

Aymestrey Parish Council

Minutes Scheduled Meeting of the Parish Council Wednesday 27 March 2019 at 7.30pm in Aymestrey Parish Hall

MINUTES

Present: Cllrs Ian Banks (7:40), Ian Goddard (Chairman), Helen Hamilton, Eleanor Waldron.

Absent: Cllrs Annaly Goodwin & John Probert.

In attendance: 1 member of the public, Ward Cllr Carole Gandy; Maggie Brown (Clerk).

1. **Apologies:** Received from Cllr Ken Holland.
2. **Declarations of Interest:**
 - 2.1. Cllr Hamilton declared a non-pecuniary interest in item 11.1 before it was discussed.
 - 2.2. No requests for dispensations were received.
3. **Open Discussion:**
 - 3.1. Ward Cllr Carole Gandy's [report](#) was circulated to Cllrs prior to the meeting.
 - 3.2. The resident present raised 3 queries: ownership of newly erected fence and white line painted in Mortimers Cross Inn car park; water from public highway draining into private driveway and availability of Walking Books.
 - 3.3. The Chairman gave the following update:
 - 3.3.1. Cllr Ken Holland was selected as one of 15 finalists in the Herefordshire Community Awards, Community category, out of over 100 nominations.
 - 3.3.2. Cllr Goddard and Ward Cllr Gandy met the West Mercia Police and Crime Commissioner & representatives from Breedon Quarries, and thanked them for contributions to the Traffic Calming Scheme. A photograph was taken, and press release sent to Herefordshire Times.
 - 3.3.3. Litter pick 14 April 2019: Cllr Banks agreed to collect equipment from Balfour Beatty.
4. **Minutes:** RESOLVED: Minutes of the scheduled meeting 27 February 2019, and extraordinary meeting 13 March 2019 be signed as a true record.
5. **Neighbourhood Development Plan (NDP):**
 - 5.1. Noted: Herefordshire Council NDP Team will complete the Strategic Environmental Assessment (SEA) & Habitats Assessment Regulations (HRA), and arrange referendum, date to be confirmed. NDP now carries significant weight when considering planning applications.
 - 5.2. RESOLVED: that unspent NDP Grant be returned to Groundwork UK.
6. **2019 Election:** RESOLVED: that Polling Cards are not required.
7. **Broadband:** Noted: Report from Cllr Goddard. (Attached to these Minutes)
8. Noted: deposit of **Parish Council records** to Herefordshire Archive & Record Centre (HARC). Thanks recorded from the Clerk to Cllrs Goddard and Holland for their help.
9. **Notice Board Aymestrey Parish Hall:** RESOLVED: to consider quotes for a new notice board and repair of existing board. Cllr Banks to follow up.
10. **Highways**
 - 10.1. Traffic Calming Scheme: Cllr Goddard to contact Julie Debbage, Balfour Beatty, about refund on village gate installation costs.
 - 10.2. Agreed: clearance of debris by Aymestrey village kerbs, and pavement by Riverside pub to be included in the village clean up in April.
 - 10.3. No works for the Lengthsman reported. RESOLVED: Clerk to request end of year invoice; arrange payment as soon as possible; review administration of the scheme.
 - 10.4. No works for the Footpaths Officer reported. Noted: stile on AY1 where formal footpath meets Forestry Commission (FC) land has been fixed, with FC's co-operation.

11. Planning Applications

- 11.1. [P190147/FH - Full Householder](#) Berwick House Mortimers Cross Leominster Herefordshire HR6 9TQ, Proposed first floor extension above existing ground floor.

RESOLVED: the Parish Council has no objection to this application.

- 11.2. Additional Document, Amended Access/Visibility Plan 26.2.19., relating to
[P182069/F - Planning Permission](#) Land Adjacent to the Village Hall - Plot 6;
[P182071/F - Planning Permission](#) Plot 7
[P182072/F - Planning Permission](#) Plot 1a

Additional Document, Amended Plan 15.2.19, [P183425/XA2 - PP - Approval of details reserved by condition](#) Land adjacent to Village Hall Aymestrey Leominster Herefordshire

RESOLVED: to submit letter of objection to Herefordshire Planning Department. (Attached to these Minutes)

12. Financial Matters

- 12.1. A report was received from the Finance Group:
- 12.1.1. Noted: Internal financial controls reviewed.
 - 12.1.2. Noted: Internal Auditor's recommendations (2017-18) completed.
 - 12.1.3. Noted: Draft Asset Register 2019, deferred to April meeting;
RESOLVED: Risk Management Policy updated for adoption at May meeting.
 - 12.1.4. RESOLVED: Financial Regulations updated for adoption at May meeting.
- 12.2. Noted: balance transferred from Nat West to Lloyds bank £13,942.37 on 15 February 2019.
- 12.3. RESOLVED: The Clerk be given limited access to Lloyds online banking to set up payments and download statements.
- 12.4. Account balances were noted. RESOLVED: to approve payments as listed below.

