Wickham Bishops Parish Council

Parish Councillors

I D Wardrop (Chairman)

S J Nicholas (Vice Chairman)

H M Bass

P J Bates

K W Jarvis

P D Layley

M Mickelsen

R Mundell

J Williams



Winner Best Kept Village 2009, 2015 3rd Place Essex Village of the Year 2015 www.wickhambishopsparishcouncil.org Parish Clerk
Mrs L A Bailey
Wickham Bishops Parish Council
The Village Hall
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MINUTES of Online Meeting of the Parish Council via Zoom and YouTube Broadcast held on Tuesday 3rd November 2020 at 7.30pm

Item	Subject
20/216	Those Present and Apologies for Absence
	In the Chair: Cllr Wardrop
	Present: Cllrs Bass, Bates, Jarvis, Layley, Mickelsen, Mundell, Nicholas and Williams and the Clerk,
	Lorraine Bailey. There were 9 observers on the YouTube stream.
20/217	Declaration of Interests and Compliance with the Ethical Framework
	There were none.
20/218	Approval of Minutes
	A suggested amendment to the 2 nd paragraph of Item 20/201 of the Minutes of the Parish Council Meeting held on 6 th October 2020 had been offered by Cllr Nicholas. Cllr Jarvis also sought an amendment which he had provided shortly before the meeting. Following discussion of the two suggested amendments and after slight alterations to them, Cllr Jarvis proposed approval of the Minutes with these amendments, seconded by Cllr Bass, 6 in favour. Resolved that the Minutes were so approved.
20/219	Chairman's Report
	Due to new Covid-19 restrictions starting on 5 th November, Little Braxted PC had taken the decision to cancel the Remembrance Sunday ceremony. The Chairman would lay a wreath on behalf of WB Parish Council at the war memorial at a time to suit himself.
20/220	Clerk's Report
	Issues List
	Action: The Clerk was asked to chase Cllr Durham concerning the areas of the village which continued to experience flooding during wet weather. The meeting acknowledged an email and photographs from a resident of Blacksmiths Lane which would be forwarded to Cllr Durham.
	Health & Wellbeing Webinar, October 2020
	The Clerk reported on her attendance and Councillors were asked to give consideration to WBPC formulating a Health & Wellbeing Policy. Cllr Bass suggested that with winter on its way and anothe lockdown, Councillors continue to liaise with the elderly and vulnerable persons that they were aware o in their allocated roads in the village.
20/221	Public Forum
	An email had been received from a resident expressing her disappointment at MDC's decision to gran permission for the detached house at Fernbrook Hall, and this was read out by the Chairman. He said the matters raised were likely to be discussed under Item 20/224 later in the meeting.

20/222 Planning for the Future, White Paper – Government Reform of Planning System

The Chairman had responded on behalf of WBPC as previously agreed, and this was noted.

20/223 | Planning Applications and Decisions

It was noted that District Councillor Jarvis would not take part in voting on Planning Applications as he may be required to do so at MDC.

Planning Applications

20/00931/FUL – Variation of conditions 1&2 to amend the approved materials on approved planning permission 19/00626/FUL (Variation on conditions 2,9 & 10 of approved planning permission FUL/AML/18/00283 Demolition of existing house and detached garage and proposal for replacement dwelling with integrated garage and associated landscape scheme) – Hornbeams, Blue Mills Hill, Wickham Bishops. Resolved: The Parish Council recommended APPROVAL, proposed Cllr Nicholas, seconded Cllr Bates, all in favour.

20/00960/HOUSE – Construction of single storey outbuilding for use as garden room/home office, High Hall Cottage, 30 Church Road, Wickham Bishops. The applicant had telephoned the Clerk and offered to answer any questions Councillors might have. Resolved: After discussion, and to give Councillors more time to visit the site, consider the proximity to neighbours and the design of the garden room, Cllr Bass proposed that this Application be referred to the Planning Committee for further consideration, seconded by Cllr Mundell, all in favour.

To note activity in relation to land behind 9 Church Road: None noted.

