

Cressage, Harley and Sheinton PC

Minutes of Council Meeting held on 10th April 2018

at Harley Village Hall at 7.45pm

Present: Cllr. Tipper (Chairman), Cllrs. Bott, Campbell, Esp, Lawrence, Quenby and Todd

In attendance: Shropshire Cllr. Wild, 2 public

Clerk: Mrs R Turner

37/18 Public Session

A member of the public enquired about possible future development, for example starter homes and social housing. Cllr. Tipper explained that the Shropshire Local Plan Review proposes that Cressage be designated as a community hub which means it would have some housing development. Cllr. Tipper said that today himself and the clerk had walked round Cressage with Liam Cowden, Planning Policy Officer and he had seen potential sites – such as the former garage, The Eagles and the vicarage. The details of development – development boundary, quantum and site allocations are unclear at this early stage. Cllr. Wild further explained the strategic context – Shropshire Council has to have a Local Plan and a minimum of 5 year land supply. The target is a further 13,000 homes need to be allocated in Shropshire in the period to 2036. Approximately 30% are likely to be in rural areas. A hub will have a development boundary and housing quantum guideline. The boundary will help protect against speculative development. The Local Plans team will be writing to parish councils and suggesting they work with 3 members of parish council to work up the details of hub designations. Details of proposed development in hubs will be known by towards end of this year.

A member of the public raised a concern re potholes – Cllr. Wild said that by end of May outstanding pot holes will be filled. Concern was expressed re the £5 million funding cut from highways maintenance budget and the implications for maintenance. The condition of the highway by Cressage bridge where the kerb has dropped was raised. Cllr. Todd asked to see a copy of the bridge inspection report – Cllr. Wild to investigate.

38/18 Apologies

None.

39/18 Declarations of Interest

Cllr. Bott declared a pecuniary interest in the payment of an invoice for works he had carried out.

40/18 Shropshire Councillor Report

A report has been published on Environmental Maintenance Grant and a consultation has commenced. A max of £1500 per parish will be available and the parish must match fund the works 100%. The categories of works have changed and are more focused on maintaining highways land e.g. verges but not works to the highway surface (i.e. potholes etc will remain Shropshire Council's responsibility). Play facility maintenance is not included in the list of works and she suggested the parish raise this as such facilities are of high community value.

SC are to liaise with the owner of a hedge opposite Mill House, Harley and ask for it to be cut; at present the outcome is unknown. Cllr. Wild also reported that there was an unauthorised speed camera in Cressage but this has now been taken down. Highways and the police were informed. It is unclear what the legal situation would be had the camera not been removed.

41/18 Minutes of meeting held on 13th March 2018

It was resolved to approve the minutes and the chairman was instructed to sign them.

42/18 Matters arising/unresolved

- **Shropshire Council Local Plan Review** – Liam Cowden had asked if the parish would want a Housing Needs Study which will look in more detail at types of housing needed. The cost would be borne by SC. It was agreed to express an interest.
- **Parish Plan (Action Plan)** – No further update. Every 3 months, the Parish Council is to discuss a specific topic area, starting in June with children and young people, focusing on immediate priority topics first.
- **GDPR** – the clerk said that the auditor had now visited. She advised councillors that in the event of a Subject Access Request they could be asked to provide copies of any relevant emails or paperwork they held – she therefore advised them to not to keep personal data relating to council business on their email account or on paper copy. Councillors can also consider getting an email just for council business or setting up a separate folder for council business within their personal email account.

