

HAXEY PARISH COUNCIL

Minutes from the meeting held on Tuesday 21st October, 2014 at 6.30pm at The Foreman Carter Centre, Westwoodside Playing Field, Westwoodside.

Present: Cllrs Allcock, Boor, Carlile, Cooke, Fiddler, Foreman, Harris, Knowles, Lange, Lindley, Morris, Orton & Whitehead.

Also Present: Deb Hotson – Parish Clerk, Charlotte Hursey – Isle of Axholme and Hatfield Chase Landscape Partnership & Zelia Lynne – Severn Trent & 7 residents.

Chairman: Cllr Knowles presided.

Public Participation

Charlotte Hursey introduced herself as the Project Manager for the Isle of Axholme and Hatfield Chase Landscape Partnership which was set up in response to an annual call from the National Lottery Scheme. If successful in the bid next year the scheme will run from 2015-2020.

All projects have to be linked to landscape and they can be linked into other projects.

Expression of Interest forms should be completed as soon as possible – Clerk to complete.

The Hood was raised as an example of a Heritage site but the Partnership is unable to purchase land but could create a booklet or other physical aspects based on these topics of interest.

Other Heritage issues could be the Meres and Pinfolds to which Charlotte Hursey stated offers of help can be made but there has to be a response from the responsible parties. Charlotte also stated that there was to be a definite project on strip land and ploughing and the Parish Council could facilitate meetings with the Townsmen. Cllr Knowles stated that the Parish Council had documentation going back to the 13th Century and have partial digital storage.

Charlotte stated that so far she had been pleased with the response from the Isle.

Cllr Allcock added that Consultants have been engaged to participate in the Partnership.

Charlotte was thanked for attending.

Zelia Lyne of Severn Trent updated the Parish Council on the Doncaster Road Project informing the meeting that a base had been set up and a programme of works had been issued and the project is on plan.

Plenty of interest has been shown from local residents asking questions of the workmen – no complaints.

Funding has been received for the installation of monitors for the Nethergate area.

Zelia was thanked for attending and would come again to keep the Council updated, she then left the meeting.

Mr Caswell a resident of Low Burnham addressed the Council on his and residents objections with regard to PA/2014/1094 and asked that the Parish Council also object to the application.

Cllr Knowles stated the Clerk along with Cllrs, Ward Cllr and NLC had been looking into different aspects of this and PA/2014/0732 since the last meeting and would go into more detail when the meeting was opened.

Charlotte Hursey left the meeting.

Cllr Knowles opened the meeting.

Procedural

263. Apologies for absence received from Cllrs Booth & Smedley.

264. **Resolved** - approve the minutes of the Parish Council meeting held on 30th September.

Proposed: Cllr Foreman. Seconded: Cllr Carlile. 12 for with 1 abstention.

265. **Resolved** - approve the revised Standing Orders. **Proposed: Cllr Morris. Seconded: Cllr Lange.** 12 for with 1 against (National legislation changes to SOs could be potential “hostages to fortune”).

266. **Declarations**

a) To record declarations of interest by any member of the Council in respect of the agenda items listed below.

Members declaring interests should identify the agenda item and type of interest being declared.

Cllr Allcock asked that the following is minuted “as a Councillor with NLC and Ward member I serve on the NLC Planning Committee and Licensing Committee, as such I cannot participate in any discussion on Planning or Licensing and cannot vote on them.”

- b) To note dispensations given to any member of the Council in respect of the agenda items listed below.

None outstanding.

267. **Planning**

- a) To receive any decisions made by North Lincolnshire Council and to consider the following applications received from NLC.

The following decisions were received from NLC.

2014/0649 – planning permission to erect a portal framed building at Windyridge, Haxey Road – this will be considered at the Planning Committee meeting scheduled for 22/10.

2014/0399 – notice of refusal to issue a certificate for lawful development for use of an existing access road at land off Lound Road, Owston Ferry.

