

**MINUTES OF MALPAS PARISH COUNCIL MEETING
HELD ON MONDAY 14TH NOVEMBER 2022
IN THE VICTORIA JUBILEE HALL, MALPAS AT 7.00PM**

	PRESENT Cllrs Tina Barnett, Mike Boxall (vice Chairman), Roger Clifford, Morgan Granger, Charles Higgle, Adrian Waddelove, John Webb (Chairman), Chris Whitehurst, Michael Williams. The Clerk. Two members of the public attended part of the meeting.
175	APOLOGIES Cllrs Pauline Hood, Santa Makuza, Karen Meredith, Sherrie Roberts Abdelaziz.
176	DECLARATION OF INTERESTS Cllr Higgle declared a non-pecuniary interest in item 192 of the minutes. Cllr Whitehurst declared a non-pecuniary interest in item 194 of the minutes. Cllr Williams declared a non-pecuniary interest in item 191 of the minutes. Cllr Boxall declared a pecuniary interest in item 184.1.1 of the minutes. Cllr Clifford declared a pecuniary interest in item 184.1.2 of the minutes.
177	APPROVAL OF THE MINUTES <u>Minutes of the Parish Council Meeting on 10th October 2022:-</u> Resolved:- The Council approved the minutes of the Parish Council Meeting held on 10th October 2022 as a true and proper record; the Chairman duly signed the minutes. Proposed by Cllr Higgle and seconded by Cllr Williams.
178	OPEN FORUM 178.1 Cllr Webb made the following announcements:- - To record the Council's condolences to the family of Jay Holden following his tragic death. - To record the Council's condolences to the family of ex parish councillor Eric Beak. 178.2 Archway Homes:- A representative was due to meet with the Council regarding the proposed planning application for 17 dwellings on off Greenfields Lane; this has been postponed. The Council are not happy to meet with developers in private and are to query this request with them.
179	POLICE REPORT PCSO Jon Hurst has returned to work. Update:- - Two vehicles in the High Street car park have been reported to the police. - There was a serious accident on Oldcastle Lane involving a quad bike. - Complaints of traffic using Mastiff Lane; a request has been made for police presence. Residents are urged to report all incidents of anti-social or criminal behaviour by calling 101.
180	CASUAL VACANCY CWaC has been informed following the recent resignation of Richard Charlton. The notice of Casual Vacancy has been posted on the website and noticeboard.
181	COUNCIL ELECTIONS Cllr Webb previously circulated a report regarding the campaign to recruit new Parish Councillors in the May 2023 elections. The Council are to ask Jackie Weaver if she will get involved with a campaign for local parish councils to help recruit new parish councillors in the elections. Cllr Granger is to prepare posters to campaign for the recruitment of new Parish Councillors.
182	ACCOUNTS 182.1 <u>Christmas Costs:-</u> The Council had allocated £1,500.00 in the budget towards the cost to put up and take down the Christmas street lighting.

Barlow's have quoted £2,000.00 to put up and take down the Christmas lights. It was suggested that the shortfall of £500.00 be made up with a donation of £200.00 that has been received towards Christmas event and the £300.00 saved on the insurance for the event (Zurich has confirmed that the event can be covered under the Council's existing insurance policy).

Resolved:- The Council agreed to authorise £2,000.00 to put and take down the Christmas lights.

Proposed by Cllr Higgle and seconded by Cllr Granger.

182.2 To approve payments:-

Chq No	Payee	Amount
506	HMRC:- PAYE Oct 2022	£ 73.33
507	ALLOTMENTS:- Refund deposit S Dini	£ 50.00
508	CHRISTMAS:- Licence fee	£ 21.00
509	Running Costs	£ 30.96
510	Victoria Jubilee Hall	£ 51.50
511	Walkers Nurseries Chester Ltd (to refill planters)	£ 421.60
512	Backdated pay	£ 424.69
513	CHRISTMAS:- North West Medical Solutions	£ 372.00
514	CHRISTMAS:- Chocolates for grotto	£ 149.95

The Clerk's salary was paid by standing order.

Resolved:- The Council agreed to the above payments.

Proposed by Cllr Higgle and seconded by Cllr Williams.

182.3 Receipts Received as at 1st November 2022:-

The Council has received cheques for £200.00; £150.00 and £1,501.00 in respect of costs for the Christmas event.

