

**MINUTES OF ORDINARY MEETING OF BUNBURY PARISH COUNCIL  
AT THE PLAYING FIELDS PAVILION, BUNBURY ON 10 JULY 2019**

**PRESENT:** Councillor R Pulford Chairman  
Councillors M Thomas, P Brookfield, G Griffith, L Potter and N Parker.

**IN ATTENDANCE:** Marilyn Houston, Clerk to the Parish Council, CEC Cllr Pochin, 3 members of the public and one member of the press.

**OPEN FORUM**

Peter Gormon spoke on behalf of the Village Day Committee, thanking the PC for their support this year and over the past 50 years. Everyone was pleased with the wonderful parade, that the workshop funded by the PC, had contributed to. Cllr Pulford congratulated Village Day organisers on what was described as the best ever village day.

Mr Gormon also commented on 18/6356D Land at Oak Gardens Discharge of Conditions detailing a long list of reasons to support his view that the conditions were not met. These were noted to be considered when discussing this later in the meeting.

Another resident commented on how good Village Day had been.

**10.07.01 CO-OPTION OF MEMBERS TO THE PARISH COUNCIL – To consider the first three applications received – Tony Greco, Joan Gillon and Graham Melia.**

Apologies had been received from Tony Greco and Graham Melia who were on holiday. Joan Gillon was not present.

The Chairman proposed that as Tony Greco had served previously and therefore did not need to introduce himself to Members he should be co-opted, seconded by Cllr Griffith.

**RESOLVED:** to co-opt Tony Greco onto the Parish Council.

The other co-options were deferred for consideration to the next meeting in September.

**10.07.02 APOLOGIES**

Cllr M Ireland-Jones had sent apologies and supplied some information.

**10.07.03 DECLARATIONS OF INTEREST/REQUEST FOR DISPENSATION**

Members were invited to declare any personal interest (non-pecuniary) or disclosable pecuniary interest which they had in any item of business on the agenda, the nature of that interest, and in respect of disclosable interests, to leave the meeting prior to the discussion of that item.

None.

**10.07.04 MINUTES**

**(PARISH COUNCIL ORDINARY MEETING ON 12 JUNE)**

**RESOLVED:** to approve the minutes of the Ordinary Meeting on 12 June 2019.

**10.07.05 LOCAL POLICING ISSUES**

There were no Police representatives in attendance. They have a standing invitation to attend when available. Cllr Brookfield reported back from a meeting of the Police and Crime Commissioner with Parish Council representatives and on recent issues in Bunbury.

**10.07.06 HIGHWAYS ISSUES**

**PARISH COUNCIL HIGHWAYS REVIEW**

**Update Report from Cllr Pulford**

Cllr Pulford reported that the PC and CEC Cllr Pochin had been consulted on the parking sign for the playing fields to be installed by Cheshire East. Cllr Pochin is identifying possible funding for the school car park.

**10.07.07 CONSULTATIONS - To consider responding to any current consultations on the Cheshire East Website**

None requiring comment.

**10.07.08 PLANNING MATTERS**

**10.07.08.1 Planning applications, reserved matters and discharge of conditions applications received from Cheshire East since last meeting.**

**19/2914N 4, QUEEN STREET**, Variation of condition 2 (approved plans) to planning application 16/5185N - Proposed rear extension and internal modifications. For comment by 9 July (extension agreed for comment by PC)

**RESOLVED: No objection**

**19/2568N Land Off, HILL CLOSE, BUNBURY** Application from Muir Housing

Variation of Condition relating to the s.106 Agreement on Approval 15/5783N for residential development for 15 dwellings

Variation of the s.106 agreement to enable the properties to be charged at the higher valuation of MV-STT ("Market Value, subject to tenancies") as opposed to EUV-SH (Existing Use Value for Social Housing). For comment by 4 July extension for comments by PC approved

The Chairman pointed out a typo on the agenda the address wrongly included "Land at Oak Gardens".

