MINUTES OF MALPAS PARISH COUNCIL MEETING HELD ON MONDAY 9TH JANUARY 2023 IN THE VICTORIA JUBILEE HALL, MALPAS AT 7.00PM

PRESENT

Cllrs Roger Clifford, Morgan Granger, Charles Higgie, Pauline Hood, Karen Meredith, Adrian Waddelove, Chris Whitehurst, Michael Williams.

The Clerk.

Rachael Whelan, Archway Homes, attended part of the meeting.

No members of the public attended the meeting.

In the absence of both the Chairman and Vice Chairman, the Council made the following resolution.

Resolved:- The Council agreed for Cllr Waddelove to Chair the meeting,

Proposed by Cllr Whitehurst and seconded by Cllr Clifford.

229 APOLOGIES

Cllr Tina Barnett - personal reason

Cllr Mike Boxall - personal reason

Cllr Sherrie Roberts – personal reason

Cllr John Webb - personal reason

230 DECLARATION OF INTERESTS

Cllr Whitehurst declared a non-pecuniary interest in item 237.1 of the minutes as he is Chairman of the Community Links committee.

Cllr Clifford declared a non-pecuniary interest in item 237.14 of the minutes as he is on the Community Links committee.

Cllr Williams declared the following interests:- a pecuniary interest in item 242 of the minutes as he may be a neighbour; a non-pecuniary interest in item 247 of the minutes as he is on the Steering Group; a non-pecuniary interest in item 238 of the minutes as his wife is on the Jubilee Hall Committee.

Cllr Granger declared a non-pecuniary interest in item 238 of the minutes as she on the Jubilee Hall Committee.

231 APPROVAL OF THE MINUTES

Minutes of the Parish Council Meeting held on 12th December 2022:-

Resolved:- Item 11.2 was removed. The Council then approved the minutes of the Parish Council Meeting held on 12th December 2022 as a true and proper record; the Chairman duly signed the minutes.

Proposed by Cllr Higgie and seconded by Cllr Clifford.

232 OPEN FORUM

Rachael Whelan, Archway Homes, spoke to the meeting regarding the proposed planning application for Land off Greenfields Lane by Archway Homes.

- The proposal is to build at total of seventeen dwellings which include five affordable properties (three rental and two shared ownership) and twelve 3 and 4 bedroom properties which are to be sold at market value.
- The developer has met with site neighbours to discuss the proposed plans.

Councillors enquired regarding the following:-

- Social housing provider and recent changes in legislation regarding allocation.
- Whether there will be bungalows at the site (Archway Homes advised there would not be any bungalows and explained the reasons).
- The s106 and CIL contributions that are due to be made by the developer and whether the Council can have any input into how the monies are allocated.

- To request that a condition be included in the planning application so as to ensure that local people are given priority for the allocation of the affordable housing (Archway Homes confirmed that they already do this).

The Council are to invite a representative from CWaC to explain the s106 and CIL process of allocation of funds.

233 POLICE REPORT

PCSO Hurst did not attend the meeting.

Cllr Whitehurst advised that the two vehicles have yet to be removed from the High Street car park. He is to provide the details so as the Clerk can follow the matter up.

Cllr Granger commented on the lack of visual police presence in the village. The Clerk is to pass on the comments to the police.

Residents are urged to report all incidents of anti-social or criminal behaviour by calling 101.

234 CASUAL VACANCY

Cllr Makuza has stood down as Councillor. The Clerk is to inform CWaC and post the notice of Casual Vacancy on the website and noticeboard.

There are now two Casual Vacancies on the Council.

Residents interested in being co-opted are invited to contact the Clerk.

235 COUNCIL ELECTIONS

CHALC has sent information regarding online seminars aimed to encourage residents to stand in the local elections taking place in May.

236 ACCOUNTS

236.1 S.106 funds allocated towards Malpas and District Spots Club:-

Cllr Clifford previously circulated a report to the Council to summarise the situation. Cllr Clifford and the Clerk met with Malpas and District Sports Club (MDSC) on 6th January 2023 to discuss the arrangements to release the funds.