2014/0447 – refusal of planning permission to retain a children’s play fort / tree house at 71 Haxey Lane, Haxey. There is a need to monitor!

The following applications received from NLC were discussed by the Parish Council.

2014/1004 – Mr Howsam, Elwiss Farm Bungalow, Owston Ferry Road, Low Burnham – planning permission to erect a sheep shelter.

Resolved – no objection with the following comments.

- Only to be used for the purpose it is proposed.
- No further development at this site without qualifying the need and a proper business plan.

Proposed: Cllr Carlile. Seconded: Cllr Boor. 12 for with 1 abstention.

2014/1030 – Mr Williams, Hill Farm, A161 between Epworth and Low Burnham, Haxey – planning permission to reclad existing single storey section, replace flat roof with a pitched roof, new windows and relocation of vehicular access.

Resolved – no objections or comments. **Proposed: Cllr Harris. Seconded: Cllr Foreman.** 12 for with 1 abstention.

2014/1051 – Mr Embleton, 27 Low Street – application to undertake pruning work on 4 trees within the Low Street Haxey Order 2014.

Resolved – no objection or comments. **Proposed: Cllr Foreman. Seconded: Cllr Carlile.** 12 for with 1 abstention.

2014/1094 – Absolute Children’s Services Ltd, The Old Barn, Owston Ferry Road, Low Burnham – application for a lawful development certificate for a proposed use to use the dwelling as C3b use.

Cllr Knowles informed the Council that residents had made several attempts to arrange a meeting with the applicant but to no avail.

Due to the withdrawal of PA/2014/0732 the Parish Council contacted NLC to obtain clarification on who would contact the relevant authorities to advise them if the applicant took the GDPO route. NLC have confirmed that they would contact Children’s Services and Building Control.

Cllr Knowles went on to say that all the reasons for objecting to PA/2014/0732 still apply.

Cllr Carlile stated that this application was for a Lawful Certificate and evidence was required stating that this was not lawful.

Cllr Allcock stated that it was not a planning application and NLC would have to decide if it was lawful development or if it would require a planning application to be submitted before deciding on planning permission. The application had been called in and would be discussed at a Planning Committee. Cllr Allcock stated that NLC Legal Department were looking into if residents (as in normal practice) could attend and have 5 minutes to speak to the Planning Committee.

Cllr Allcock added that he had spoken with Mr & Mrs Everatt and an outside body from the Constabulary who had been in touch with NLC Planning about the application.

Cllr Carlile added that this was quite a complex application and that NLC Legal Department were looking into it in depth.

Cllr Harris stated that there was a large weight in opinions with regard to the application.

Resolved – strongly object with the proposed objection provided by Cllr Carlile (detailed below) ensuring the points raised in the submission for PA/2014/0732 were also included (Appendix C).

Proposed: Cllr Harris. Seconded: Cllr Lange. 12 for with 1 abstention.

Comments – the Parish Council do not believe this application for a lawful certificate satisfies the need for approval, the applicant supplies an extract from the GDPO's that does not qualify why it should be approved and blandly quotes "care for 4 young people with two staff, 24 hours a day".

Based on the information supplied from the previous PA/2014/0732 this property will be run by a company who will employ carers who will not live in the property and will cover the care by shift working as a corporate parent. The Parish Council believe they are taking out of context the revised GDPO and ignoring case law (see attached quotes below)

The Parish Council consider the judgement in the case makes clear this application should be a planning application as in the previous PA/2014/0732 and the withdrawal and re application as a lawful development is nothing more than an attempt to avoid proper planning and gain a use which is inappropriate to this hamlet and the proposed residents.

This application fails to qualify how many staff will be employed, it is unrealistic to think 2 employees can run such a home for 24 hours a day and provide the level of care required. Alternatively if it is to be run with 6 carers as corporate parenting as in the previous application it falls into class C2. It also follows based on the calculation in para 5 it could not cater for any residents.