The PC had requested a clarification from the affordable housing section at CEC and received an informative explanation from a senior policy officer.

*".....Registered providers need to access funding from lenders when they purchase affordable properties from developers. Our previous version of Section 106 was relatively restrictive in terms of if a registered provider was to default on their loans and go into receivership. This original Section 106 stated that the mortgagee/receiver/administrator would need to use 'best endeavours' to ensure the properties remained as an affordable provision (by transferring them to another registered provider, for example) if the registered provider went into receivership and there was a default on the loan.*

*The proposed change in this planning application (and the current new wording in our precedent S106) would mean that the receiver needs to use 'reasonable endeavours' to ensure the properties remain as affordable. This change in wording allows registered providers to access higher levels of funding, which in turn allows them to provide more affordable housing across the borough.*

*One of the key factors that Cheshire East considered was that a registered provider has never defaulted and lost their housing stock. There is an example where Cosmopolitan Housing came close in 2012, however since then there has been additional regulation put in place by the Regulator of Social Housing to prevent this. Registered Providers are regulated by the Regulator of Social Housing, their funders, Companies House and the Financial Conduct Authority.*

*Cheshire East Council needed to consider the risk that registered providers would find our Section 106 clauses too restrictive and not develop within the area, which would significantly impact on our housing delivery requirements. Weighed against the slim chance that a registered provider could default on a loan, the decision was made in November 2018 to change the wording of this clause. The planning application you refer to is backdating the change to allow the registered provider to access higher levels of funding.*

*In terms of affordability of the affordable property for buyers/tenants, this change to the Section 106 wording doesn't affect this. It is only referring to the scenario that the registered provider defaults on the loan and goes into receivership. In terms of the developer being able to sell/rent at open market levels, there is a small potential for the receiver/mortgagee to do this, but only in the unlikely scenario that the registered provider was to go into receivership, and the receiver/mortgagee had demonstrated reasonable endeavours they had tried to retain the properties as affordable and were unable to."*

**RESOLVED: No objection**

**18/6356D Land at Oak Gardens** Discharge of Conditions 6, 7, 9, 12, 13 and 14 on approved application 16/2010N. for comment by 4 July extension for comment by PC approved

The PC had noted the comments made by Peter Gormon and were minded to agree with them.

**RESOLVED: Bunbury Parish Council objects for the following reasons:-**

It does not fulfil a number of pre-consent conditions listed in HM Inspectors report schedule (Appeal Decision APP/R0660/W/16/3165643) namely:

Condition (8) with reference to the objection to the current(modified) site layout made by Jennifer Miller, Definitive Map Officer, PROW Team, Cheshire East Council.

Condition 10) No evidence of such an updated species impact assessment which seems to be confused as the same thing as a habitat Management strategy.

The Principle Nature Conservation Officer appears to indicate that such an impact survey has been done irrespective of the Badger Sett.

Condition (11) A habitat management strategy has now been produced that seems little more than the reinstatement of the various features shown on the 'indicative' site layout when seeking planning consent. They subsequently disappeared but are now back.

Condition (14) i) levels of adjoining gardens; etc... still not shown on any plan.

It is not possible identify the levels of adjoining gardens. This is necessary to be clear about the impact this development will have on existing residents.

The proposed development does not comply with a number of Bunbury Neighbourhood Plan policies:

1.The Bunbury Neighbourhood Plan (BNP) states under Housing Policy H5 Design:

..not be adversely affected through overlooking, loss of light or outlook, over dominance or general disturbance.

The inspector also commented on the problem in that the field is in fact higher at several points than houses in Wakes Meadow and that needs attention ..". I appreciate that existing occupiers would have their outlook changed but not so much as to cause unacceptable harm to their living conditions." (para. 21)

These plans propose a serious loss of privacy and amenity to existing residents. Specifically along the northern boundary where they would dominate over existing, lower properties. In the case of house C2 in plan E, it comes very close to their boundary and represent a complete loss of privacy to No 9 Wakes Meadow. To the east, the affordable houses also dominate the gardens and outlook from the three dwellings along Bunbury Lane.

