

ELDERSFIELD PARISH COUNCIL

**Minutes of the Meeting of Eldersfield Parish Council held on
Thursday 5th November 2015 at Eldersfield Lawn School, commencing at 7.30 p.m.**

Present: A. Davies (Chairman), Mrs D Holt, Mrs S Rush, A.J. Etherington,
Mrs Willder, O. Williams

In Attendance: District Councillor Bronwen Behan

**Members of the
Public:** 1

1. Apologies for absence

Apologies were accepted from Mrs C Powell-Chandler and J. Keighley.

2. Members' interests

None

3. Adoption of the Minutes of the previous meeting

The draft Minutes of the meeting held on Thursday 17th September 2015 were accepted as a true record of that meeting and were signed as such by the Chairman of the meeting.

4. Matters arising

The Clerk confirmed that individual landowners had a general right to manage their land as they saw fit and that, in the absence of a Tree Preservation Order, this included felling and pruning trees on their property.

5. Reports from District and County Councillors

Tom Wells, the County Councillor, was not present and had not submitted a report.

Bronwen Behan, the District Councillor reported on two matters: a) the Hill Centre at Upton was undertaking an exercise to assess usage and demand from local areas, and b) MHDC was considering a joint procurement exercise with Wychavon and Worcester City for collection of waste. Experience in other councils indicated that there was the possibility of considerable savings.

6. Report from the Police

None

7. Public Comment

None

8. Communication

Council noted with satisfaction that notice of the meeting had appeared in the parish magazine.

9. Miscellaneous receipt

It was noted that the Council had received £96.50 in respect of the lending of its stock of tables, chairs and crockery and that the amount had been banked.

10. Bank Account Signatories

The Clerk reported that he had submitted to Lloyds Bank the revised Mandate Variation Instruction and the relevant details of two of the four councillors (details for the other two having been deposited by the councillors directly with the branch), and that he was awaiting a response from the Bank.

11. Planning

SUMMARY OF PLANNING DECISIONS SINCE LAST MEETING

- 15/00539/HOU** Reduction of outbuilding and erection of solar panels
- The Old Forge, Bridgend, Eldersfield, Worcestershire, GL19 4PP

Council's Comments:

[For comments, see minutes of the meeting held on 7th July 2015]

Approval (Full) Planning Householder

- 15/01087/HOU** Loft Conversion.
- Long Barn, Church Lane, Eldersfield, Worcestershire, GL19 4NP

Council's Comments

My council has no objection to this application.

Approval (Full) Planning Householder

- 15/01088/LBC** Loft Conversion.
- Long Barn, Church Lane, Eldersfield, Worcestershire, GL19 4NP

Council's Comments

My council has no objection to this application.

Consent (Listed Building)

- 15/01012/FUL** Removal of two agricultural buildings and replace them with a single farm building.
- Burghill, Gadfield Elm, Staunton, Worcestershire, GL19 3PB

Council's Comments

My council has no objection to this application.

Approval (Full Planning)

SUMMARY OF PLANNING APPLICATIONS AWAITING DECISION

- 15/00909/OUT** Outline application for 10 dwelling with all matters, except for access, reserved.
- Land Adj Nutshells, Link End Road, Corse Lawn, Worcestershire,

Council's Comments

This planning application was debated by Council at a meeting held today. I set out below the considered views of my Council.

1 Design and Access Statement

1.1 The applicant has supported his application with a Design and Access Statement prepared by Nigel J Teale MRICS, ABE.

1.2 The Applicant states in that Design and Access Statement:

*Within the emerging South Worcestershire Development Plan (SWDP), Corse Lawn is defined as a Category 3 settlement, which has been informed by more up to date information in the form a the Village facilities Survey and the Rural Public Transport Survey. Category 3 settlements have at least one key service **and have access within the settlement to at least a daily bus service to a 'designated town'**.*

(para 3.5) (our emphasis)

1.3 Category 3

1.3.1 The Village Facilities and Rural Transport Survey, December 2012, defines 'key services' as:

1. Shop & post office/general store
2. Doctor's surgery
3. Primary/First/Middle school
4. Village/parish hall
5. Employment Opportunity

(para 2.13)

and sets the criteria for placement within Category 3 as:

Settlements in this category have at least one key service (other than a parish/ village hall) and have access within the settlement to at least a daily bus service to a "designated town", or three of the journey types.

(para 4.0)

1.3.2 It should be noted that no such bus service exists. Indeed, Corse Lawn has no public bus service, or public transport, at all.