To note delegated response made by the Clerk:

20/00962/WTPO, 2 x Oaks, fell and treat the stumps to prevent regrowth, 11 Heathgate, Wickham Bishops. The Tree Warden for Wickham Bishops considered that the trees were causing damage to the property and the proposed works were in the best interest of the property owner and the protection of their property. Therefore, Wickham Bishops Parish Council recommended APPROVAL.

20/224

Fernbrook Hall, Mope Lane - To discuss MDC's decision and to consider and decide what, if any, action should be taken

Cllr Jarvis asked the Chair if he may read out a statement relating to comments made recently on Facebook, as follows:

"In relation to the 'Fernbrook' application Facebook remarks have come to my notice and these are with my lawyers. It is my opinion that some of the remarks are defamatory which is against the law. I will not comment on them in detail, but I can say that all the claims are ridiculous, a disgrace and wholly untrue. Let me correct some misunderstandings, both in the letter read out (from Paula Wiseman) and by some Cllrs in various emails: -

- 1. **My resignation**. I have not resigned as your Conservative District Cllr. I am no longer in the Conservative Group at the Council, having resigned from that group, but I continue to serve you as your Conservative District Councillor. There is categorically no link between this and the planning application.
- 2. **Sale Notice** all applications are considered on their merit, which does not include the personal circumstances of the applicant despite what some planning agents might like us to do. It is simply not a planning factor for consideration and if any applicant post approval chooses to sell, they are entitled to do so.

Finally, the Parish Council have had a response from Maldon District Council, to their letter querying the process and the decision with regards to the application, and in summary this states that the decision was lawful and that reasonable reasons for granting permission were given. "

The meeting noted the response letter from Richard Holmes, Director of Service Delivery MDC dated 3rd November, and the fact that it did not answer all the questions or points raised in WBPC's letter of 12th October. After a lengthy discussion, Councillors accepted that there was little that the Parish Council could do, and it was agreed that the Parish Council would take no further action. However, individual residents were entitled if they so wished, to contact MDC direct with their grievances. It was agreed that WBPC's letter and MDC's response should form part of the Parish Council Meeting Minutes and be placed on our website.

Discussion took place around comments made by residents on a local Facebook group, some of which had been unpleasant and aimed personally at District Councillor Jarvis. This was unacceptable. However, the meeting acknowledged that it was a closed Facebook group and the Parish Council whilst being mindful of residents feelings over topics affecting the village, did not feel it should involve itself with the administration or legislation of these social media pages. Members also took into account that comments about Cllr Jarvis had been in relation to his District Council role rather than his Parish Council one.

20/225 Traffic Calming & Highway Matters

Email from resident concerned with parking near Snows Corner The meeting considered the problems raised which included vehicles parking across the dropped kerb, blocking access for prams and wheelchair users, and parking alongside the kerb in general which she believed obscured the view for motorists negotiating the crossroads. Councillors were sympathetic but noted that these issues had been pursued in previous years through Highways and SEPP and they had not met the necessary criteria to make any alterations. **Action:** The Chair would return to SEPP and ask the questions again and draft a response to the resident explaining this. The Clerk would check whether parking across the dropped kerb for pedestrians was an offence.

Tiptree Road Footway extension update It was noted that Highways had still not cleared the vegetation. *Action:* The Chair to remind Thomas Eng, Highways to ask ECC contractors to cut a 1m wide strip as agreed which would then enable pedestrians an area to walk on to avoid traffic, in the absence of the footway extension.

White Gates – speed and volume surveys update Nothing to report.

Five Corners Junction This matter would be considered by the LHP in December 2020.

Speedwatch The Chairman reported that Speedwatch had been about to resume when the Government called another Covid-19 lockdown.

20/226 Bus Shelter at Snows Corner (Maldon bound)

It had been established that a new bus shelter could be pursued through a request via our County member using the Local Highways Panel process. *Action:* The Clerk would put in a request with an initial enquiry as to our options, bus shelter designs, timescales etc. The Clerk would get in touch with Great Totham PC who had recently acquired a new bus shelter near their shop and ask them to share their experience.

20/227 Neighbourhood Plan Update

Cllr Williams reported that the Plan had gone out to consultation and asked all Councillors to respond with their comments and to encourage others to do so too. The deadline being 26th November 2020.