2.The application also fails to meet BNP Policy LC1 - Built environment: namely that new developments should:

..demonstrate a high quality of design and a good standard of amenity for existing and future occupiers of the proposed development, at the same time ensuring that the amenities of neighbouring properties will not be adversely affected.

These poorly and uniformly designed executive homes fail to meet many of the Village Design Statements (appendix 2) resulting in a congested development. Inadequate planting and unfriendly high fences.

Policy ENV3 -Woodland, Trees, Hedgerows, Sandstone

Banks, Walls, Boundary Treatment and Paving

Included in the policy are the statements:

All new development close to existing mature trees will be expected to have in place an arboricultural method statement to BS5837 standard or equivalent before any work commences

The new site plan seems to be an attempt to fulfil this requirement. All it shows is the root Protection Zones of each of the major trees in and around the site and how the houses actually trespass on these zones

This does not meet the standards os BS5837

Missing :

Future Growth Potential - Crown height and spread

no shade footprint throughout the day based on future growth potential.

Stem Diameter

Documenting health and any defects  
 Preliminary management recommendations  
 Remaining useful life of the tree etc.

3. The western border of the site backs onto a stream – a tributary of the River Gowy and designated a Wildlife Corridor:  
 Policy ENV7 – Buffer Zones and Wildlife Corridors opens with the statement:  
 The existing woodlands, wildlife sites, drainage ditches, brooks and culverts will be maintained and enhanced and, where appropriate, new buffer zones and wildlife corridors will be created to increase the biodiversity of the plan area.

This is designated in the Bunbury Neighbourhood Plan (BNP) as a Wildlife corridor in Policy BIO 1 – Bunbury Wildlife Corridor ( Map Reference Appendix C Map 1 BNP).  
 The designated area should incorporate all semi-natural habitat along the river corridor and include a non-developable buffer zone to protect the corridor from issues such as ground water and light pollution, and the spread of invasive garden species.  
 The 15m buffer zone is specified by the CE Principle Nature Conservation Officer and repeated by HM Inspector in giving her consent to the development at appeal.

Finally in reference to 18/6356D the results of the infiltration testing revealed that the site will need a substantial drainage system that will feed into the brook. This needs an environmental assessment of the impact on the brook before being approved. Such a proposal could pose a serious threat to the wildlife corridor. The application should be rejected or paused until such an assessment is undertaken and an appropriate drainage scheme approved as specified by the HM Inspector in her report.

#### 10.07.08.2 Decisions made by Cheshire East Council

Notification had been received regarding a property which is just outside the parish boundary.

#### 10.07.08.3 New Housing Developments

##### 10.07.08.3.1 General update from Cllr Pulford

Cllr Pulford was not aware of anything to report

##### 10.07.08.3.2 Cheshire East Local Plan – Site Allocations and Development Policy

Cllr Pulford reported that the consultation on the draft report had not started yet.

##### 10.07.08.3.3 New Homes Bonus

Cllr Pulford reported back from a meeting he had attended for Town and Parish Council representatives and Cheshire Association of Local Councils on lessons learnt from the first round. The new round of bidding is not open yet.

#### 10.07.09 TWEDDLE GROVE (Land off Wyche Lane owned by the PC on behalf of the community)

– To receive an update from Cllr Pulford on the development of the land and the ongoing maintenance of the area.

Two companies who could possibly deliver this specialised service had been asked to provide quotes and one of these has declined. In the meantime, Mid- Cheshire Grounds Maintenance will be asked to cut the overgrown area.

#### 10.07.10 PEDESTRIAN ISSUES WITHIN THE VILLAGE

10.07.10.1 Cheshire East's Sustainable Modes of Travel to Schools Strategy Consultation - To receive an update on the journey to School safety issues and possible funding for pavements if the school has a travel plan.