The proposed actions were discussed:-

- Supplier:- MDSC is to confirm that the quotation of the preferred supplier Leisure Surfaces is still valid.
- Payment arrangements.
- Agreement:- The agreement between CWaC and the Council for the transfer of commuted sums towards the resurfacing of the all-weather football pitch is to be mirrored (adapted / amended) so as the agreement is between the Council and MDSC.
- Shortfall:- Cllr Clifford advised that any costs in excess of the s106 funding of £31,951.55 will be the responsibility of MDSC and therefore must be paid by MDSC.

Cllr Clifford agreed to act as lead to ensure the transaction is as transparent at all times. He confirmed that MDSC will project manage the work and ensure that all the relevant documentation is in place. The funds will not be released by the Council until all parties are happy with the work carried out.

Resolved:- The Council agreed to continue with the process as recommended by Cllr Clifford regarding the payment terms including the release of the s106 funding and for a legal agreement between the Council and MDSC.

Proposed by CIIr Higgie and seconded by CIIr Meredith.

236.2 To approve payments:-

200.2 To approve paymente:				
Chq No	Payee	Amount		
523	HMRC:- PAYE Dec 2022	£ 93.36		
524	Running Costs	£ 49.50		
525	Victoria Jubilee Hall	£ 132.00		

The Clerk's salary was paid by standing order.

Resolved:- The Council agreed to the above payments.

Proposed by Cllr Higgie and seconded by Cllr Clifford.

236.3 Receipts Received as at 1st December 2022:-

Allotment Fees:- £75.00

236.4 Accounts and Bank Reconciliation:-

The summary of Receipts and Payments was previously circulated.

The reconciled balance in the current bank account as at 31st December 2022 was £213,505.39.

The funds are allocated as follows:-

Parish Council - £41,110.68

Christmas Event Funding - £361.47

New Homes Bonus - £25,648.00

Community Infrastructure Levy (CIL):- £140,684.33

Allotment Deposits (ring fenced in accounts):- £500.00

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:- £1,078.00

Bench for Chester Road: - £659.00

Christmas Trees :- (£578.88) to be reimbursed

236.4 Budget Setting:-

The Council received the budget to date as at 31st December 2022 and the forecast figures to 31st March 2023 for the 2022 – 2023 financial year.

237 BUDGET SETTING FOR 2023 – 2024

237.1 Event for King Charles III Coronation:-

The Council considered the Council's level of financial support towards the request received from Community Links for funding towards the proposed event to commemorate King Charles III Coronation in May 2023.

Resolved:- The Council agreed to support the event in principle and would consider financial support of £880.00 during this current financial year. This is the remaining balance of funds that were allocated for the 2022 – 2023 financial year for grants. This is to be formally considered at the February meeting. Proposed by Cllr Waddelove and seconded by Cllr Higgie.

237.2 To consider and set the budget for the 2023 – 2024 financial year

Cllr Boxall, previously circulated a report regarding the proposed budget and setting of the precept to assist with preparing the financial budgeting data for the 2023 – 2024 financial year.

Resolved:- The Council agreed to set the budget for the 2023 – 2024 financial year as below.

Proposed by Cllr Whitehurst and seconded by Cllr Williams.

Item	Amount
Essential Payments	
Costs to run the Council	£ 18,646.83
Village Maintenance	£ 2,200.00
Sub Total	£ 20,846.83
Non Essential Payments	
Christmas Lights (installation costs)	£ 1,650.00
Grants	£ 6,000.00
Victoria Jubilee Hall	£ 2,000.00
The Cross	£ 1,000.00
Sub Total	£ 10,650.00
TOTAL Essential and Non Essential Payments	£ 31,496.83

238 PRECEPT

The 2023 – 2024 Local Council Tax Base for the parish of Malpas has been calculated as 1071.3 for Band D equivalent properties.

The Band D Local Council Tax Base for 2022 – 2023 was 1016.8 for Band D equivalent properties.

Resolved:- The Council agreed to set the precept for 2023 - 2024 financial year at £30,393.00. This represents an increase of £1,543.00 (5.35%) on the 2022 - 2023 precept amount.