20/228 Library Strategy Working Group Update

Cllr Jarvis reported that the Working Group continued to press ECC into confirming that they would make improvements to the building after refusing to sell. He envisaged the Library would close during the proposed lockdown starting on 5th November but would keep in touch with local groups/clubs who were keen to use the facilities. Cllr Jarvis explained that we might have to face the reality that if the proposals

did not come to fruition, the Working Group would have to consider whether it should continue. Cllr Bass suggested that if this happened, a campaign should be co-ordinated with as much publicity as possible to persuade ECC to invest in the building.

20/229 Formal Appointment of the Clerk

The meeting accepted the Personnel Committee's proposal to confirm the Clerk's formal appointment following successful completion of the 6-month probationary period, proposed Cllr Wardrop, seconded Cllr Mickelsen, all in favour.

The Clerk agreed to pursue iLCA training at the earliest opportunity.

20/220 Finance

The meeting noted that a Finance Committee Meeting had been scheduled for 20th November 2020 during which the budget for 2021/22 would be considered. Members were asked to provide Cllr Mickelsen with details of any projects or items on the horizon for inclusion.

Cllr Nicholas had been in contact with Barclays Bank with regard to the closure of our bank accounts. **Action:** The Clerk to prepare a letter to be sent to Barclays for signature by two authorised signatories.

The following balances were noted, and the meeting agreed to authorise the payments below.

November 20	20 Parish Council Meeting				
Prepared by:	Lorraine Bailey, Parish Clerk & RFO				30 Oct 20
Status as at 30	October 2020	Debit	Credit	Balances B/F	Balances C/F
Unity Trust Curre	ant Account			19,841.93	
Unity Trust Depo				0.00	
	ss Premium Account			0.00	
Barclay's Commu				0.00	
Petty Cash Float				0.00	
relly Cash Float Unbanked Cash				0.00	
Stamps				12.91	
อเลกเอร Total Funds Held	30/10/2020			19,854.84	
Unity Trust Cur	rent Account Transactions November				
IP0443	e.on, Street Lighting 1.7.20 - 30.9.20	-35.91			
IP0444	Kempco, Stationery	-45.20			
IP0445	J&M Payroll Services	-24.00			
IP0446	MDC Community Engagement Team Jul - Sep 2020	-369.36			
IP0447	L A Bailey - Reimbursements	-76.64			
	ICO - Annual Data Protection Fee - £40.00				
	Ebay - Window Envelopes - £2.25				
	Vodafone top-up - £20.00				
	Zoom monthly subscription - £14.39				
	Total Transactions	-551.11	0.00		
	Unity Trust Current Account Balance				19,290.8
Stamps Octobe					
Stamp Purch	nase	0.00			
Stamp Use		-0.65			
Total Transa	ctions	-0.65	0.00		
Stamp Balance 3	30/10/2020				12.2
Total Funds He	ld 30/10/2020 Including Stamps				19,303.08