Balance at 28 February 2019	
Lloyds Bank (transferred from NatWest)	13,673.17
TOTAL ABOVE INCLUDES RINGFENCED FUNDS :	
For Traffic Calming Schemes	3,010.03
For Neighbourhood Development Plan	2,010.00
Parish initiatives including £250 for election expenses 2019	1,186.00
Reserve fund	3,000.00
TOTAL ringfenced	9,206.03
Total non-ringfenced funds @ 28 February 2019	£ 4,467.14

PAYMENTS: approved	Amount (incl. VAT)	Chq No
Clerk's Pay (1 February to 31 March 2019)	454.60	000004
Clerk's Expenses (mileage £53.55, stationery £35.98)*	89.53	000005
HMRC (PAYE)	27.00	000006
HALC Inv H533 Subscription 1 Apr 2019 to 31 Mar 2020	391.37	000007
HALC Inv H634 Leading Lights & Planning Cllr training events	156.00	000007
Data Orchard Inv 0165 : Advising on responses to Reg 16 & meeting 16 Oct 18	296.92	000008
Data Orchard Inv 0169 : review of examiner's fact check report	72.00	000008
Groundwork - return of unspent Grant	1,602.57	000009
One Stop Print Shop Inv 10218 (NDP)	100.00	000010
Plusnet - Direct Debit payment for broadband	19.20	DD
TOTAL	£ 3,209.19	£ -

*Mileage: Election briefing in Hereford, 2 APC meetings, appraisal, 2 x posting notices & HARC
 Stationery: file dividers and black printer ink

13. Noted: contents of Information Sheet.

14. Noted: date of the next meeting, scheduled for **Wednesday 24 April 2019**.

15. A resolution was passed and members of the public excluded due to the confidential nature of the following:

RESOLVED: to set the clerk's salary for 2019/20 at new Scale Point 11 from the National Salary Award and to pay subscription to the Society of Local Council Clerks.

Meeting closed at 21:52

Signed
Ian Goddard, Chairman.

DATE 24 April 2019

DRAFT

Item 7.

Fibre Broadband

You may have been affected by the temporary traffic lights at Mortimer's Cross recently. For once, the traffic management was welcome, for that is our fibre-optic cabling being set up. I have long been enquiring about when Aymestrey might expect faster broadband, without any success. Suddenly it is all happening and it looks good!

Public money is being used to create a brand new fibre-optic network in Herefordshire and Gloucestershire to reach those parts of the counties for which the commercial operators are not providing.

With Herefordshire Council sponsoring, Gigaclear is providing the network, which is totally separate from the BT/Openreach system. BT is not providing fibre-optic to Aymestrey Parish. Gigaclear is providing fibre-optic all the way to the house.

The junction box to provide for Aymestrey Parish should be in place in August and supply to houses ready in November. Householders have to contact Gigaclear to arrange a connection.

We are warned that there will be traffic disruption while cables are buried. Virtually all houses in the Parish will have access. Upper Lye is in a separate connection area (Bicton) and Leinthall Earls will be supplied from Wigmore. These connections will be made later.

Please go to www.fastershire.com for more information, or visit www.gigaclear.net.

March 2019.

Item 11.2

Emailed to Mr Tansley, 30 March 2019

**Planning applications P182069/F, P182071/F and P182072/F
Planning Application 173692**

Land adjacent to Village Hall, Aymestrey

I write in respect of the three planning applications detailed above as the identical issues affect all three. The issues raised also relate to planning applications 173692 and P183425/XA2 (five houses adjacent to the village hall), where permission has been granted and the applicant seeks confirmation that planning conditions are met.

This letter is in response to the amended Access/Visibility Plan dated 26.2.19 submitted on behalf of the three applicants of the above numbered applications; but as the same plan is also submitted to support application P183425/XA2 to satisfy planning conditions, the points made below also apply to that application.

This letter also considers the applicants' claim to self-build status.