These are to be banked and used towards the costs associated with the Christmas event (e.g. the Highways Closure, First Aid provision, licence fee and Christmas lights.)

182.4 Accounts and Bank Reconciliation:-

The summary of Receipts and Payments was previously circulated.

The reconciled balance in the current bank account as at 30th October 2022 was £166,944.44

The funds are allocated as follows:-

Parish Council – £44,633.49

Christmas Event Funding - £125.40

New Homes Bonus - £25,648.00

Community Infrastructure Levy (CIL):- £89,662.76

Allotment Deposits (ring fenced in accounts):- £550.00

Allotment Maintenance funds (ring fenced in accounts):- £250.00

Neighbourhood Plan:- -(£5.78)

Bus Shelter (Insurance Claim and Members Grant):- £3,798.57

Will Legacy:- £1,623.00

Bench for Chester Road:- £659.00

182.5 CIL Monies:-

Further monies are due to Malpas Parish Council. The amount being paid to the Parish is £51,021.57, the breakdown is as follows:-

Amended under 20/03636/S73 - St Joseph's College, Tilston Road, Malpas SY14 7DD - £2,686.86

21/01812/S73 - Dog Lane Farm Dog Lane Oldcastle Malpas Cheshire SY14 7BE - £4,278.65

	21/00354/REM (Phase 1) - Land Off Chester Road Malpas - £44,056.06. The Clerk is to clarify the above amounts with CWaC. 182.6 S.106 Monies:- The Council has received notification from CWaC that £31,951.55 is to be paid into the Council's bank account in respect of s.106 funds that are to be paid to Malpas and District Sports Club. The Clerk is to clarify details of the arrangement with CWaC and to enquire the following:- - How will the project be monitored. - The original planning application for the Chester Road development was for 57 dwellings. The Council understands that the number of dwellings may now be less than 57. Should this be the case, can the developer request that any S.106 monies which have already been paid be returned to them? - If so, how would this impact on Malpas and District Sports Club if they have already spent the s.106 (i.e. would they have to repay CWaC / the developer)? The £31,951.55 is to be paid to Malpas and District Sports Club after the queries have been resolved. The Council discussed whether to appoint a Councillor to monitor the project.
183	BUSINESS PRIORITIES AND PROJECTS - WORK PLAN 2023 / 2024 The Council discussed the Cost of Living crisis and the work by the Community Kitchen. The Council acknowledged the need to return to allocate the business priorities.
184	PLANNING 184.1 Planning Applications:- 184.1.1 22/03600/FUL - : Demolition of existing conservatory. Erection of two storey side extension and single storey rear extension at Hawthorn Cottage Dog Lane Oldcastle Malpas Observations:- The Council would make the observations as documented below: Background Factors: Open countryside Relevant Neighbourhood Plan Policies: BE3 Potential benefits to the community: None identified Potential impact on neighbours: None identified Potential impact on wider community: None identified Other relevant information for consideration: The Council like CW&C, has declared a climate emergency and would expect all proposals for new developments, extensions or alterations to recognise this, specifically by ensuring properties are at least carbon neutral, avoiding the use of fossil fuels and have facilities for charging electric vehicles. 184.1.2 22/03492/FUL - Demolition of existing garage, erection of detached garage and alterations to driveway at Corner Cottage Overton Heath Lane Overton Malpas Observations:- The Council would make the observations as documented below: If CWaC is minded to approve the application the Council would request that the following conditions be included: (i) That the new building is only used for the property owner's own use in perpetuity, and permitted development rights are removed. (ii) That the application is conditioned with a landscaping requirement to screen the proposed building from the public realm of Love Lane and Overton Heath Lane. Background Factors: Open countryside Relevant Malpas and Overton Neighbourhood Plan Policies: BE1 & BE2 Potential benefits to the community: None identified

Potential impact on neighbours: Visibility of the proposed structure and potential for noise and increased traffic on the narrow single track Overton Lane should the applicant decide to use the new building as a commercial operation in the future.

Potential impact on wider community: Visibility of the proposed structure from the public realm. Including scale and massing of the structure in the open countryside.

