

SOUND & DISTRICT PARISH COUNCIL
Minutes of Virtual Meeting of the above Council
held on Tuesday 4th May 2021, 7.00 p.m.

Councillors: D. Tomlinson (Chairman), A.G. Lawrence (Clerk), Mrs E. Hollinshead, Mrs JR Park, R. Blackburn, M. Hartland, Ms N. Watson, Ms. H. Paterson, WF Wright, P. Griffiths, M.D. Wright, I Blakeman, Clr. RA Bailey and 3 members of the public.

1. **Apologies:** L. Wright, Mrs R. Ruscoe, R. Brassington
2. **Declaration of Interest** – if a member is present at a meeting of the authority, and they have a disclosable pecuniary in any matter to be considered or being considered at the meeting, they cannot take part in any discussion of the matter at the meeting or vote on it. They should disclose the interest to the meeting and follow the Council's Code of Conduct.
3. **Minutes** of last Parish Council Meeting held on 31st March 2021 were unanimously confirmed as a true and correct record on the prop., of R. Blackburn, sec., Mrs JR Park
4. **Matters arising** from last minutes:-
 - a. **Co-Option to Parish Council:-** D. Tomlinson reported that I. Blakeman wishes to be considered for co-option to fill the vacancy of Parish Councillor for Austerson. On the prop., D. Tomlinson, sec., Mrs E. Hollinshead it was unanimously agreed to co-opt I. Blakeman to this vacancy. Clerk to arrange completion of paperwork.
5. **Highways :-**
 - a. **Speedwatch :- report from M. Hartland :-** costings for the items listed in the speedwatch report.

Gary Foster at TWM Traffic Winsford advises:-

Speedwatch signs . TWM use a company called Standard Signs in Winsford for their signs. He would estimate £100- 150 per sign depending on size etc.

40mph SIDS on the A530. We would have to find out who owns the SIDS. I agreed to send him the serial numbers of the SIDS if I can find them and, dependent on what the parish councils decide. A site assessment of the SIDS by TWM is needed to fully understand what can be done. Cost of this for the 4 SIDS would be around £400. Maybe new software is required but once up and running minimal further cost. The data collection would be done by someone in the parish either by connecting into the SID or remotely.

Movable SIDS around the parishes. A battery operated speed control device is around £1800. A device to hang on a pole for example. Gary advised that we would need to speak to the local authority on this regarding sites.

Average speed cameras. TWM do not have these.

Gary Foster said one of their team would be quite happy to visit the parishes to discuss any requirements.

Further;- In Cheshire the point of contact for all CSW schemes is the local PCSO who will ensure that their individual group(s) operate in accordance with the new updated procedure when completed.

M. Hartland reported further that he is, via N. Jervis, trying to ascertain whether funding may be available and will then report back.

It was also reported that more volunteers are desperately needed.
 - b. D. Tomlinson reported that the Parish Highways Group had met with E. Timpson MP and had a very constructive and informative meeting. Further talks have taken place with I. McLelland and Andrea Bickerton from CE. Clr Bailey advised that Ward Councillors are being recommended with a £4200 budget to be supplemented by Parish Council contributions to improve gulley emptying, this would be a double taxation issue, and further it is particular bad that a group of parish Councils are trying to improve the situation, and would be a model role and yet they have not been invited to take part in these discussions.
6. **Correspondence:** Noted to members for their inspection and interest as follows:-
 - a. **Cheshire East**

- i. Covid Updates
- ii. Cheshire East planning policy documents consultations - You have received this email as you have previously responded to a local plan consultation or you have been asked to be kept informed of future local plan consultations. The council has published two planning policy-related documents for consultation:

Final Draft Houses in Multiple Occupation Supplementary Planning Document ("HMO SPD")

Consultation took place between 26th October 2020 and 23rd December 2020 on the initial Draft HMO SPD.

The Final Draft HMO SPD has been now been published alongside a Report of Consultation. The Report of Consultation sets out the responses received to the initial Draft HMO SPD and how they have been taken into account in the final version.

The HMO SPD provides guidance for all parties involved in the planning application process, explaining how Cheshire East Council will assess planning applications that involve the change of use (or extension) of buildings to HMOs across the Borough.