Following the Parish Council meeting held on Wednesday 27 February, I am directed to make the following points:

- The Parish Council has already stated that visibility of 104m from a point 2.4m back from the carriageway edge at the proposed entrance to the development is not possible. Please see my letter to you dated 24 January 2019.
- You will have considered the superseded visibility splay dated 9 October 2018, drawing reference 1447/SW/1D. The plan is to scale, but does not show the extended line from the eyeball point to a point 104m to the north, the claimed visibility. Our objection was that this visibility cannot be achieved because of obstructions on land not in the control of the applicants.
- It is reasonable to assume that this plan was drawn in order to show the maximum visibility available (to the nearest metre) and, as it is to scale, it was put forward as accurate and reliable. It was certainly intended that the Highways Officer should rely on it.
- The amended access/visibility plan dated 26.2.19, drawing number 1447/SW/1E, still does not show the extended visibility line to the north. However, examination of the plan shows that the angle of this line has been altered so that it passes further from the inner radius of the pavement shown and passes the north side of the village hall entrance at a point closer to the road. This line is at a fine angle to the margin of the road and the change will make a significant difference to the point at which the visibility splay is measured.
- Both plans claim a visibility splay of 104m. They cannot both be correct, which calls into question the accuracy of the amended plan now put forward as part of the application. It also calls into question the actual visibility of the superseded plan, a version of which was relied upon in planning application 173692., assuming that the change has been made to provide a line on a plan not obstructed at the village hall.

- Neither the location plan nor the site plan show ownership boundaries nor has any certificate B notice been served on the Trustees of the village hall. It seems then that the applicants expect to achieve the relevant visibility splay and footpath without alteration to third party property. That brings us back to the point that the splay cannot be achieved on the original plan, and if the later, current plan has been altered to avoid the obstructions then the visibility has been reduced, which reduction is not shown on the plan.

At best, the plans are unclear. This leads us to suggest that all caution should be taken with both of the submitted plans and, recognising the great importance of these applications to the village of Aymestrey, that the only way forward is for the applicants to submit a scale plan showing a line from eyeball to roadside 104m away and including the position of obstructions we have identified in our previous objection and a location plan showing land ownership; and for the Highways Officer then to make his own physical inspection of the site.

A decision taken without reliable information on these matters would be unsound. It will be objected that no representations are allowed on application P183425/XA2, but no reasonable planning decision can be made when the plans exhibited are open to question.

Both of the plans in question suggest a bend in the boundary between the applicant site and the village hall. It is notable that the boundary is not shown to the roadside. Inspection of the land registry titles show that this line is straight and meets the carriageway at a point further south than the plan implies. If the corrected line is overlaid on the plan it shows that the proposed footpath to the north of the entrance to the new development is partly on land belonging to the trustees of the village hall.

The said path exits onto land belonging to the village hall. The village hall is under no obligation to allow access to pedestrians at that point and currently there is a fence between the two properties.

In addition, while the applicants seek to establish status as self-builders, possibly as a means of defeating the objection that the proposed properties are outside the Aymestrey settlement area defined in the Neighbourhood Development Plan (NDP), the following issues are relevant:

- The NDP does not identify any need for self-build exceptions to the settlement areas. This is after all consultation required. No suggestion was made that there was a requirement for such, nor were the sites in question put forward for any development.
- In addition there are conflicts with a number of NDP policies, not least to protect heritage assets, biodiversity and the landscape. The NDP landscape policies have a heightened importance because the examiner accepted the NDP's statement that the entire parish formed a "valued landscape", which should be protected and enhanced in accordance with paragraph 170 (a) of the National Planning Policy Framework 2018.
- Historic England have raised objection to housing on the proposed site, and it is not open to the applicants to say that because there is permission for five houses despite the Historic England objection that the objection no longer matters. Indeed, the Historic England objection raises a presumption of refusal of permission. The site does not meet criteria for development by self-build.
- There is planning permission for five houses on contiguous plots. The land is currently in the same ownership or control of the same family, which is one of the points made in support of the applications. These five plots can be used for the suggested self-build requirement.
- The five houses already permitted may never be built, in which case the permission for these three houses spread out across the field would be inappropriate.

- No case is suggested or made that these houses are 'affordable housing' and therefore might provide an exception to normal planning requirements, which require refusal outside the Aymestrey settlement area.

In summary, to allow a further three houses to be built, based on unsound presumptions as to boundaries and land ownership, a disputed visibility splay, outside the settlement boundary, on farmland, in the face of objection by Historic England and when alternative sites are available would be contrary to planning principles.

Our earlier objections on matters not connected with visibility remain.