1.3.3 The Village Facilities and Rural Transport Survey sets the provision of a daily bus service as a *sine qua non* for eligibility as a Category 3 settlement. Given that Corse Lawn

does not have such a service, it cannot be a Category 3; it is a Category 4 and as such is considered open country.

1.4 Key Services

1.4.1 With respect to the five key services referred to above, the Application Site has walking access to a school, which is a primary school only.

1.4.2 However, within the settlement four of the five key services referred to are absent: there is no shop, post office, general store, doctor's surgery or village or parish hall (although it is possible to hire the school hall for specific events outside school hours and if the building is not required by the school) and for these services it is necessary to travel outside the settlement, which must be done by car, given that there is no public transport.

1.4.3 It should be noted that access to the school would be along a road, for a distance of some 375 metres, entirely without pavement; the last 50 metres would be along the B4211 which is a road subject to a 50 mph speed limit.

This Council is much concerned by the excessive speed shown by many motorists and has frequently raised the matter with the Police.

We believe that it would be unreasonably hazardous to expect primary school children, whether accompanied or not, to undertake this journey by foot.

1.5 Secondary Services

1.5.1 The Survey states that 'access to the services people need is one of the most important determinants of the quality of life in rural areas' (para 2.4) and with this comment we agree.

1.5.2 The Survey identifies 'secondary services' as:

1. Newsagent
2. Mobile Shop
3. Petrol Station
4. Garage
5. Other Shopping Facility
6. Bank
7. Cash point
8. Other financial
9. Public House
10. Café / Restaurant
11. Recreation Ground
12. Other Recreational
13. Library / Mobile Library
14. Church
15. Dentist
16. Pharmacy
17. Veterinary Practice
18. Other Health Facility
19. Pre School Nursery
20. Secondary School
21. Adult Evening Classes

1.5.3 In Corse Lawn, apart from a mobile library which visits the settlement once a month for 35 minutes, and a restaurant, these services are not accessible except outside the settlement and by car.

1.5.4 Most of the secondary services not available in Corse Lawn are available in Tewkesbury, 6 miles away, but for some it is necessary to travel to Gloucester, 11 miles away.

Corse Lawn is remote.

1.6 Sustainability

1.6.1 The Village Facilities and Rural Transport Survey correctly comments:

To accord with national and strategic planning policy a sustainable development strategy for rural areas seeks to direct development to those rural settlements which contain a variety of services and community facilities and where reasonable public transport services exist.

(para 2.1)

1.6.2 Given the total absence of public transport services and the almost total absence of facilities which the Survey considers either necessary or desirable for sustainability, we believe that Corse Lawn is highly unsuitable for development of the type proposed.

1.6.3 Corse Lawn is identified as a Category 4 village in the adopted Local Plan. Such locations are regarded as being within the open countryside, where only small residential schemes to address local affordable housing needs will be supported. This application for 10 market dwellings lies outside a defined development (i.e. isolated as defined in paragraph 55 of the Framework) contrary to saved Local Plan Policies DS1, DS12 and DS14. There is only one key service (i.e. the primary school) in the settlement and there are no bus services stopping in Corse Lawn. There are also no pedestrian footpaths linking the site to other nearby settlements. Therefore any future occupiers of the site will have to rely upon the private car to access services and facilities to meet their needs. This goes against the principles of sustainable patterns of development as set out in local and national policy and guidance. As a result of this, the development fails satisfactorily to contribute to the social and environmental roles of sustainable development. Notwithstanding the limited benefits towards to the economic role and the supply of housing, the adverse impacts of the development significantly and demonstrably outweigh those benefits.

1.6.4 The presumption in favour as set out in paragraph 14 of the Framework is not engaged and the proposal therefore fails to represent sustainable development. The application is therefore contrary to Saved Local Plan Policies DS1, DS3, DS12 & DS14; policies SWDP1 & SWDP2 of the emerging South Worcestershire Development Plan (2013) as well as guidance contained in the National Planning Policy Framework (2012) and Planning Practice Guidance.

1.6.5 As a result of this, the development fails to satisfactorily contribute to the environmental role of sustainable development.

2 Ecological Appraisal

2.1 The Applicant has submitted an Ecological Appraisal (the 'Report').

The Report states that it was prepared by Envirotech NW Limited and was prepared in accordance with the Code of Professional Conduct for the Chartered Institute of Ecology and Environmental Management and the Royal Institution of Chartered Surveyors.

The author of the Report was Mr Chris Arthur, whose qualifications are not disclosed.