Representations are invited to be made about the Final Draft HMO SPD and the Report of Consultation between the **26 April 2021** and **5:00pm on 7 June 2021**.

Further information is available on the council's consultation portal: <https://cheshireeast-consult.objective.co.uk/portal/planning/spd/>

Draft Housing Supplementary Planning Document ("Housing SPD")

The Draft Housing SPD has been published for consultation and provides further guidance on the implementation of policies in the Local Plan, including SC4 'residential mix', SC5 'affordable homes' and SC6 'rural exceptions housing for local needs' of the Local Plan Strategy. This is the first stage of consultation on the SPD which, once adopted, will be a material consideration in decision-taking.

The consultation will run from **26 April 2021** to **5:00pm on 7 June 2021**. Further information is available on the council's website at: <https://cheshireeast-consult.objective.co.uk/portal/planning/spd/>

Please do not hesitate to contact the Strategic Planning Team at planningpolicy@cheshireeast.gov.uk or telephone 01270 685893 should you require further information on any of these consultations.

Jeremy Owens - Development Planning Manager

b. Councillors - none

c. Parishioners - none

d. Other

- i. CHALC Enewsletter
- ii. Clerks & Councils Direct
- iii. Glasdon Local Councils product guide

7. Accounts

I. Income since last meeting:-

- | | | |
|----|--|----------|
| 1. | Cheshire East Precept – 1 st Instalment | £2250.00 |
|----|--|----------|

II. Accounts paid since last meeting:-

III. Accounts to pay at this meeting

- | | | |
|----|---|---------|
| 1. | Chq No 500093 Purchase Order No. 31
BHIB Councils Insurance | £298.01 |
| 2. | Chq. No 500094 Purchase Order No. 32
CHALC Membership | £302.76 |
| 3. | Chq. No 500095 Purchase Order No. 33
Rocketmedia – Website Hosting and administration | £300.00 |

The above accounts were unanimously approved for payment on the prop., of D. Tomlinson, sec., R. Blackburn.

IV. Annual Audit ;-

- Display Notice of Audit
- Exercise of Public Rights from 14th June – 23rd July 2021

a. Annual Governance Statement was unanimously approved by the Parish Council on the prop., M. Hartland, sec., Mrs E. Hollinshead

b. Statement of A/C's year ending 31st March 2021 was issued by the R.F.O. as follows:-

Parish Council Income for year	4071.01
Along with balance brought forward	<u>1665.68</u>
Gave a total available of	5736.69
Total expenses have been	3899.42
 Leaving a balance to carry forward of	 <u>£1837.27</u>
 Neighbourhood Plan Income	 5790.00
Neighbourhood Plan Expenses	5790.00
 Leaving a balance to carry forward of	 <u>£0.00</u>
 Leaving total funds to carry forward of	 <u>£1837.27</u>

The Parish Council were advised of the explanation of variances which were unanimously accepted on the prop., of R. Blackburn, sec., D. Tomlinson

With all details of income and expenditure as listed in the Account Book. The Accounts were formally adopted on the prop., of D. Tomlinson, sec., R. Blackburn and unanimously agreed,

c. Exemption Certificate to be returned by 31st July 2021. On the prop., M. Hartland, sec., R. Blackburn it was unanimously agreed that Sound & District Parish Council would submit, as a smaller authority, an Exemption Certificate to PKF Littlejohn, London

On the prop., M. Hartland, sec., Mrs E. Hollinshead and unanimously agreed, the Clerk/RFO and the Chairman signed, as follows:-

- i. The Annual Governance Statement
 - ii. The Accounting Statements 2019/20
 - iii. The completed Annual Account Book
 - iv. Exemption Certificate
- To be duly completed by the Clerk/RFO and also signed by the Chairman.

V. **Internal Audit** this will, following the meeting, be submitted to JDH for their undertaking.

VI. Appoint Regulatory Financial Officer – the Clerk was unanimously re-elected on the prop., of M. Hartland, sec., Ms N. Watson.