Until clear evidence is provided as to how this unit will be staffed, the application should be rejected.

C3 (b) continues to make provision for supported housing schemes, such as those for people with disabilities or mental health problems.

It remains the case that in small residential care homes or nursing homes, staff and residents will probably not live as a single household and the use will therefore fall into the residential institutions class (Class C2), regardless of the size of the home. Local planning authorities should include any resident care staff in their calculation of the number of people accommodated

Case Study -

In the North Devon District Council [2003] case Justice Collins made the point that that children "need to be looked after. They cannot run a house. They cannot be expected to deal with all the matters that go to running a home ... children are regarded as needing fulltime care from an adult, someone to look after them, someone to run their lives for them and someone to make sure that the household operates as it should."

The North Devon judgement confirms that it is unrealistic to expect children to look after themselves in a single household. It also clarified that carers who provided 24 hour care but were not resident could not be regarded as living together in a household. The concept of living together as a household means that a proper functioning household must exist and children and carer must reside in the premises. In such circumstances, the use cannot therefore be considered to fall within Class C3 (b). A children's home run on shift patterns could not be considered to fall within Class C3 (a), because clearly, this is not occupation of a dwelling house by a single person or people living together as a family.

Equally, C3(c) distinguishes groups of people living together as a single household, which could for example include people with lodgers, or student accommodation for up to six individuals. Children's homes based on shift patterns would not be considered to fall into these criteria either. Following an assessment of case law and an Inspector's decision of 2010 at Stockport, use of premises as a children's home will generally be held to fall within Class C2 of the Order (Residential institutions).

Cllr Carlile was thanked for the work that he had done with regard to the application.

5 residents left the meeting.

Comments submitted to NLC on 22/10/14	Confirmation of receipt received from NLC on 23/10/14
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268. **Clerks Report**

- a) NLC have removed the graffiti from the village sign by the church and from the doors of the electricity substation and toilets on Vinehall Road.
- b) Isle of Axholme & Hatfield Chase Landscape Partnership – The Archaeology of Hidden Landscapes – Friday 24th October at Trinity Academy, Thorne.
- c) Health Watch North Lincolnshire Survey.

- d) NLC Temporary Road Closure updates. Clerk to put onto the website and notice boards.
- e) Low Road BT Kiosk has been reported and the broken pane will be repaired in due course.
- f) NLC Making a Difference – Humberside Police – Building the Future update.
- g) Humberside Crime Stoppers Events.
- h) Nottinghamshire County Council Local Plan update.
- i) B1396 Road Improvements (Folly Drain to Monkham Drain) – Clerk to email out to Cllrs and to Mrs Hather who had raised concerns to both NLC and the Parish Council with regard to work.
- j) Haxey PFA Insurance information has been received which saw a large saving on the current policy. Clerk to forward to James Chatwin of HPFA & Cllr Lange. A meeting to be arranged to discuss the policy with representatives of the Parish Council and HPFA.
- k) The Clerk has been in touch with Mrs Oliver with regard to the seat she would like to purchase and site on the Turbary Road. She has given Cllr Fiddler the role of liaising with NLC on the location of the seat. Clerk to arrange a meeting.

Mrs Oliver has agreed for the Parish Council to purchase the same type of seat agreed in agenda item 280 and will reimburse the Council.

Improvement / Projects

269. To provide an update for the Centenary Event and the Remembrance Day parade and service, determining if any further actions are required.

All preparation work has been put into place and a Risk Assessment has been produced and sent out to all relevant parties. Clerk to contact NLC to find out when the signs will be put in place.

270. **Highways / Neighbourhood Services / North Lincolnshire Council items**

Reports / Updates

271. To receive a report from the Ward Councillor on activities within North Lincolnshire Council.

Cllr Allcock informed the Council that he and PC Raper and NLC Ian Jickells had visited the sites within the parish that had concerns raised with regard to parking.