2.2 We are not experts in ecology nor do we have such experts available to us. We understand that your Council is in a similar position, albeit with the ability and resources to commission from an expert a review of the submitted Report.

We urge you to do this.

Without knowledge of what such a peer review might reveal, we are unwilling to accept the submitted Report.

2.3 Our reluctance noted above is justified by some stark shortcomings in the Report which is manifestly restricted in scope and incomplete in completion. Considerable further work appears to us, and is acknowledged by its author, to be necessary.

2.4 Timing

2.4.1 The Report was prepared following a site visit on 2nd February 2015.

2.4.2 The Application Site is some 115 metres from a Site of Special Scientific Interest where there are known to be orchids. It is entirely possible that the Application Site is also populated by orchids. Identification of the presence of orchids in early February is effectively impossible and the possibility of their existence cannot therefore be excluded. Indeed, the report does not mention orchids.

2.4.3 This comment applies not only to orchids, but also to many other species of both plant and animal life, some of which may be subject to special legal protection.

2.5 Ecological Resource

2.5.1 The orchard which is the Application Site is a traditional orchard and as such is an important landscape feature of both historical and ecological importance. Orchards of this type are part of the traditional landscape in Worcestershire and it is important to preserve them. They are the home to a wide variety of species.

'Traditional Orchards' are listed as a Priority Habitat under section 41 of the Natural Environmental and Communities Act 2006 and are given special treatment, being identified as 'habitats of principal importance for biodiversity'.

We would remind you that Section 40(1) of the Act imposes upon you a duty to conserve biodiversity:

‘Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.’

2.5.2 The Report makes it clear that the trees at the Application Site constitute an important ecological resource. The Report states

Apple trees on the site represent a valuable year round foraging resource for birds.
5.6.3

and

The intact hedgerow and veteran apple trees on site offer numerous nesting opportunities for a variety of birds. Large woodpecker holes in the trees suggest these birds have nested on site in the past.
5.6.2

and concludes

Trees should as far as possible be retained in the scheme.
6.1.1

2.5.3 The Application makes no reference to retaining any of the existing trees which, it would appear from the Indicative Layout, are to be removed. If that were to happen, the parish would lose what we believe to be an important ecological resource. We would view with dismay that loss.

2.6 Bats - Further study

2.6.1 The Report states:

5.5.2 The majority of the trees on site offer roosting opportunities for bats and were classified as category 1 using the risk categories from BCT (2012), see Figure 6. These will require further assessment to prove or disprove the presence of bats within them such that they can be re-categorised as category 1 or 2.*

The Report accepts that it is incomplete and that the presence, or absence, of bats has not been determined. The Report recommends that further study be undertaken; the results of that further study could be potentially significant.

2.6.2 Paragraph 99 of Circular 06/2005 (Biodiversity and Geological Conservation) states that ‘It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision’.

In this case, we believe that insufficient information has been submitted on the potential impact of the development upon invertebrates and Bats (European Protected Species).

2.6.3 In these circumstances, we believe that it would be improper for you to grant planning permission.

2.6.4 We have received from Mr Keith Turner, Chairman of The Gloucestershire Orchard Trust, his comments on the Report (attached at Appendix). We adopt these comments and ask that they be considered by you as part of our response to your consultation.

2.7 Greater Crested Newts

2.7.1 We note that of the three ponds proximate to the Application Site and assessed within the Report

Pond 1 is assessed as being 'good', whilst Ponds 2 and 3 offer 'excellent' pond suitability for great crested newts.

5.3.4

2.7.2 Given the eminent suitability of these ponds for hosting greater crested newts, it is not surprising that they have been identified in the area. More surprising is the fact that this application has been submitted without establishing what impact the application would have on this species. The Report states

Considering the known presence of great crested newts in the locality, and the nature of the proposal, it is judged that the impacts on amphibians cannot be determined without further survey effort.

5.3.6

2.7.3 Although a further study was undertaken in June 2015 and found that these ponds were dry, this was after a period of exceptionally hot and dry weather. The writer knows from personal knowledge acquired over 18 years that ponds 2 and 3 are seldom dry. We therefore believe that the risks to greater crested newts has been understated.

3. Hydrology

3.1 This application was considered carefully by my Council at its meeting of 17th September 2015. That meeting was attended by a very large number of parishioners; those who made their views known were united in their opposition to the application.

3.2 Many parishioners living local to the application site expressed the fear that the risk of surface flooding to their properties would be greatly increased if this application were approved. We also note the views of Worcestershire County Council as the Lead Local Flood Authority (as determined by the Flood and Water Management Act 2010).