Other relevant information for consideration:-

- The existing garage has a foot print of approximately 40 m2. The proposed building has a footprint of approximately 122 m2 hence 3 times the size of the existing garage.
- There is also no indication in the planning documents of the overall height of the proposed building, and on the Proposed Isometric Site Plan Drawing 2209-206 revision it can be seen that the proposed structure is clearly out of context with the existing dwelling and the surrounding open countryside.
- From the Location and Block planning drawing 2209-001 revision B, the proposed access driveway is not in the ownership of the applicant, and is described as an area of land under application for adverse possession with Land Registry.
- It is known that the access to the property has been previously altered, and whilst the applicant will have enjoyed access over that portion of land it should be noted that the area of the proposed new access could be in the ownership of another land owner or the Cheshire Highways Authority.
- It is noted that there are discrepancies in the information provided on the Planning Application Form.
- The statements provided in the Pedestrian and Vehicle Access, Roads and Rights of Way on page 5 of the form are contradictor to the application proposals.
- In the Ownership Certificates and Agricultural Land Declaration section on page 6, the applicant states that they do own the land and yet in drawing 2209-001 location plan the legend clearly indicates that the proposed access drive way is an area of land under application for adverse possession with Land Registry.
- The Council would raise concern that flooding that already occurs at the rear of the property and that of the near neighbour.
- Drawing 2209-209 A states that surface water drainage from the roof will be taken into the existing system and the existing rainwater harvesting tank.
- The council would like the Planning Authority's assurance that this system can accommodate the additional rapid surface water run-off that will be generated due to the scale and massing of the proposed building.
- Whilst recognising the freedom of individual residents to maintain their own vehicles and have diverse interests, this proposed building with its vehicle lift facility and 5 car spaces has the feel of a structure being built for potential future use as a commercial enterprise.
 - The Council like CW&C, has declared a climate emergency and would expect all proposals for new developments, extensions or alterations to recognise this, specifically by ensuring properties are at least carbon neutral, avoiding the use of fossil fuels and have facilities for the charging electric vehicles.

184.1.3 22/03297/S73 - Residential development for up to 57 dwellings, the provision of a Community Health Hub and open space - Removal of conditions 18 (future connection) and 19 (BREEAM completion) and vary condition 5 (phasing plan) of planning permission 17/04664/OUT at Land Off Chester Road Malpas

Observations:-

A 2010 CWaC assessment of Malpas as a Key Service Centre determined that its infrastructure could accommodate some 200 new dwellings by 2030.

The total of new homes built between 2010 and April 2021 stands at 324, with the total dwelling permissions granted now 100% over that sustainability figure. i.e. over 400 new dwellings now granted in the village.

The cumulative effect of all this over development of Malpas has been to put a severe strain on the local infrastructure which has not received additional investment for the all the additional houses granted permission.

Designation of Malpas by CWaC as a "Key Service Centre" has drawn the attention of developers to the village.

Unfortunately there has been little of the corresponding and necessary investment in the local infrastructure, despite the community frequently being assured that this would follow if only various proposed schemes were to be given approval.

For example, the biggest development of Vistry Homes (Formerly Bovis homes) has resulted in only one bus shelter and some funding for a length of pavement that requires acquisition of land from a third party!

The saga of the new health hub that became just another mirage serves to illustrate why Malpas Parish Council and the local community it represents are losing faith in the planning system.

It is more than 35 years since the present Laurel Bank Surgery on Old Hall Street opened. A significant growth in the local population has followed major housing schemes, there is a pronounced ageing profile as demonstrated by the fact that the Malpas ward has the second highest proportion of 85+ residents of CWaC's 46 wards, and there are greater expectations, here as elsewhere, of better quality and personalised individual health care.

The possibility of a grant of land for a new community health hub was voiced as long ago as 2012 and the planning application (17/04664/OUT) for the land off Chester Road, approved in November 2019, included phasing of any housing development to ensure it was constructed.

Now the required funding for it has been lost in the myriad of NHS re-organisations.

This planning application would not have been supported by Malpas Parish Council if the health hub, and provision of a link road through the site as part of the proposals had not been included originally. These community benefits were necessary to outweigh the harm to the environment that would otherwise occur.

Since then both CWaC and Malpas Parish Council have declared a climate emergency, and a future link road is needed to reduce traffic congestion and air pollution at the junction of Tilston Road/High Street and Chester Road close to the Alport Primary School.

Malpas Parish Council at its most recent meeting on November 14 agreed to support the developer's request to vary the original conditions, but only if CWaC planning officers secure both a £300,000 contribution to future health provision in Malpas and the construction of its share of the link road, to the required scale and specifications to the very edge of the estate boundary.