Greenhill, Newbigg, High Street and Commonsides had been visited and there had not been many parked vehicles at the time of the visit.

Minor refreshment of road markings will be put in place for Greenhill and PC Raper will continue to talk to business premises with regard to parking.

The Police have produced some flyers and Cllr Allcock was informed that this information will be put into the next edition of the Arrow. Cllr Allcock to provide the Clerk with a copy to place onto the website and notice boards. The flyers relates to parking in general as well as parking on grass verges and on the footpaths.

Clerk to report the parking of cars on verges along Lowcroft Road which was worth a visit.

Cllr Carlile added that it was nice to hear that the Police are talking to businesses rather than installation of road lines.

Cllr Harris stated that when commercial planning applications are considered, parking issues should play an important part to which Cllr Allcock informed the meeting that this is the case.

272. To receive a report from the Westwoodside Playing Field Management Committee.

A meeting had been arranged for 22/10.

The use of the large room had increased and a new cleaner was in place.

273. To receive an update on the ERNLLCA District Committee Meeting and ERNLLCA AGM, determine any actions required.

Cllr Knowles provided an update on the ERNLLCA AGM which went well. ERNLLCA are having to spend reserves but on a positive note more members were joining.

Cllr Knowles went through the resolutions that had been submitted by local Town & Parish Councils and the 2 submitted by Haxey had been approved by the Meeting.

The minutes of the District Meeting would be circulated in due course.

274. To receive an update on the NLC Town & Parish Council Liaison Meeting, determining any actions required.

Comments from the NLC Town and Parish Liaison meeting would be circulated in due course.

General Items

275. To receive an update on the upkeep of the East Lound Pinfold, determining any actions required.
 Cllr Smedley had been in touch with the Townsmen who informed him that prices had been sought to rebuild the wall. A resident had also come forward stating that he had funds available to carry out this work.
 Cllr Smedley has tried contacting the resident but had not received any feedback to date.
 Item deferred until the next meeting when all information would hopefully be available. The Parish Council stands ready to provide assistance if required.
276. To consider a process of allocating parish awards determining actions required.
 A Working Group to be set up consisting of Cllrs Harris, Knowles, Lange & Orton to discuss what criteria and what awards – to report back to the Full Council with a way forward in 2 months. Cllr Orton to chair. Clerk to email Cllrs what other Councils do.
277. To consider a Working Party to co-ordinate planting for 2015.
 Cllr Smedley had informed the Clerk that he would lead a Working Party. Cllrs Booth, Boor, Fiddler, Lindley & Morris to be on the Working Party. Clerk to inform Cllr Smedley.
278. To approve the revised Allotment Association Tenancy Agreements.
Resolved – approval of revised agreements and Constitution. **Proposed: Cllr Boor. Seconded: Cllr Morris.**
 All in favour.
279. To determine actions required with regard to the Westwoodside pond and the ducks.
 There are approximately 52/54 ducks on the pond and are becoming a highway issue due to wandering across the roads.
 Clerk to find out what the Parish Council can do legally to reduce the number of ducks.
 There had been an accident when a child had slipped down the banking and under the school bus. Clerk to contact NLC with a view to putting in kerbing to join the current kerbing.
 Cllr Foreman to contact Mr Cooper with a view to removing some bull rushes.
280. To consider the options for a commemoration for Mr Wilf Lindley, determining actions required.
Resolved – to purchase a seat not to exceed a value of £350 to be located outside the village hall replacing the current seat. **Proposed: Cllr Harris. Seconded: Cllr Whitehead. All in favour.**
 Clerk to contact the relatives prior to any purchase to ensure they are content with the proposal via Jennie Eckhardt.
281. Request for article (s) for the next month's Arrow article.
- Remembrance Service.
 - Fly posting.
282. To notify the Clerk of items to be placed on the agenda for the next meeting.
- Clerk to contact NLC with regard to the footpath that runs along Blackmoor & Lowcroft which needs weeding and cutting back.
 - Cllr Boor informed the Council that he had been re-elected as Chair of the Isle of Axholme Physically Handicapped Society. They raised over £1500 last year.