There will be no change with the Local Council Tax Charge for a Council Tax Band D property for 2023 – 2024. This will remain the same as 2022 – 2023 at £28.37. This means there will be an increase of £0.00 (0.0%) in the Parish Council's 2023 - 2024 share of the CWaC Council Tax bill.

Proposed by CIIr Higgie and seconded by CIIr Williams.

239 BUSINESS PRIORITIES AND PROJECTS - WORK PLAN 2023 / 2024

Jubilee Hall – The Chairman of the Jubilee Hall Committee has written to the Council regarding the invitation to apply for the government's Platinum Jubilee Village Hall Fund as they wish to apply for a grant towards infrastructure improvements of facilities e.g. kitchens, toilets, lifts and to improve energy efficiency. The deadline for applications is 20th January 2023.

The Council have agreed in principle to allocate £2,000.00 towards the Jubilee Hall in the 2023 – 2024 budget.

Cllr Waddelove requested that the Jubilee Hall Committee prepares a five year project plan of works required at the Jubilee Hall in order of importance and costings to be submitted to the Council.

240 | PLANNING

- 240.1 Planning Applications:-
- 240.1.1 22/04315/FUL Demolition of single-storey outbuildings and erection of an extension (including expansion of basement), for continued use as a single residential dwelling, together with a number of limited internal and external alterations to the building at Chorlton Hall Chorlton Lane Chorlton Malpas

Observations:-

Neighbouring parish, no observations were made.

240.1.2 22/04345/FUL - Installation of Photovoltaic Panels to existing boundary wall at 7 Love Lane Overton Malpas

Observations:-

The Council would make the observations as documented below:

If CWaC Planning Authority is minded to approve the application the Parish Council would request that the following conditions be included:- A low level landscape scheme that would hide the installation of the Photovoltaic Panels from the lower reaches of Love Lane.

Background Factors: Within settlement boundary; Conservation area; Tree Preservation Orders

Relevant Neighbourhood Plan Policies: BE3 and LC2

Potential benefits to the community: The use of non-fossil fuels will help to reduce carbon emissions in the local area.

Potential impact on neighbours: Potential visual impact on near neighbour Potential impact on wider community: Potential visual impact on the public realm Whilst the council support any move towards the generation of green energy there is a little concern with regards to the potential visual impact on the local area which is popular with many of the village residents as a quiet country walk route.

Notwithstanding that Photovoltaic Panels require line of sight to the Sun, the council would ask that consideration has been given to a low level landscape scheme that would hide the installation from the lower reaches of Love Lane.

The Council wish to ensure that the proposed works complies with current fire and safety requirements.

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.

240.1.3 22/04467/FUL - Erection of a 4-bay garage and domestic store (Retrospective) at Oldcastle Mill Granary Oldcastle Mill Lane Oldcastle Malpas

Observations:-

The Council would make the observations as documented below:

If CWaC Planning Authority is minded to approve the application the Parish Council would request that the following conditions be included: Removal of permitted development rights on the proposed building.

Background Factors: Open countryside

Potential benefits to the community: None identified

Potential impact on neighbours: Potential visual impact on near neighbours

Potential impact on wider community: None identified

Other relevant information for consideration:

- The Parish Council does not condone retrospective planning applications and therefore cannot support this application.
- The council notes that Oldcastle Mill Lane is very narrow and the space around the Mill is also particularly limited for turning round, so the provision of garaging in the property curtilage will reduce the impact of traffic on the lane.
- The site location is covered by Start 9 of the Local Plan and there is some concern on the size and massing of the proposed garage.
- Therefore the council would ask if permitted development rights could be removed to ensure that the Planning Authority receive notice if there are intentions to turn the building into residential accommodation in the future.

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.

240.1.4 22/04487/FUL Proposed pergoda extension to rear of the house at South Barn Preston Hall Farm Mastiff Lane 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: Potential visual impact on immediate neighbours

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 the charging electric vehicles.

Resolved:- The Council agreed to accept all the above planning observations.

Proposed by Cllr Meredith and seconded by Cllr Williams.