VII. Confirmation of:-

- i. Financial Regulations – NALC – Model Financial Regulations (England)
Was unanimously reconfirmed on the prop., of Mrs JR Park, sec., D. Tomlinson
- ii. Risk Assessment
Was unanimously reconfirmed on the prop., of Mrs JR Park, sec., D. Tomlinson
- iii. Parish Council Internal Financial Audit
The Meeting on the prop., of D. Tomlinson, sec., Mrs JR Park unanimously confirmed their Internal Audit requirements were adequately covered within their Financial Regulations and their Risk Assessments which are currently in place, and as approved in item 8/VII/i/ii as above
- iv. Clerks Contract of Employment
Was unanimously reconfirmed on the prop., of Mrs JR Park, sec., D. Tomlinson
- v. Standing Orders
Was unanimously reconfirmed on the prop., of Mrs JR Park, sec., D. Tomlinson

- vi. Transparency Code
Was unanimously reconfirmed on the prop., of Mrs JR Park, sec., D. Tomlinson
- vii. GDPR Policy/Privacy Statement
Was unanimously reconfirmed on the prop., of Mrs JR Park, sec., D. Tomlinson

8. Planning Applications:

I. Applications received since last meeting:-

- a. Clerk reported that the erection of building on field adjacent to Sound School has been reported to CE Planning - Ref 21/00255E
- b. Clerk reported that Development not in accordance with Approved Plans – Dairy House Farm, Wrenbury Heath Road was reported to CE Planning Ref 21/00331E. Further there is now a new application as 8/III re this.

New applications as 8/III below

II. Results of previous applications:-

20/5178N
Land adjacent to Hack Green Lake, Hack Green Lake, Nantwich, Baddington
Installation of 6.06lx2.44wx2.60h metre shipping container painted RAL colour 100 20 10 for storage of equipment
in connection with the maintenance and upkeep of fishing ponds and surroundings. For example sit-on mower, aerator
and generator, dredge, fencing equipment etc.
approved with conditions

III. Applications/Matters before this meeting:-

- a.
 - Application No: **21/1835N**
 - Proposal: **Single storey side extension**
 - Location: **3 MAY BARN, Poplars Farm Barns, FRENCH LANE, BADDINGTON, CW5 8AL**
 - National Grid Ref: **364335.1769 348520.9548**

On the prop., D. Tomlinson, sec., M. Wright it was unanimously agreed to support the application

- b.
 - Application No: **21/1237N**
 - Proposal: **Change of use from stable block to sui generis dog day care/groomer**
 - Location: **OLD HOUSE BARNs, BADDILEY LANE, BADDILEY, CW5 8BP**
 - National Grid Ref: **361833.3391 350404.4689**

Clerk advised he had received objections for Parishioners and these now totaled 6 on CE website at this time. M. Abbatt was invited to speak and outlined the concerns of residents.

On the prop., P. Griffiths., sec., Mrs J.R. Park it was unanimously agreed that the Parish Council would object for the following reasons:-

Matters of Concern

1. Misleading information has been provided to the Council;
2. Curtilage of the development;
3. Insufficient information has been submitted to the Council in regard to the proposals;
4. The principle of the proposed business use is unacceptable in the Open Countryside;
5. The significant harm created by the business use on the residential amenities (noise and highways) on the occupiers of Old House Farm;
6. Restrictive covenants

1. MISLEADING INFORMATION PROVIDED TO THE COUNCIL The application form at section 4 identifies the 'site area' as 49.50 sq.m. This is incorrect. The site area as per the submitted 'red line' location plan measures approximately 7440.35 sq. m or 0.74 ha. The site area should be confirmed by the applicant. The description of development in section 5 on the application form is incorrect. The existing building subject of the proposed change of use is a 3 bay garage with loft space above; not a stable block. The site area also includes land within the Open Countryside which is not domestic curtilage. There is therefore a Change of Use of Land as well as an existing building. The description on the application should be amended to reflect what is truly being applied for by the applicant and neighbours re-notified accordingly.

2. CURTILAGE OF THE DEVELOPMENT The site location plan (red line plan) submitted as part of this application has an approximate area of 0.74 ha. Included within the application is a residential dwelling associated garden area with open fields beyond. As it currently stands, this applications seeks to change the use of the entire site (land use and buildings) to a Sui Generis business use. This has significant implications which will be addressed in detail below.