The Flood Risk Assessment submitted with the application accepts that the rate and volume of surface water runoff generated on-site will increase as a result of increasing the size of the impervious areas, but the report does not attempt to quantify such runoff. The report merely states that there further testing is required and offers the suggestion that there be rainwater harvesting tanks with overflows discharging to shallow soakaways. This suggestion, although useful, does not offer an effective water management strategy and therefore does not constitute a Sustainable Drainage Scheme.

3.3 In the absence of such a Scheme, we believe that it would not be proper for you to grant planning permission.

4. Summary

4.1 My Council has concluded that the Application Site is an inappropriate location for development of the sort proposed, principally because of the lack of sustainability of such a development but also because the application is not supported by a demonstrably acceptable environmental assessment.

4.2 My Council also believe that the lack of a Sustainable Drainage Scheme is a significant omission and should be given great weight.

4.3 Notwithstanding the benefits of the proposal, my Council considers that the applicant's failure properly to assess the implications of this development upon invertebrates and Bats should be afforded substantial weight. This when balanced overall, this impact is considered to significantly and demonstrably outweigh the benefits of the proposal. The application would therefore fail to represent sustainable development as defined in the National Planning Policy Framework.

4.4 The proposed development would therefore conflict with Policies QL19 and QL22 of the MHDLP, Policy SWDP 22 of the South Worcestershire Development Plan and Paragraphs 6, 7, 8, 14, 109 & 118 of the Framework as well as guidance contained in the ODPM Circular 06/2005 (Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System).

4.5 We recommend that you refuse planning permission.

-
- 15/01202/HOU** Demolition of coach house, two storey extension to side of existing property and enlargement of bay window and balcony above, to front of property
- The Dowding, Corse Lawn, Worcestershire, GL19 4NB

Council's Comments

We have no objection to this application.

- 15/01222/HOU** Single storey and two storey extensions. Replacement windows. Addition of cladding.
- Hunters Way, Lime Street, Eldersfield, Worcestershire, GL19 4NX

Council's Comments

We have no objection to this application.

12. Lengthsman

The Clerk gave a short description of the work undertaken by the Lengthsman. Councillors expressed their satisfaction.

13. Audit

It was noted that Grant Thornton, the Council's external auditors, having completed their audit, had issued a report without qualification (i.e. have no adverse comments to make) and that in respect of other matters they had noted that the Council's reserves, being three times the annual precept, were high and had recommended that the Council consider taking steps to reduce them.

14. Financial Estimates and Budget 2016-17

Councillors discussed the draft budget circulated before the meeting. They confirmed that they would take into account the External Auditor's recommendation that the cash balance held by the Council, which the Auditor had considered to be too high, at three times the annual precept, be reduced.

They decided that

- grants should be consolidated under one heading and not be individually itemised;
- the total grant figure proposed as the budget be replaced by the maximum permitted under the Local Government Act 1972 Section 137;
- an allowance of £750 should be applied for repair or renewal of the notice board at the Church;
- a precept of £4,000 be set for the year 2015-16, and not zero, as recommended by the Clerk.

It was RESOLVED that the draft budget for the year 2015-16 as presented to the Council but subject to the changes noted above be adopted as the budget of the Council.

To reduce the budget, the Clerk was instructed to place a notice in the Parish Magazine identifying that funds were available for small grants to be made to individuals/groups to assist with projects and activities of benefit to the community.

15. Workplace Pensions

It was noted that the Council was required to register under the Workplace Pensions Scheme with a view to ensuring that its employees were guaranteed a minimum income when eventually they retired, and that it had done so.

16. Authorisation of Disbursements

It was **RESOLVED** that the following disbursements be made:

£ 167.00	J L Gabbott
£111.60	HMRC
£48.00	Grant Thornton
£236.00	Mr J Moore, Lengthsman services September 2015
£236.00	Mr J Moore, Lengthsman services October 2015

17. Correspondence

The following correspondence was noted

Received:

- CALC updates
- MHDC: News Updates
- Rural Opportunities Bulletin

- Local Government Chronicle

18. Future Meetings

It was **RESOLVED** that meetings of the Council be held on Thursday 7th January 2016, 17th March* and 5th May at Eldersfield Lawn School commencing at 7.30 p.m., subject to availability of the School Hall.

19. Other business

None

There being no other business, the meeting closed at 9.20 p.m.

* It was subsequently established that the Hall was not free on 17th March and therefore the Clerk, having consulted the Chairman and Vice-Chairman, reserved the Hall for 24th March.

JLG
10.11.15