetery Bins</td> <td>£41.94</td> <td>D/D</td> </tr> <tr> <td>BT Office Telephone</td> <td>£29.52</td> <td>D/D</td> </tr> <tr> <td>NALC Cllrs Guide 2017 x 5</td> <td>£24.45</td> <td>2980</td> </tr> <tr> <td>J Preston Dec Salary</td> <td>£303.98</td> <td>2981</td> </tr> <tr> <td>HMRC Dec Tax</td> <td>£76.00</td> <td>2982</td> </tr> <tr> <td>Shaw &amp; Sons New Minute Book</td> <td>£149.69</td> <td>2983</td> </tr> <tr> <td>Sunrise Gardens Extra Tidy 29.11.17</td> <td>£ 90.00</td> <td>2984</td> </tr> </table> <p>(b) <b>Invoices paid prior to the meeting</b> None</p> <p>(c) <b>To note payments received</b> Dodgson &amp; Bell FD Alice Redhead Internment £264.00</p>	Suez Cemetery Bins	£41.94	D/D	BT Office Telephone	£29.52	D/D	NALC Cllrs Guide 2017 x 5	£24.45	2980	J Preston Dec Salary	£303.98	2981	HMRC Dec Tax	£76.00	2982	Shaw & Sons New Minute Book	£149.69	2983	Sunrise Gardens Extra Tidy 29.11.17	£ 90.00	2984	
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17/180	<p><b>Borough Councillor Remarks</b></p> <p>Councillor Oultram explained the situation regarding the S106 monies payable regarding the Higher Heyes development. The criteria for the use of the money is for use on:</p> <ul style="list-style-type: none"> <li>• Play equipment</li> <li>• Allotments</li> <li>• Parks and Open Spaces</li> </ul> <p>Usually the closest facility to a development should be entitled to the money, so it is not clear why the S106 monies is going to Frodsham and not Kingsley Councillor Oultram argued that the Kingsley Playing Field should have been entitled. He has not had a response at present as to why it was not considered. Apparently CWAC did not know there were allotments in Kingsley, they did not appear on their map. The Planning Officer controls the criteria and determines how the money is distributed.</p>	
17/181	<p><b>Playing Field Report</b></p> <p>Councillor Jones produced a plan showing the positioning of the new play equipment within the playing field. The zip wire will be placed in the middle section of the field adjacent to the existing play area, away from neighbouring properties. The new rotor web (climbing frame) will replace the large springing unit on an existing area of blue wetpour and the springer unit will be moved onto the grass between the existing swinger unit and see saw. A new area of wetpour surfacing will be created for the new swings.</p> <p>Councillors agreed to the various positions of the new play equipment.</p> <p>In the previous Minutes it was mentioned that Health and Safety signs be placed alongside the zip wire to ensure the equipment is used safely. Wicksteed had advised Councillor Jones that they have never had such signage place alongside their zip wires. After further discussion Councillor Jones said she would take advice from ROSPA.</p> <p>It is hoped that the new play equipment will be installed mid to late February though not during school half term holiday.</p> <p>Councillor Jones confirmed that £1000 had been granted towards the cost of the play equipment from Tesco and should shortly appear in the Council's account.</p> <p>Councillor Fletcher reported that Nick Mort was prepared to move the fence on the path leading from the Community Centre into the Playing Field at a cost of £100. At present it causes an obstruction for wheelchairs and pushchairs. A vote was taken regarding the cost of the work.</p> <p>Proposed Councillor Warburton  Seconded Councillor Fletcher  Unanimously agreed.</p> <p>RESOLVED THAT Councillor Moores would contact Nick Mort Builders to move the fence.</p>	<p>CJ</p> <p>DM</p>

17/182	<p><b>Cemetery Report</b></p> <p>Councillor Warburton reported that Sunrise Gardens had completed the hedge trimming and cutting down of the pampas grass.</p> <p>The work on the Railings in scheduled for the New Year.</p> <p>Councillor Warburton recently received comments from a family visiting the cemetery on how nicely it is kept.</p>	
17/183	<p><b>Report on Website/Emails</b></p> <p>Councillor Billows reported that the new email addresses are now available and are working well. Councillor Billows said the Parish Clerk’s computer requires upgrading to Office 365 in order to set up the new website. This will be looked into in more detail in the New Year.</p>	
17/184	<p><b>Town Farm Quarry Report</b></p> <p>Dr Chris Pownall produced the following report.</p> <p><b>Re Re:17/00829/S73</b>   Variation of conditions 1, 6, 63 and 68 of planning permission 14/01677/S73</p> <p>A meeting of the three Council Group led by councillor Charles Fifield was held at Winsford HQ on 24 November attended by Mr Rob Charnley ,case officer of the MPA.</p> <p>The application had been called in by Ward Cllr Fifield for the Planning Committee meeting on Tuesday 5th December but we were informed that this had now been rescheduled for either the January or February 2018 Committee meeting with the agreement of the applicant.</p> <p>At the last meeting with the MPA ,the Group had requested that CWaC seek legal advice on the suitability of the operator continuing to use S73 conditions, over a period of years, in order to increase the quantity of sand being extracted and restorative material brought to the site. Mr Charnley reported that he had only received generic advice from the QC he contacted. The Group asked that advice specific to the site be obtained before the next meeting</p> <p>The last survey of the site was made by the MPA itself in 2015 and the operator has not since provided any survey update although it is a condition of the licence that these are supplied twice yearly. The MPA had requested a partial updated survey from the applicant before the end of the year but of today’s date this has not been forthcoming or circulated. The group felt that CWaC should ensure compliance with the conditions</p> <p>Since this meeting the general feeling of the three Council members is that we are getting nowhere and as a minimum response a new letter be sent out from the Group to CWaC before the end of the year expressing our concern about the way this long standing issue is being handled.</p> <p>Dr Pownall confirmed that it was only inert material held within the Quarry. He will report back to the Council with any updates in due course.</p>	CP