Finance

283. To receive a copy of the Financial Statement up to 21st October, 2014.
 Noted. Another Finance meeting is to be arrange in November to discuss the recommendation to the Full Council for the precept/budget.
284. To receive the Annual Return from the External Auditor and agree any recommendations.
Resolved – agree the recommendation. **Proposed: Cllr Lange. Seconded: Cllr Morris.** All in favour.
285. To consider the renewal of the SLCC membership for 2014/15.
Resolved – renew the membership for 2014/15 - £70.80. **Proposed: Cllr Allcock. Seconded: Cllr Fiddler.** All in favour.

Grant Requests

Expenditure

286. To consider the following accounts and any received after the agenda has been issued and payment is required before the next meeting.

Salary, expenses & admin	See Appendix A		
HMRC	Employers NI		£0.00
HMRC	Employees NI & Tax		£0.00
Arrow Publication Ltd	Article	2207	£410.40
David Knowles	Expenses	2208	£53.40
SLCC	Training Seminar – Back to Basics	2209	£15.00
MD Signs	Notice Boards – NLC Grant funded	2210	£4,620.00
Zurich Municipal	Insurance renewal	2211	£1,571.13
PKF Littlejohn LLP	External Audit Fee	2212	£360.00
Complete Office Solutions	Stationery	2213	£148.18
ERNLLCA	Training Seminar – Conference 2014	2214	£192.00
SLCC	Membership Renewal 2014	2215	£70.80
Haxey Memorial Hall	Hire of office	2216	18.00
Total Expenditure 21st October, 2014			£8,223.21

It was proposed by Cllr Boor, seconded by Cllr Fiddler to approve the expenditure. All in favour.

287. To confirm the date and time of the next meeting as being Tuesday 25th November, 2014 at 7pm to be held in The Foreman Carter Centre, Westwoodside.

.....Chairman

Appendix A

Summary of continuing and newly agreed actions for YE 31/03/14		
Minute number	Action	Review Date / Completion Date
2011/234	Investigate the status of the Pinfolds	On-going
2011/254	Repair of Greenhill wall – the Parish Council are responsible for these cost, grants to be investigated.	Cost Quotations underway
	Haxey Turbary Access road	On-going
2013/216	STWA work on Doncaster Rd	On-going
	Potential Fracking Issue	On-going
2013/245	Cemetery requirements	On-going
	Closed churchyard remedial work	On-going
	NHP – future development plans	On-going
	WWS Pond – edging to cut back the rushes – Clerk to obtain quotes from J Cooper.	Autumn 2014
2014/39	Clerk to ensure that ALL Parish land is registered with the Land Registry	On-going
2014/81	Gollands Lane Traffic	On-going
2014/99	Haxey Playing Fields	On-going
2014/177	Enforcement Issues	On-going
2014/276	Local Awards Working Group	Report back to Full Council in 2 months
2014/277	Summer Planting Working group	On-going

Appendix B – Abbreviations

AA	Allotment Association
BR	Bridleway
CCC	Caravan & Camping Club
CEP	Community Emergency Plan
Cllrs	Councillors
DCO	Dog Control Order
DPD	Development Plan Document
EA	Environmental Agency
ERNLLCA	East Riding & North Lincolnshire Local Council Advisors
FP	Footpath
GPDO	General Permitted Development Order
HPFA	Haxey Playing Field Association
HMRC	Her Majesty's Revenue & Customs
HWRCC	Humber Wolds Rural Community Council
ICCM	Institute of Cemetery & Cremations Management
IDB	Internal Drainage Board
LDF	Local Development Framework
LWP	Land Working Party
LWT	Lincolnshire Wildlife Trust
NATs	Neighbourhood Action Teams
NHW	Neighbourhood Watch
NHP	Neighbourhood Plans
NLC	North Lincolnshire Council
NLH	North Lincolnshire Homes
PCC	Parochial Church Council
PCC	Police Crime Commissioner
PP	Planning permission
PPAG	Parish Plan Action Group
PROW	Public Right of Way
SSSI	Site of Special Scientific Interest
TEN	Temporary Event Notice
T & PC	Town & Parish Council
WP	Working Party
WPFA	Westwoodside Playing Field Association
WPFMC	Westwoodside Playing Field Management Committee
WWS	Westwoodside