20/231	Delegated Powers The delegated powers in respect of Covid-19 would remain in place.			
20/232	Neighbourhood Watch Update Members were pleased that they were now receiving regular crime lists, albeit for incidents in the previous few weeks. Whilst Facebook was considered one way of communicating with and between residents, it was acknowledged that the Police did not recommend Facebook for Neighbourhood Watch purposes. Action: The Clerk would ask nearby Parish Clerks how their NHW operated, what technology they used and how they attracted co-ordinators/volunteers. Cllr Bates would put a plea in the Parish Magazine for a co-ordinator.			
20/233	District Council Report Cllr Jarvis reported on MDC's Statutory Meeting which was scheduled for 5 th November 2020. He had been asked to follow up on enforcement cases for some local residents and would continue to keep updated on all cases.			
	He pointed out that Cllr Durham had looked favourably on WBPC's application for funds from his Locality Fund. £1,500 had been set aside for us and a Democratic Services Officer would be in touch to check that the bid complied with all the rules. If for any reason some of the other nominations did not satisfy the correct criteria, Cllr Durham would redistribute funds to those who had received a lower amount than requested.			
20/234	Progress Reports from Councillors Cllr Bass reported that we now had 3 offers of trees from Chris Cooke, Tree Warden, Essex Forest Initiative (who initially offered saplings but after questioning were able to offer 3ft trees) and MDC. Cllr Bass confirmed that existing posts, stakes and guards could be re-used. Action: The Clerk to provide details of each option and ask if Chris Cooke would be seeking sponsorship signage on the playing field. A decision to be made at the December PC Meeting.			
20/235	Correspondence External signage/lighting at OneStop Shop A resident had written expressing concerns after initially learning from OneStop staff members that the replacement signage would be lit 24-hours per day. The Chairman had spoken to staff who believed the lighting would only be in operation half an hour before and after closing but they were not certain. It was acknowledged that planning permission may not be required if the signage was merely being replaced, however, firm clarification of OneStop's intentions would be helpful. Action: After discussion, the Clerk was asked to write to OneStop Head Office/Area Manager and ask what was being planned.			
20/236	General Village News and Events to Note It was understood that there were plans to open a traditional wooden toy shop in the empty retail unit on The Street. Cllr Bates reported that Church Road would be closed around 9 th December for the installation of a gas connection. Cllr Layley reported on activity at the Library. The apple tree had been trimmed and the external lighting/timing problems had now been solved.			
20/237	Date of Next Meetings:			
	Finance Committee Meeting – Friday 20 th November 2020, 10.30am Planning Committee Meeting – Friday 20 th November 2020, 11.30am Full Parish Council Meeting - Tuesday 1 st December 2020, 7.30pm			
20/238	Close of Meeting There being no further business, the meeting closed at 9.46pm. Items for future agenda:			
<u> </u>	- Standing item to consider whether the delegated powers in respect of Covid-19 can be lifted			

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12 October 2020

Mr Paul Dodson
Director of Strategy, Performance and Governance
Maldon District Council
Princes Road
Maldon
CM9 5DY

By Email

Dear Mr Dodson

PLANNING APPLICATION 20/00641 - LAND AT FERNBROOK HALL, MOPE LANE, WICKHAM BISHOPS

I am instructed to write to you by my Parish Council to express the Parish Council's concerns about the decision reached in respect of the above application at MDC's North Western Area Planning Committee on 23 September 2020. Despite strong advice not to do so from your Lead Specialist Place, supported by the Chair of the Committee, the Committee resolved to approve the application by a majority of 4 - 3.

At its meeting on 6 October 2020, Wickham Bishops Parish Council discussed at some length the decision reached by the NW Planning Committee and resolved that the Council's main concerns should be conveyed to you, as follows.

Decision making process

The Parish Council considered from the proceedings that some District Councillors of the NW Planning Committee were not focusing on the detailed planning aspects of the application. Despite being given very clear advice by the officers on the law relating to the importance of adhering to the Local Development Plan (LDP), some Councillors were failing to address their minds to the relevant issues. Comments such as "I don't have a problem with this" have no basis in planning considerations. Councillors in favour of the application did not indicate what changes there had been from the similar application refused in 2019 that justified a change of decision now. It was apparent also that those Councillors in favour had not established, and were having difficulty in establishing, clear lawful reasons why the application should be granted contrary to the provisions of the LDP. Whilst it might be acceptable for officers to assist Councillors to clarify their reasons for approval (or refusal, as the case may be), my Council is advised that it is not acceptable for officers to provide reasons to justify Councillors' decisions, particularly when officers have clearly advised that they do not believe the decision to be justifiable, as in this instance.

Factual inaccuracies

My Council is concerned at certain factual inaccuracies which may have affected decisions reached by some members of the Committee. It was asserted by one Councillor (not Wickham Bishops and Woodham Ward Councillor) that there was a bus stop on Blue Mills Hill within 100 yards of the application site. This assertion was backed up by another, non-Ward Councillor. This is not so; there is not and, to the knowledge of long-standing residents and Parish Councillors, never has been a bus stop in Blue Mills Hill. The nearest bus stop is 0.6 mile south in Witham Road at Snows Corner and reaching that stop would entail walking along the busy Witham Road. This road is subject to the national speed limit for most of its length and there is no footway until it reaches the 30mph zone; it is dangerous to pedestrians. The alternative route avoiding Witham Road would be along Mope Lane and Church Road, a distance of 1.6 miles, of which 0.96 mile is without footway. This inaccuracy regarding the nearest bus stop was not corrected by the Ward Councillor and potentially had an impact on the sustainability criteria, referred to below. It was also stated that because the existing building, a stable, on the site proposed for the new house cannot be seen from Witham Road, the new building would also be shielded. The existing stable is a single storey building; the proposed house would be two storeys and would be 2 metres nearer Witham Road. Despite trees and vegetation, it would be visible from Witham Road, as is the existing stable now.