240.2 <u>To consider any applications received after the agenda has been</u> Distributed:-

22/04596/TPO - Sycamore tree (T1) - 20-25% or 2-3m crown reduction including deadwood and crossing branches. Sycamore tree (T2) - Fell to ground level at The Old Rectory Church Street Malpas

Observations:-

The Council would make the observations as documented below:

If CWaC Planning Authority is minded to approve the application the Parish Council would request that the following conditions be included: That the felled tree is replaced on a two for one basis as per Cheshire West Local Plan part 2 and the Malpas and Overton Neighbourhood Plan

Background Factors: Open countryside; Conservation area; Listed Building; Tree Preservation Orders

Relevant Neighbourhood Plan Policies: LC4

Potential benefits to the community: None identified

Potential impact on neighbours: None Identified

Potential impact on wider community: The removal of any living tree will result in a reduction of carbon capture capability in the community and loss of wild life habitation. Other relevant information for consideration:-

- In line with the rules of the CWaC Local Plan part 2 and the Malpas and Overton Neighbourhood Plan the council would request that the lost tree is replaced on a two for one basis.
- It is noted that the applicant is an employee of Treebay services. The Council would like re-assurance that the owner of the property is aware of the proposal.
- It is noted that the Council has received an email from the landowner detailing the tree species he has planted on his land and for this he should be commended. 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.

22/04419/LDC - Parking provision at The Stables to be solely for use of the residents / occupants at The Stables at The Stables Church Street Malpas

Observations:-

The Council would make the observations as documented below:

The Council objects to this application after careful consideration of the observations given below.

Background Factors: Within settlement boundary; Conservation area

Potential benefits to the community: None identified

Potential impact on neighbours: The proposal would remove parking from the Hayes Lodge which would create a Highway safety hazard and displace neighbours cars that are already parked on Church Street in this area.

Potential impact on wider community: The proposal would remove 2 off road parking spaces from the Hayes Lodge which could potentially create a Highway safety hazard in an already congested area.

Other relevant information for consideration: see full report for background regarding previous planning applications including

- Highway safety hazard,
- Condition 10 of the planning permission granted for the Stables development;
- The Council also notes that there are three statutory declarations associated with this application and would contest that all 3 declarations are irrelevant in terms of

the purpose of condition 10 of the original permission granted for the Stables development.

Highway Safety - The road width on Church Street in the area adjacent to the Stables development is very narrow section of the highway. In addition the pavement is less than 1 metre wide at this point. In picture taken in July 2011 before the stables had been constructed, illustrates that residents parking in the area was already at a premium. There have been a number of minor collisions in this area with parked cars being damaged. Since 2011, there has been a further development of 4 large properties at Battarbee Bank which has further added to the parked traffic in this area.

If the additional 4 parking spaces deemed appropriate to the Stables development would not be available, future owners / occupiers of The Hayes Lodge would need to park on the Highway at this point; thus increasing the hazards in this area.

Village Traffic Master Plan - Since 2016 the Parish Council have been working closely with Cheshire Highways Officers on a village traffic master plan; this aimed at reducing traffic congestion and addressing residents' safety concerns. The plan current contains proposals for additional parking restrictions in this Church Street are area. Whilst yet to be publicly consulted on, Highways officers are in support of these measures. If these are subsequently implemented they would add further weight to the need for condition 10 of the original Stables application to be maintained, and this application refused.

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.

Resolved:- The Council agreed to accept all the above planning observations. Proposed by Cllr Meredith and seconded by Cllr Williams.

240.3 Recent decisions by CW&C:-

Approved / Decided:-

22/02778/FUL - Walton Chester Road Malpas

240.4 Chester Road Site:-

No further update.

241 MONTHLY SURGERY

January surgery:-

There was no consideration of this item.

242 HIGH STREET CAR PARK

Update:-

- Concerns were raised regarding whether the purchase will go through due to legal delays.
- CWaC advised that the surveys / soil sample tests on the land have come back clear.
- The Council considered the costings for the car park project as previously circulated by Cllr Whitehurst.
- CWaC are keen to push on and get on site to start the work by the start of February.
- The Council has previously agreed to purchase the land to the rear of Huxley's at a cost of £75,000.00.
- The Council has yet to formally agree to pay for their share of the construction costs.
- The breakdown of costs is detailed in part 2 item.