43/18 Planning Issues

- 1) 18/00177/FUL - The Old Hall, Cressage, Shrewsbury, Shropshire, SY5 6AD
Proposal: Erection of extension to existing conservatory; forming an original external dormer bulkhead on single storey; formation of access into existing bathroom to form ensuite; creation of ensuite bathroom
Decision: Grant Permission
- 2) 18/00178/LBC - The Old Hall, Cressage, Shrewsbury, Shropshire, SY5 6AD
Proposal: Erection of extension to existing conservatory; forming an original external dormer bulkhead on single storey; formation of access into existing bathroom to form ensuite; creation of ensuite bathroom affecting a Grade II listed building
Decision: Grant Permission
- 3) 18/00169/FUL - Station House, Cressage, Shrewsbury, Shropshire, SY5 6AD
Proposal: Erection of extension of roof over balcony and erection of dormer window
Decision: Grant Permission
- 4) 17/02677/FUL - Proposed Holiday Let Accommodation At Sheinwood, Sheinton
Proposal: Conversion of existing 1.5 storey outbuilding to form 2 storey, low impact timber framed holiday let accommodation.
Notification of Planning Appeal – Ref: APP/L3245/W/17/3191251

44/18 Administrative Issues

- **Agenda issuing & notices** – it was agreed to continue to send agendas by post and send a copy via email. Larger papers, such as reports, to be sent via email only. The clerk was advised that Cllr. Tipper does the Cressage notices, Cllr. Lawrence - Sheinton, Cllr. Todd - Harley. The notice is a different colour for each month (last one was green).
- **Village Life** – it was agreed to email the last approved minutes to Village Life. Villagel@hotmail.co.uk and to add the website address to Village Life. Cllr. Tipper to ask for the clerk to have a copy of the magazine posted to her.

- **Annual Parish Meeting** – it was agreed to invite the Village Halls, WI, Gardening Club, School, Pre-School, Church, Police (contact Dave Walton with email) and Shropshire Council to give reports.

45/18 Finance and Accounts

a) Payments

It was resolved to approve payment of the following:

Ref	Payee	Item	Chq/SO/DD	Net	VAT	Gross
P1-1819	Npower	Electricity	DD	£	£	£63.57
VOID	VOID	VOID	2123	VOID	VOID	VOID
P2-1819	Harley VH	Room hire	2124	£10.00	£0.00	£10.00
P3-1819	S Bott	Maintenance	2125	£175.00	£0.00	£175.00
P4-1819	Harley VH	Room hire	2126	£25.00	£0.00	£25.00

b) Receipts – the following were noted:

Ref	Payee	Item	Amount
R1-1819	HMRC	VAT refund 2017-18	£342.45

c) Other financial matters

The clerk reported that the 2017-18 accounts are with the internal auditor, SDH Accounting.

46/18 Correspondence

- **War memorial** – Severn Trent are to inspect the site prior to re-instatement works.
- **Community road safety concerns** – have been submitted and SC has confirmed they have been included as priorities.
- **Road closure - B4380 From Cressage A458 To Eaton Constantine Junction investigation works** 14/05/2018 to 16/05/2018. Two number bore holes are to be drilled within the highway under a Temporary Road Closure, works will take place between 09:30 and 16:00.
- **Police and Crime Commissioner survey** – Cllr. Todd to complete
- **SALC Area Committee invite to nominate 2 representatives** - noted
- **SALC Planning Training** – Cllrs. Lawrence and Quenby to attend the June course, Cllrs. Bott and Tipper to attend the September course.

47/18 Parish Matters

- **Trees by entrance to village of Harley** –bollards are needed as grass/tree cutters are using layby. Cllr. Todd is trying to get white markers from SC.
- **Weed killing round cherry trees in Harley** – this is in SLB Groundcare's contract.
- **Bus shelter – on Sheinton Road** – a resident had written requesting a shelter here. Cllr. Tipper declared a bias as he lives nearby. It was resolved to respond that this matter was not identified

in the Parish Plan so the need has not been demonstrated. Financing and the width of the pavement are also limiting factors.

- **Right of Way at Eagles Car Park** – a resident had been contacting Shropshire Council regarding this matter and had written as follows:

I have in the last two issues of Village Life raised the issue of the blocked public right of way through the Eagles car park. I evidence the establishment of a right of way, registered in 2010 with the CC, from the planning application for the proposed development on that site. There has not been a response to the Village Life or any removal of the fence blocking the right of way.