Sustainability criteria

As mentioned in the preceding paragraph, the absence of accessible public transport for a distance of almost a mile along a dangerous road and much further via the alternative route, together with its being beyond the village's development boundary make this not a sustainable site. A Councillor in favour cited a Planning Inspector's appeal decision (believed to be MDC ref 19/00345; Appeal ref APP/X1545/W/19/3229871) on a site at the other end of Mope Lane (and thus nearer the village centre) in support of the application but failed to mention that the Inspector, whilst allowing the appeal, had accepted that the application was contrary to the requirements of Policy S8 of the LDP. Another appeal decision on a different site nearby and virtually the same distance from the village centre as the appeal site referred to above was refused, in part, on sustainability grounds (MDC ref 17/00910; Appeal ref APP/X1545/W/18/3200275); this was not mentioned. The application site is some considered sustainable. This was one of the reasons for refusal of the 2019 application and nothing has changed since then. It should also be noted that some members of the Planning Committee and MDC's Lead Specialist Place expressed concern that approval of the application could well weaken MDC's ability to argue against future applications on sustainability grounds. This concern was reiterated by some members of my Council.

In summary, it seems that the decision taken by the NW Planning Committee is flawed in law and is contrary to approved policies set out in the LDP. My Council wishes to know what steps MDC will be taking to ensure that Planning Committee members are properly trained and fully aware of their responsibilities to apply properly the policies of the LDP and what steps it can take to reverse the potentially unlawful decision in this specific instance.

By email, I am copying this letter to ClIr E L Bamford, Leader of the Council and ClIr Mrs M E Thompson, Chair of the NW Planning Committee.

Yours sincerely

Lorraine Bailey (Mrs)

Parish Clerk

3 November 2020

Princes Road Maldon Essex CM9 5DL

COUNCIL

www.maldon.gov.uk



Enquiries to: Richard Holmes

Email: Richard.holmes@maldon.gov.uk

MALDON DISTRICT

Mrs Lorraine Bailey
Parish Clerk, Wickham Bishops Parish Council
By email: info@wickhambishopsparishcouncil.org

Dear Mrs Bailey

Re: Planning Application 20/00641 - Land at Fernbrook Hall, Mope Lane, Wickham Bishops

I have been passed your letter of the 12 October 2020 by Paul Dodson as Development Management falls within my remit as Director of Service Delivery. I apologise for the delay in responding but I was on annual leave when the letter was originally received. I have now had the opportunity to familiarise myself with the applications.

It is an accepted point of Planning that a planning application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Whilst the Committee Members are bound by the same policies and legislation as officers they are able to give weight to the various material considerations as they see fit. Therefore, whilst Members must be minded of the officers recommendation and guidance provided by officers at the Planning Committee there is no requirement for the Committee to agree with this recommendation. In this instance the Committee decided to grant planning permission in conflict with the advice provided by the officers.

Whilst I note your comments regarding the weight attributed to the various material considerations, including appeal decisions, by the Committee Members and also how these points are similar to those of your officers I do not come to the same conclusion that the decision is potentially unlawful; particularly as the Committee was able to give a reasonable reason for granting planning permission.

Notwithstanding the above, it has previously been agreed to review the Planning training provided to the elected members. However, due to the Covid-19 pandemic this has been delayed; partially as it is considered that holding the training virtually may limit the value provided. I can though ensure you that Maldon District Council is keen to ensure that both officers and members are fully trained and informed of the planning process to ensure that the decisions made, either delegated or at committee, are robust, defendable and in accordance wit the Development Plan unless material considerations indicate otherwise.

Yours sincerely

Richard Holmes

Director of Service Delivery

& Head of Paid Service

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