3. INSUFFICIENT INFORMATION SUBMITTED TO THE COUNCIL The proposal seeks the change of use of an existing building and land within the applicants ownership to a dog day care facility and grooming parlour. Whilst a proposed floor plan and elevation plan has been submitted by the applicant pertaining to the change of use of the existing building, there is limited information contained on the plan or in any supporting documentation as to what the applicant's intentions actually are. Details of the proposed day care /groomers The applicant has not identified which areas of the existing garage building that are to be used for the dog day care and which areas are to be used for the grooming. The number of grooming tables has been omitted by the applicant and it has not been indicated how many dogs are anticipated to be groomed per hour. The applicant has not identified up to how many dogs are proposed to be 'minded' at the day care. As it currently stands, the applicant has stated that 2 members of staff are to be employed at the business. The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 states that as a guide, a ratio of staff to dogs must not normally exceed 1:10. For ease of reference, a copy of the DEFRA guidance is appended to this objection (see appendix 1). Based on the DEFRA guidance, the dog day care could see up to 20 dogs at the premises per day, with the potential to increase in numbers should staffing levels increase. In addition, assuming both employees carry out grooming at the same time, there could be an additional 18 dogs, equating up to 38 dogs per day visiting the premises. This does not take into account the applicant's own dogs. It is not unreasonable to assume that there could be approximately 40 dogs per day visiting the facility. It is imperative that the Council understand how many dogs are likely to be minded at the day care as well as groomed this will have a significant impact of the residential amenities of the occupiers of Old House Farm and implications on traffic movements on Baddiley Lane. In addition, owing to the size of the application site, there is the potential for additional kennels to be erected within the site. Whilst planning permission would be required, the size of the site lends itself to essentially becoming a 'dog pound'.
Exercise Area The current plans do not identify any areas for outdoor exercise for the dogs at the day care. Therefore, as the application site incorporates the residential dwelling, it is assumed that the exercise area will comprise the domestic garden of Old House Barns as well as the Open Fields that are within the applicants land ownership. Clarification should be sought from the applicant as to where the dogs are to be exercised and details of any enclosures within the site must be provided. **Additional Information** Once a planning application has been validated, S62(3) and S62(4) of the Town and Country Planning Act allows a planning officer to request further reasonable information from the applicant which they think necessary, or request evidence about a matter if the matter will be a material consideration in the determination of the application. The application as it stands has insufficient information to allow a detailed assessment of the application to be made by the Local Planning Authority and its statutory consultees.

4. PRINCIPLE OF PROPOSED BUSINESS USE The application site is located within the Open Countryside as defined on the Council's Policy maps. Policy PG6 – Open Countryside, of the Cheshire East Local Plan Strategy 2010 – 2030 clearly states that: "...within the Open Countryside only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted". The Policy does continue to list exceptions to the Policy which this development clearly does not fall in to. The change of use of land and buildings to a dog grooming parlour and dog day care (Sui- Generis Use) is not considered an appropriate business use within the Open Countryside. Such business uses are attributed to principle towns, key service centres, local service centres and mixed use employment centres as per Policy PG2 of the Cheshire East Local Plan Strategy 2010 - 2030. Policy EG2 – Rural Economy, of the Cheshire East Local Plan Strategy 2010 – 2030 identifies that development will be supported where development meet 7 criterion. The criterion is as follows: "...i. Meets sustainable development objectives as set out in policies MP 1, SD 1 and SD 2 of the Local Plan

Strategy; ii. Supports the rural economy, and could not reasonably be expected to locate within a designated centre by reason of their products sold; iii. Would not undermine the delivery of strategic employment allocations; iv. Is supported by adequate infrastructure; v. Is consistent in scale with its location and does not adversely affect nearby buildings and the surrounding area or detract from residential amenity; vi. Is well sited and designed in order to conserve and where possible enhance the character and quality of the landscape and built form; and vii. Does not conflict with Policies PG 3, PG 4, PG 6, PG 7, SE 3, SE 4, SE 5, SE 6 and SE 7 of the Local Plan Strategy". The proposed development submitted is not in a sustainable location and does not need a rural location to function. The proposed development would adversely affect the occupiers of Old House Farm through unreasonably impacting upon their amenity. The proposal has a clear conflict with Policies contained within the Development Plan as a whole. The principle of a dog groomers and dog day care facility is inappropriate in this location and contrary to Council Policy.