The Council would make the observations as documented below:

If CWaC is minded to approve the application the Parish Council would request that the following conditions be included:

1/ That a significant financial contribution be sought for the expansion of health care in the Malpas Ward (potentially the Laurel Bank Medical Practice); this to compensate for the loss of the benefits a New Community Health Hub would have delivered to the south Cheshire residents.

2/ That condition 18 be amended to require the developer to build the proposed link road up to the edge of the ransom strip.

Background Factors: Open countryside

Relevant Neighbourhood Plan Policies:- H1 H3 BE1

Potential impact on neighbours: If the application is approved then there could potentially be increased noise for the near neighbours.

	Potential impact on wider community: The removal of the link road will lose the potential benefit of a reduction of traffic entering the town centre via the Tilston Road and then proceeding up Chester Road. The provision of the link road would reduce the volume of traffic travelling into the town centre by the future residents of the recently approved application for 31 dwellings on land off Tilston Road (Application 19/03521/FUL) who would wish to access the Bishop Heber School, the A41 Trunk road and towns and cities beyond. If the application is refused then the village will see the loss of the benefit of 4 affordable Dwellings. Cllr Higgle offered to check on the use of fossil fuels in phase one of the development. If these properties were using fossil fuels, it was agreed that the Council's comments on the amended application would be strengthened in respect of the Council's response to the climate crisis. The Council do not expect to see fossil fuels used in any new properties. See attached file for other relevant information for consideration in respect of the planning application. Resolved:- The Council agreed to accept all the above planning observations. Proposed by Cllr Waddelove and seconded by Cllr Clifford. 184.2 <u>To consider any applications received after the agenda has been Distributed:-</u> None have been received. 184.3 <u>Recent decisions by CW&C:-</u> <u>Approved / Decided:-</u> 22/00900/FUL – Peacock House Oldcastle Lane Cuddington Malpas 22/01908/FUL - Land At Mates Lane Edge Malpas 22/02501/TPO - The Manor St Joseph's Place Malpas 184.4 <u>Chester Road Site:-</u> Cllr Webb previously circulated a report to update the Council of the situation regarding the ransom strip at the site and CIL monies.
185	MONTHLY SURGERY <u>November surgery:-</u> Cllr Whitehurst updated the meeting regarding the following:- - Speeding concerns on Tilston Road and Old Hall Street. - A request to extend the 20mph on Old Hall Street (the Clerk is to follow up this request with CWaC).
186	HIGH STREET CAR PARK A meeting of all parties is due to be arranged to discuss progressing the legal process to purchase the land.
187	ALLOTMENTS <u>Update:-</u> - Plot 12 has not renewed the tenancy for the plot. The Chairman of Allotments Association has confirmed that the £50.00 key deposit can be released to the tenant of Plot 12. - There are currently two plots which are not fit to let. - There are currently two plots available to let (nos 11 and 12).
188	APPEARANCE OF MALPAS 188.1 <u>Street Furniture Update:-</u> Dog Bag Dispensers:- The Council has applied for s115e licence at the bottom of Well Street to be located next to the dog waste bin as the previous location was not suitable. CWaC is due to advertise the 28 day notice on site next week 188.2 <u>Bus Shelter – Old Hall Street:-</u> The Council has informed Paul Williams that the Council have agreed to the alternative, larch wood, to be used for the bus shelter. No further update.