Appendix C

The Parish Council objections still remain the same as in PA/2014/0732 detailed again below:-

2014/0732 – The Parish Council strongly object to this application with the following comments.

The calibre of information available is not detailed.

The numerous objections and comments on the NLC website which are detailed below:-

- Lack of amenities to support the proposed Institution Residents.
- Transport required to access neighbouring amenities.
- Company involved set up in Feb 14 – little or no records/accounts information/performance information/experience.
- Inadequate consultation – Is it legally required – is planning application for change of use legally required?
- Lack of information on children involved.
- No evidence of consultation on school admission/local need/access to Doctors/Dentist.
- Site has potential dangers to children.
- Burnham population make up unsuitable – predominantly older generation.
- Traffic problems/narrow roads/access to A161/hedges!
- No parking areas defined.
- Previous attempts to achieve change of use on land unsuccessful.
- Lack of clarification of what is proposed and some inaccurate information.
- Contravenes H14/H16 of NLC Local Plan.
- Low Burnham not a growth settlement.
- Residents brought in from outside North Lincolnshire.
- Classification of the use of fields – inconsistencies.
- Area being considered highlighted in red is building only, PA refers to 2.47 acres of land – again major inconsistency – does the change of use include the whole area (red and blue highlight!).

The Parish Council on request did received an email from the Applicant on 20 August, which provided further clarification information about C3/C2 use of the property; who would be looked after at this site; what would be their background; requirement for children looked after at the site to access external spaces/services; what staff are going to be on site to supervise/care for the children and their 24/7 working hours; the proposed hours of operation of the home; finally the offer to meet with the Ward Councillors, the Parish Council and local Residents to explain the plans.

SUMMARY: The Parish Council views with particular concern the lack of any concern for the vulnerable children's needs. Low Burnham is a small rural hamlet in the open countryside and subject to limited development; it is situated over a mile from the main conurbation of Epworth. It has no regular bus service, shops or leisure facilities and would mean the children would be isolated and require either special transport needs or they would have to walk along a pavement next to the busy and unlit A161 to access these services.

The Parish Council note the applicants comments reference The GDPO classes and view with concern the inference that as no changes to property structure is being proposed, the need for planning could be exempted. Our position is that a change of use is proposed from purely residential to a commercial use, which requires paid staff to run and supervise the unit unlike a normal domestic residency which is normally occupied by self-sufficient adults or family units.

It is the Parish Councils view that the application is not consistent with the local plan in policy sections H14, H16, C4 and DS4 and that approval is required for planning consent under these policies. The application does not meet the requirements of these sections of the local plan and should take precedence over the GDPO's exemption. We would hope NLC will resist fully the legal implications of the government relaxation in respect of this amendment to the GDPO as it undermines the intention of the NLC local plan.

Furthermore, the Parish Council is of the view that a Public Meeting with the Applicant and Residents of Low Burnham could have provided an opportunity for information to be shared and would have been helpful prior to the formal submission of the Planning Application. However, even at this late stage in the process the Parish Council would support a Public Meeting provided the Applicant agrees to be present and that any meeting takes place prior to the consideration of the Planning Application by the Planning Committee.

The options for the Parish Council to also consider are the calling of a public meeting.

The Parish Council understand that there are people that need help and as a community facilities need to be provided, but in appropriate areas.