5. IMPACT ON RESIDENTIAL AMENITIES OF OCCUPIERS AT OLD HOUSE FARM The proposed change of use of the buildings and land to a Sui Generis business use will have an adverse impact on the occupiers of Old House Farm. Saved Policy BE1 – Amenity, of the Crewe and Nantwich Replacement Local Plan 2011 states:

"Proposals for new development will be permitted provided that the following criteria are met: • They are compatible with surrounding land uses; • Do not prejudice the amenity of future occupiers or the occupiers of adjacent property by reason of overshadowing, overlooking, visual intrusion, noise and disturbance, odour or in any other way; • Do not generate such levels of traffic that the development would prejudice the safe movement of traffic on surrounding roads, or have an adverse impact on neighbouring uses; and • Do not lead to an increase in air, noise or water pollution insofar as this might have an adverse effect on the other use of land". Saved Policy BE3 – Access and Parking, of the Crewe and Nantwich Replacement Local Plan 2011 states: "Proposals for new development will be permitted provided that the following criteria are met: • They provide safe pedestrian access; • The provision of any off street parking, manoeuvring and operational space should be designed to minimise visual impact; • Safe vehicular access and egress arrangements should be provided; • They comply with the highway agency's policies concerning access to the M6 motorway and slip roads, and the A49, A500 and A51 trunk roads; and • They comply with the Highways Agency's requirements relating to development which would be likely to generate a material increase in traffic which would result in the M6 motorway, A49, A500 and A51 trunk roads and their associated junctions being overloaded". It has been established already that the principle of a Sui Generis use in the Open Countryside is not acceptable and compatible with surrounding land uses. Owing to the site's open countryside location, other than low level background noise associated with residential dwellings and agricultural activities, Baddiley Lane is relatively quiet. The introduction of a large number of dogs and increase in traffic movement on a daily basis in the rural area is going to result in unacceptable levels of noise impact on the occupiers of Old House Farm. It is noted that the Council's Environmental Health Officer (EHO) has made no comment on the impact on noise of the amenities of residents in the locality however, given that no details have been provided by the applicant on the number of dogs likely to be groomed and 'minded' daily, it is not clear why no comments have been made by the EHO on this matter. We would request that the EHO be re - consulted on receipt of the further information that is required to be submitted by the applicant as part of this application. The proposals will see an increase in traffic movement along Baddiley Lane. The current vehicular access appears to only be of a sufficient width for one vehicle and not two passing vehicles. There is clearly the potential for vehicles looking to enter the site having to stop in the adopted highway to allow vehicles to egress safely. Whilst no access plan or transport statement has been submitted with the application, it is requested that the Local Highway Authority is consulted as a statutory consultee in regard to the potential impact on highway safety.

6. COVENANT PREVENTING BUSINESS USE It is accepted that legal covenants are not a material planning consideration in the assessment of any planning application however, the site is covered by a number of restrictive covenants, the most pertinent to this application being: "1. The buildings on the Adjoining Property shall not be used other than as a single private dwelling".

CONCLUSIONS Section 38 (6) of the Town and Country Planning and Compulsory Purchase Act 2004 places a statutory duty on local planning authorities to determine planning applications in accordance with the development plan unless material planning considerations indicate otherwise. Section 39 of the Act requires decision makers to exercise their functions with the objective of contributing to the achievement of sustainable development. The National Planning Policy Framework (herein ' the Framework) is a material planning consideration but does not change the statutory status of the Development Plan as the starting point for decision making. Paragraphs 2 of the Framework confirm: "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements". The proposed development is located within the Open Countryside and is not a business use that requires a rural location. The business would not contribute or support the rural economy. By virtue of the sites location, the business would be sited in an unsustainable location and there would be a heavy reliance on the site being accessed by non-sustainable transport modes. The proposed change of use of land and building(s) for a dog day care facility and groomers would have a detrimental impact on the occupiers residential amenity in regard to the significant increase in noise levels though dogs barking and increased traffic movements. The proposal does not accord with Policies PG5 and EG2 of the Cheshire East Council Local Plan Strategy 2010 – 2030 and saved Policies BE1 and BE3 of the Crewe and Nantwich Replacement Local Plan 2011 as well as provisions set out in the