There was some mention of possible funding and infrastructure ideas. The work on the plan will continue after the school holidays.

10.07.10.2 Footpaths/Public Rights of Way - to consider any current issues

None for comment. Cllr Pochin reported that she has been reappointed as the Chair of the Public Rights of Way Committee.

#### **10.07.11 PLAYING FIELDS - Report from Playing Fields Committee Chairman Cllr Parker**

- **General Update** – Cllr Parker reported on repairs to the pavilion, playing fields and damage to litter bins, which are under warranty. An invoice for £444 inc.VAT for the roof and ceiling repair was presented.
- **Playing Fields Lease** – Deferred.

Cllr Griffith left the meeting.

#### **10.07.12 BOROUGH COUNCILLOR'S REPORT**

Cllr Pochin reported on the following: -

The estate agent has forwarded an email to the owner of Brantwood about the hedge, but it has not been cut as yet.

The success of Bunbury Village Day

Weed spraying is to go ahead following the delay due to rain and the leaves behind the church have been reported.

Cllr Parker pointed out that gully emptying on School Lane should be carried out in the holidays.

Cllr Pulford spoke about the container at Brantwood that had previously been raised with planning enforcement. The Clerk will trace the emails and forward them to Cllr Pochin

#### **10.07.13 PARISH COUNCILLORS' REPORTS**

Cllr Thomas commented on the design of a new roundabout on the A51 and that some trees on the playing fields needed maintenance.

Cllr Parker will be arranging a site meeting regarding Playing Fields maintenance issues.

Cllr Potter reported on Village Day and the Teddy Bears Picnic in aid of Tarporley Hospital to be held on 22 July.

#### **10.07.14 CORRESPONDENCE**

The Clerk had circulated emails received.

An enquiry had been received from a neighbor about maintenance of Tweddle Grove. This had been covered at agenda item 9.

#### **10.07.15 KEEP BRITAIN TIDY – “There’s no such thing as a dog pooh fairy” campaign.**

The campaign materials order has been sent and is being processed.

#### **10.07.16 REVIEW OF RISK ASSESSMENT – to approve the Parish Council risk assessment that had been circulated by the Clerk. Members had reviewed this and no required actions were identified.**

**RESOLVED:** To approve the Risk Assessment.

#### **10.07.17 FINANCE MATTERS**

##### **10.07.17.1 To receive a report from the Clerk on actions carried out arising from an issue raised in 2017/18 External Audit**

The sole issue was a more detailed explanation of the variances had been requested. This had been supplied. The Clerk has given an explanation of variances to the auditors for 2018/19.

##### **10.07.17.2 To approve Clerk’s 1<sup>st</sup> quarter 2019/20 out of pocket expenses**

The Clerk tabled an expenses claim totalling £152.89, with receipts attached.

**RESOLVED:** to approve

##### **10.07.17.3 To receive a financial report from the Clerk on 1<sup>st</sup> quarter 2019/20**

The Clerk presented a report on receipts and payments during the first quarter.

**RESOLVED:** to accept the report.

##### **10.07.17.4 To approve setting up a standing order to pay the Clerk’s salary.**

This had been raised as the present arrangement involves the Clerk having to set up an online payment every month which the Chairman has to go online to authorise. A standing order would make the payment automatic. However, as the banking arrangements do make it possible for the

officer to amend the amount paid without authorisation this solution was rejected. The Chairman asked the Clerk to look into the possibility of setting up a direct debit request from her bank instead.

**10.07.17.5 Approval of payments.**

|         |                                  |                                      |
|---------|----------------------------------|--------------------------------------|
| £152.89 | Marilyn Houston, Clerk           | Expenses 1 <sup>st</sup> qtr 2019/20 |
| £40     | R Morris                         | Football pitch maintenance           |
| £444    | Johnson Building Contractors Ltd | Roof and ceiling repair - Pavilion   |

..... Chairman