189	DEFIBRILLATOR Cllr Williams informed the meeting that the cabinet that was donated does not work. Resolved:- The Council agreed to purchase a new heated cabinet at a cost of £540.00; the cost is to be funded from the will legacy. Proposed by Cllr Higgie and seconded by Cllr Granger.
190	THE CROSS 190.1 <u>Modern Steps located to the left hand side of the Cross:-</u> The Clerk has contacted Highways to request that they carry out a safety assessment of the steps. Highways have replied to advise that they have inspected the steps and advised that the steps are considered satisfactory based on the criteria within their Code of Practice for Highway Safety Inspections. Consequently there is no planned action. The findings were as follows: - No visual damage - No loose steps or handrails - Not slippery underfoot. 190.2 <u>Steps which surround The Cross:-</u> Work is in progress. 190.3 <u>Parking:-</u> The Council has written to CWaC regarding the two car parking spaces located at the bottom of the steps.
191	MALPAS CHRISTMAS MARKET AND CHRISTMAS LIGHTS The Clerk previously circulated a report regarding actions for the Christmas event. This included:- - Application for Temporary events licence for the day; - Preparation of event plan; - Medical assistance for the event; - Street Lighting update; - Letters to be sent to Notify residents on Old Hall Street of the road closure; - Co-op donation of £150.00 towards the selection boxes for the grotto; - Risk Assessment - updated for the Christmas event in 2022; - Application for a Temporary Event Notice; - Insurance cover arrangements; - Application for a Market licence for the event; - Highways closure arrangements.
192	CHRISTMAS TREE FESTIVAL Resolved:- The Council agreed for Cllr Higgie to make arrangements to enter a tree into the St Oswalds Christmas Tree Festival. Proposed by Cllr Webb and seconded by Cllr Granger.
193	WEBSITE Work is ongoing.
194	KING CHARLES III CORONATION Cllr Whitehurst previously circulated a report regarding proposed plans to celebrate Charles III coronation on 6 th May 2023. Further information is to be submitted for any financial assistance from the Council.
195	COMMUNITY RESILIENCE PLAN (CRP) Resolved:- The Council agreed for Cllr Granger to take over as the Council's lead for the CRP. Proposed by Cllr Higgie and seconded by Cllr Webb.
196	CYCLE LOCKERS Cllr Williams updated the Council regarding delivery arrangements.

197	DATE OF 2023 MEETINGS Resolved:- The April meeting is scheduled for Easter Monday. The Council agreed to change the date of the April meeting from 10th April to 17th April 2023. The May meeting is scheduled for the May Bank Holiday. The Council agreed to change the date of the May meeting from 8th May to 15th May 2023. Proposed by Cllr Webb and seconded by Cllr Granger.		
198	CLERK'S REPORT		
	No.	Item	Update
	198.1	Chester Road Crossing	Bovis have been contacted regarding the Zebra crossing, they are due to discuss the matter internally and are to get back to CWaC. CWA ^c are to advise as and when there is an update.
	198.2	Village Pump	Followed up with Bovis to see if any update with the plinth design from their technical department.
	198.3	The Mossland	A letter of formal notice has been sent to the tenant to advise that the Council wishes to open negotiations regarding the annual rent for the Mossland. According to the Tenancy Agreement formal notice must be served by 25 th March 2023. Any increase in rent will take effect as of 25 th March 2024.
	198.4	Remembrance Sunday	The road closure notice has been issued.
	198.5	Poppy Wreath	The wreath has been delivered.
	198.6	Christmas Trees	The Clerk has contacted local businesses and residents for orders. Order has been confirmed to Walkers Nurseries for 36 trees.
	198.7	New Councillor Admin	Paperwork complete and both CHALC and CWaC have been informed.
	198.8	2023 Bookings	Booked Jubilee Hall for 2023 meetings.
	198.9	Monthly Surgeries	Booked Jubilee Hall for monthly surgeries until April 2023.
	198.10	Community Orchard	The Council have registered an expression of interest with CWaC. There was a site meeting at The Mossland with the Heath Ranger on Friday 4 th November. The Heath Ranger has since written to advise she is to look into sourcing the 12 trees for Malpas allotment site and come back about delivery and planting date. The planting site will require a strim prior.
	198.11	Pond at The Mossland	CWA ^c has advised that there may potentially be funding for the creation of a pond at Mosslands allotment site in Malpas. It would need to be a minimum of 10m X 15m in size. A site visit is to be arranged.
	198.12	Budgetary Training	The Clerk attended an online session on Budgetary training.
198.13	Unused Walled Garden enquiry	The Council has received an enquiry from a company who represent a land owning client regarding an unused walled garden. They are interested in exploring the possibility of bringing this back into use and possibly using for social enterprise, for example allotments or as a community garden.	
199	EXTERNAL CORRESPONDENCE INCLUDING SUGGESTION BOX List previously circulated to Cllrs.		

	Cllr Waddelove suggested that the Clerk attend the new Code of Conduct training. The Clerk is to make enquiries.
200	UPDATES FROM OUTSIDE ORGANISATION REPRESENTATIVES No updates.

The meeting closed at 8.57 p.m.

NB copies of the attachments can be obtained from the Parish Clerk