17/185	<p><b>Neighbourhood Plan (NP)</b> Councillor Jones reported on a successful meeting held on the 6<sup>th</sup> November where a further three members of the public attended.</p> <p>John Heselwood of CCA reported on the workings of the desk top Housing Needs Survey and how it may be of use when producing a NP. Mr Heselwood hoped the report would be available by the end of March 2108. It is fully paid for by Cheshire West and Chester Council. Richard Thresh of Cheshire Community Action (CCA) attended and answered various questions put to him on the night. He is going to ask CWAC if he can help the Group in the early stages of setting up the NP, he should be able to provide up to 3 days of free advice.</p> <p>The next stage is to produce the following:</p> <ul style="list-style-type: none"> <li>• Project Plan</li> <li>• Terms of Reference</li> <li>• Neighbourhood Area to be defined</li> </ul> <p>As no-one has yet come forward to act as Chair, Councillor Jones will continue in the interim, though eventually it should be a member of the public and not a Parish Councillor.</p> <p>The next meeting in on Monday 8 January 2018 in the Community Centre at 7.30pm.</p> <p>Councillor Moores will investigate other venues for the monthly meetings, it is planned to meet on the 1<sup>st</sup> Monday of every month.</p>	DM
17/186	<p><b>Digitally Mapping the Kingsley Cemetery</b> Following the talk from Atlantic Geometrics at the last council meeting, discussion took place as to whether to appoint the company to take on the task of digitally mapping the cemetery. Concern was shown with regard to how reliable the company would be and what would happen if the company became bankrupt or dissolved its business. It was felt that this could happen to any organisation and the contract should cover such an eventuality. The Clerk will enquire as to the possibility of a digital hard copy that could be provided on a regular basis. The cost of setting up the system is £1600, after five years a monthly fee of £12.00 will be charged.</p> <p>At the last meeting it was decided to invite St John’s Church to include their cemetery into the same scheme. However after discussion by the Parochial Council, they have decided to stay with their present system and as they have 3 cemeteries to map they all need to be on the same system. They were very grateful, however, for the kind offer from the Council.</p> <p>A vote was taken as to whether to appoint Atlantic Geometrics to digitally map the Kingsley Parish Cemetery.</p> <p>Proposed Councillor Crossley Seconded Councillor Fletcher Majority agreed</p>	

	RESOLVED THAT the Parish Clerk will inform Atlantic Geometrics of the decision.	<b>JP</b>
17/187	<p><b>Working Groups Review</b> Councillor Crossley requested that someone take on the Portfolio of Traffic and Transport. Councillor Dean kindly agreed to do so. Councillor Moores will meet with Councillor Dean and pass on contact details of the Highways Dept at CWAC.</p> <p><b>Committee – Personnel</b> Cllr Billows, Cllr Crossley, Cllr Jones, Cllr Wilson</p> <p><b>Sub Committee – Planning</b> Cllr Crossley, Cllr Moores</p> <p><b>Working Group – Car Parking and Transport</b> Cllr Crossley, Cllr Billows, Cllr Moores</p> <p><b>Working Group – Community Fund</b> Cllr Crossley, Cllr Fletcher, Cllr Moores, Cllr Wilson</p> <p><b>Working Group – Conservation Area</b> Cllr Billows, Cllr Dean, Cllr Fletcher, Cllr Molyneux, Dr Pownall</p> <p><b>Working Group - Neighbourhood Plan</b> Cllr Crossley, Cllr Jones, Cllr Moores</p> <p><b>Portfolio – Cemetery</b> Cllr Warburton</p> <p><b>Portfolio – Council Website</b> Cllr Billows</p> <p><b>Portfolio – Rights of Way</b> Cllr Moores</p> <p><b>Portfolio – Playing Field</b> Cllr Fletcher</p> <p><b>Portfolio – Traffic &amp; Transport</b> Cllr Dean</p> <p><b>Portfolio – Village Enhancement</b> Cllr Jones, Cllr Cliff, Cllr Moores</p> <p><b>Portfolio – Town Farm Quarry</b> Dr Pownall (Non-Councillor Advisor)</p>	<b>JD/DM</b>
17/188	<p><b>Correspondence Received</b> Local Plan Part II Briefing had been received from CWAC. The consultation period is from 11 December 2017 - 29 January 2018. Councillor Crossley asked everyone to bring their comments to the January Council meeting on</p>	<b>ALL</b>

	<p>the 16<sup>th</sup> January 2018, so they can be quickly forwarded to CWAC before the deadline of 29 January 2018.</p> <p>Councillor Jones will email all councillors with the Council's 1<sup>st</sup> response to the Local Plan Part II.</p>	<b>CJ</b>
	<b>Meeting closed at 9.25pm</b>	
17/189	<b>Date of Next Meeting</b> 16 January 2018	

Signed:.....

Dated:.....