NPPF (2019). There are no material considerations to justify a departure from the Development Plan. It is respectfully requested that the application is refused permission without delay.

"this is an application for a change of use for a garage built +10 years ago without planning permission to be changed to a dog kennels/day care business for up to 20 dogs. Note this is not a stable block as the applicant has suggested it is a simple timber built 3 bay garage with a room above. The property itself has covenants placed upon it to prevent business use and the garage is next to Edleston Brook an area designated for the protection of wildlife in the local plan ENV1".

c.

Application No: **21/2059N**
Proposal: **Non-material amendment to application 20/4272N - Side and rear single storey extension and conversion of garage.**
Location: **SMITHY HOUSE, COOLE LANE, COOLE PILATE, CHESHIRE, CW5 8AU**
National Grid Ref: **364926.3375 346481.9006**

On the prop., D. Tomlinson, sec., M. Hartland it as unanimously agreed to support the application

d.

Application No: **21/2117N**
Proposal: **Variation of condition 2 on application 19/2541N - approved drawings.**
Location: **Dairy House Farm, WRENBURY HEATH ROAD, SOUND, CW5 8BB**
National Grid Ref: **362488.9904 348355.7043**

On the prop., M. Hartland, sec., Ms. N. Watson it was unanimously agreed to object to the application due to the extensive changes from the approved application.

IV. Neighbourhood Plan: reported applying for grant for forthcoming year.

8. Sound Common report: Clerk reported that he has received this reply from Natural England from points raised in the last Minutes:-

Amy Corthine - Adviser – Protected Sites & SSSI Casework, Cheshire, Greater Manchester, Merseyside and Lancashire Area Team - Natural England, Crewe Business Park, Cheshire CW1 6GJ

Thank you for your email regarding works to a road within Sound Common SSSI.

I can confirm that Natural England are aware of these works. As the track is not within the SSSI boundary, no damage has been inflicted onto the SSSI and therefore there is no further action for Natural England to take on this occasion.

With regards to the ownership of the track, this is uncertain. The track does not lie within the SSSI boundary but it is over common land. Although the track was built by the former owners of the property, this still doesn't clarify the ownership of the track. There is also a public right of way along the length of the track which further complicates matters.

I am unaware if the land owner has annual use only of the track. Perhaps this is something the Council would be able to advise you on.

The meeting were concerned over the uncertainty regarding the track and as such it was agreed the Clerk should send a definitive map and covering email to CE, Natural England asking that they acknowledge the PROW status and that the owner of Red Lion only has annual rights to the track. D. Lowe to provide Clerk with this information.

Further – Flooding on Common:- the following was sent to M. Arnold, Ranger CE:- "the issue of water levels on the common was raised again AT THE Parisg Council Meeting , stating that those levels are too high, and the common has been extremely wet, even during the long dry spell in April. Several of the residents who regularly use the common have complained.

As per conversations regarding the levels of the dams on the ditch (particularly the one near the centre), please liaise with Natural England to allow us to lower them, and make the common slightly drier?

9. Police Report: reported that there had been 42 incidents within the whole of the Cluster Group in the

first three months of the year, however only one had been of any consequence. Further, vigilance with regards to outside sheds etc was advised.

10. Next Meetings:

- Parish Meetings

- Parish Council Annual Meeting

To be arranged in due course taking into account the advice from CHALC:- The High Court has passed its ruling and in short concludes that it WILL require primary legislation in order to extend virtual meetings. This means that for the moment the ability to hold virtual meetings ceases on the 7th May and after that we can only hold socially distant (following local rules and risk assessments) meetings for the foreseeable future.

Meeting closed.