The Council moved to a Part 2 to discuss the contractual details of the land purchase.

243 ALLOTMENTS

Update:-

- All invoices have now been paid.

	1						
	- Ther	e are currently two	plots which are not fit to let and two plots still available to let (nos				
	11 and 12).						
244	APPEARANCE OF MALPAS						
	244.1 Street Furniture Update:-						
	Dog Bag Dispensers:- The Clerk is in the process of making arrangements for						
	installation.						
	244.2 Bus Shelter – Old Hall Street:-						
	No update.						
	244.3 V	illage Pump:-					
	The Clerk is make arrangements for Cllr Whitehurst to liaise with Bovis regarding the						
245	plinth design. DEFIBRILLATOR						
	The heated cabinet has been delivered. Arrangements are in progress to install the cabinet.						
246	THE CROSS						
	_	The Inspector of Ancient Monuments has responded regarding the proposed works to The					
	Cross; he has offered to pay a site visit to talk through the scope of the work required. The Clerk is to arrange a meeting. Cllrs Waddelove and Whitehurst offered to attend.						
247							
	Costings for event were circulated previously.						
248		WEBSITE					
	Arrangements are in progress for the dedicated Council website.						
249	ERIC BEAK'S FUNERAL						
		Cllr Higgie previously circulated a report to the Council.					
250		PERSONS COUN					
			ne Council restarts the Young Person's Council. He agreed to act				
		or the project.					
251							
		No further update.					
252	COMMUNITY RESILIENCE PLAN (CRP) The CRP file has now been passed over to Cllr Granger. CLERK'S REPORT						
253							
	∣ CLERK'		passed over to Cilr Granger.				
i .		S REPORT					
	No.	S REPORT Item	Update				
		S REPORT Item Pond at The					
	No. 253.1	S REPORT Item Pond at The Mossland	Update Arrangements in progress for meeting later in January.				
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254	No. 253.1 253.2 253.3 253.4	Item Pond at The Mossland Archway Homes Rural Services Network Sinkhole Chester Road footpath link	Update Arrangements in progress for meeting later in January. Replied to confirm they will attend January meeting Rural Services Network:- The Council agreed to join. Submitted information to register. Passed on complaint made by resident to PROW, CWaC regarding sinkhole on footpath. CWaC have since advised that the landowner has been in touch and they're going to consider installing fencing and / signage. CWaC has written to inform the Council that has Bovis has advised that they are unwilling to alter the requirements of the Section 106 agreement. Their view is that if the Council cannot use the £65,000 for the stated footpath the money has to be returned to them. They are unwilling, for a number of reasons, to consider allowing use the money for an alternative project. The Council are to consider action at the February meeting.				
254	No. 253.1 253.2 253.3 253.4 EXTERN	Item Pond at The Mossland Archway Homes Rural Services Network Sinkhole Chester Road footpath link	Update Arrangements in progress for meeting later in January. Replied to confirm they will attend January meeting Rural Services Network:- The Council agreed to join. Submitted information to register. Passed on complaint made by resident to PROW, CWaC regarding sinkhole on footpath. CWaC have since advised that the landowner has been in touch and they're going to consider installing fencing and / signage. CWaC has written to inform the Council that has Bovis has advised that they are unwilling to alter the requirements of the Section 106 agreement. Their view is that if the Council cannot use the £65,000 for the stated footpath the money has to be returned to them. They are unwilling, for a number of reasons, to consider allowing use the money for an alternative project. The Council are to consider action at the February meeting.				

255	UPDATES FROM OUTSIDE ORGANISATION REPRESENTATIVES
	No updates.
256	PRESS AND PUBLIC
	Resolved:- To resolve to exclude the press and members of the public as the items to
	be discussed relate to contractual matters and are of a sensitive nature.
	Proposed by Cllr Waddelove and seconded by Cllr Williams.

The meeting closed at 8.58 p.m.

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