I am now formally asking Claire, as my representative on the County Council, to make formal representations to the Highways Authority to get the obstructive fence removed. I understand it is that Authority that has a duty to prevent the stopping up or obstruction of a right of way having principal responsibility for them.

As the gates blocking access are in situ did the landowner have permission from that Authority to block the right of way or was an application made for a temporary closure. If the answer to either is yes will you please copy to me the relevant evidence.

A High Court case (2014) Herrick v Kidner joined with Somerset CC concluded

“In my view section 130B(4)(c) of the 1980 Act has the effect that any structure erected within the legal extent of the footpath, and which prevents public passage or the enjoyment of amenity rights over the area of its footprint, significantly interferes with the exercise of public rights of way. Highway authorities which refuse to take action to secure the removal of such structures may be subject to an order under section 130B.”

The reference above is to the 1980 Highway Act.

In any case the alternative to the right of way through the Eagles car park is the footpath along the A458 which is very narrow emerging onto Sheinton Road having no footpath. It is dangerous and given the high volume of traffic using that road there is an accident waiting to happen. There needs to be some common sense used on this matter not a wall of silence.

Shona Butter, Rights of Way Officer had replied as follows:

- *We have a Formal Application to add a footpath through the car park however this has yet to be investigated and determined.*
- *In 2016 we were notified that the pub car park had been fenced off and I made contact with the new owners to obtain their views.*
- *As this route is not legally defined, I am unable to enforce the removal of the fencing at this stage and there is no requirement for the owners to apply for a temporary closure.*
- *The fact that the footpath is being incorporated within the planning proposals is extremely beneficial and will avoid a lengthy legal process.*
- *A creation agreement will need to be entered into to formally dedicate the footpath through the site between Shropshire Council and the landowner.*
- *Once dedicated we will then ensure that the route remains open and available.*

I therefore feel that this matter is being dealt with appropriately. Whilst frustrating for residents at present, should the planning be approved and the footpath be incorporated as currently shown on the plans and dedicated, the final outcome will resolve this matter and access will be restored.

After the meeting, she further clarified the legal position as follows:

At present there is no legally recorded access across the site of the Eagles Car Park. Anyone can claim that a route should be recorded but to support a claim evidence has to be submitted which can be user and/or historical evidence. An application was made to claim a route through the car park when it became blocked (The Formal Application) but this application has yet to be determined. Therefore, the evidence has not been examined and tested and until this has been done no legal route will exist unless an alternative legal resolution can be found.

When an application to develop the site was made, our service raised the fact that a claim had been made for a footpath across the site which would mean that there could be a footpath recorded in the future. In this instance, that information has been taken on board and the developer/owner has decided to accommodate a route through the development, thus it being shown on the plans.

As previously stated, this means that we can enter into a Creation Agreement with the landowner to dedicate this route and it will then become legally recorded and will be added to the Definitive Map. The Formal Application will effectively be resolved by agreement rather than not. This is by far the quickest and simplest way to resolve such matters.

- **Publishing mins in Village Life** – it was agreed that the council will try to meet the deadline but if not all minutes will be on the website. Minutes to be published a month in arrears to ensure that only approved minutes are published. It was further agreed to invite the Editor to council meetings.
- **New oil tank delivery** – a resident was having a new oil tank delivered and had asked if she can use the driveway to the recreation field as she has poor access. This request was agreed to.
- **Keys to field and pavilion** – it was confirmed that Cllr. Bott has one set, Cllr. Tipper has two sets. Derek Shaw to be asked if he can have one set for the meter reader.

48/18 Date and Time of Next Meetings – 8th May 2018

- **APM – 6.45pm – Cressage Village Hall**
- **Annual Council Meeting – 7.15pm – Cressage Village Hall**