

STOCK PARISH COUNCIL

Clerk – Lorraine Green

Stock Village Hall, Common Road, Stock, Essex, CM4 0QW.

Tel. No. 07757 114952

Website: www.stock.org.uk/council

MINUTES OF THE PLANNING MEETING HELD ON MONDAY 7TH SEPTEMBER 2009 AT STOCK VILLAGE HALL, COMMON ROAD, STOCK AT 7.30PM.

Present: Cllrs. Millernas, Johnson, Woodward, Hawkes, Phillips, Finch, Rilstone and Otter
In The Chair: Cllr. Dixon
Minute Secretary: Lorraine Green
Also Present: 0 Members of the Public and Chelmsford Borough Cllr. Ian Grundy

		ACTION
1.	APOLOGIES FOR ABSENCE. None.	
2.	MINUTES OF MEETING HELD ON 13TH JULY 2009. The Minutes of the Meeting, having been previously circulated, were then duly signed as a true record of events. All agreed.	
3.	DECLARING ANY PERSONAL OR PREJUDICIAL INTERESTS. None.	
4.	<p>PLANNING MATTERS.</p> <p><u>Planning Appeals and Decisions.</u></p> <p>Nothing to report.</p> <p><u>Tree Preservation Orders.</u></p> <p>Tree Preservation Order No. 2009/042- Swan and Cygnet Woods, Swan Lane – A Tree Preservation was made on the 28th August 2009. Chelmsford Borough Council is reviewing all TPO's made by ECC within the Borough since 1974, with a view to administering new TPO's made by the Borough Council in future. This new TPO will then replace part of the ECC TPO 1949/012 and in particular W38.</p> <p>This TPO is being made to safeguard the future of woodland which is currently protected by ECC TPO 1949/011 W38. The woodland is an important feature in the locality and adds to the wooded and rural feel of the area. It also provides valuable wildlife habitat and is open to the public. It is for these reasons that it is considered expedient to serve a new TPO to continue to protect this woodland once the ECC TPO has been revoked. Using the TEMPO method of tree evaluation the trees scored 16 points, therefore meriting a TPO.</p> <p><u>Planning Correspondence.</u></p> <p>Derek Stebbing, Planning Policy Manager, at CBC Inviting a member of the Parish Council to a conference on Promoting Community Engagement in Chelmsford Town Centre. The conference will be held on 11th September at 9.15am at the Council Chamber. Cllr. Otter to attend.</p> <p>Clare Rudkin, Register Development Team, at the Land Registry advising that they have been invited to attend this year's EALC AGM on the 23rd September in Heybridge. A short presentation will be given offering information about Land Registry and exploring some of the benefits of registration and the practicalities for local councils. Cllr. Dixon to attend. Clerk to advise EALC and Land Registry.</p>	<p>MO</p> <p>JD/CLERK</p>

Keith Holmes, Planning and Development Manager, at CBC regarding a possible breach of planning control at The Bakers Arms, Common Road. Cllr. Woodward had reported to the Clerk that the gravelled area of the Bakers Arms car park, part of which used to be the petanque area, has a notice which says - No parking on gravel area-Private. Cllr. Woodward knew that when planning permission was granted, one of the conditions was, that as spaces had been lost, the car park should be extended to the end of the plot and that cars to the new property should travel over the "hatched" area of the car park from the road entrance to park at the end of the plot. The Clerk had therefore notified the Enforcement Officer to investigate.

Geoff Wood, Mills Officer, at ECC regarding planning application no. 09/00370/FUL – 87 Mill Road. The granting of the above planning application by the Planning Committee of Chelmsford Borough Council is regrettable and has caused disquiet amongst residents on Mill Road and Mill Lane in Stock. In response to the problem Mr Wood feels it is proper for the County Council to inform the people of Stock via the Parish Council, of the situation from the perspective of the County Council.

Mr Wood has investigated the position regarding the restrictive covenant contained in the Conveyance to the County Council of the windmill site dated 24 October 1945. This covenant prohibited the Vendor and his successors in title from erecting on the Vendor's retained land any building of more than one storey in height and which also required the County Council to consent to the position of and the plans and descriptions of any such building erected on the retained land.

The situation is that the covenant is not legally enforceable by the County Council. The reason for this is that unfortunately the restrictive covenant was not registered at the time of the 1945 Conveyance as a class D land charge in the Land Charges Register pursuant to the Land Charges Act 1925. Section 4 of the Land Charges Act 1972 provides that a land charge of class D created on or after 1 January 1926 shall be void as against a purchaser for money or money's worth of a legal estate in the land charged with it unless the land charge is registered in the Register before completion of the purchase.

The effect of the statutory provisions is that, assuming that the land retained by the Vendor to the Council in 1945 has since been sold off, the County Council cannot take any action against any persons who breaches the terms of the covenant in the 1945 Conveyance. Case law confirms this will be the position, even if subsequent owners of the retained land are aware of the covenant.

The County Council's conveyancing file relating to the acquisition of the Windmill site in 1945 will have been destroyed by now and it is not possible to shed any light on why the restrictive covenant was not registered as required by the Land Charges Act 1925. However, it would appear that the failure to register the covenant was an oversight on the part of the person dealing with the matter at the time in the County Council's legal department.

In view of the foregoing the County Council is, regrettably, unable to take any action at this stage in relation to the proposed development at 87 Mill Road for which planning permission has now been obtained. In the event that the development goes ahead and the operation of the windmill is seriously affected as a result of, e.g. interruption of wind patterns, the County Council will have to consider whether legal action would be possible under the law relating to nuisance,

The ECC Mills Team will continue to monitor the situation regarding wind flow patterns and the performance of the mill. Mr Wood advised that he would keep the Parish Council apprised of any future developments on this matter. Mr Wood also confirmed that he has written formally to Mr Alan Lycett, along lines similar to the content of this letter.

Michael Hurst, Conservation Officer, at CBC regarding the BT adopt a kiosk scheme. Chelmsford Borough Council have received notification from BT on further consultation on their 'adopt' a kiosk scheme. This scheme is specifically for the red K6 type kiosk, which was designed by Giles Gilbert Scott in 1935 to celebrate the silver jubilee of King George V. This kiosk is widespread and has become a well known and cherished part of the both towns and rural areas. Some kiosks are listed buildings, which are protected by historic building legislation and BT's position is that these will be retained. The majority of the remaining kiosks are unlikely to be eligible for listing, unless they are have a strong visual relationship with a group of listed structures.

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The scheme allows Parish and other local councils to take ownership of K6 kiosks for a nominal sum of £1. The kiosk would then be decommissioned and the telephone equipment removed. Taking ownership allows the kiosk to be retained as a piece of heritage, but without any use and will have some financial implications for the owner, i.e. painting, cleaning and replacing broken glass for instance. During previous consultation in 2008 a few parish councils did adopt kiosks to avoid them being removed. There are a few kiosks around the country which have been used in imaginative ways such as miniature art galleries and information points.

BT is running an alternative scheme where a kiosk can be sponsored, where the telephone equipment is maintained, the annual fee is £300+VAT. The Parish Council did not want to pursue this matter.

Neil Sumner, Volunteer/Member of The Essex Wildlife Trust regarding the Living Landscapes Initiative. The current boundary of Living Landscapes Area 34, in relation to Stock PC, is somewhat arbitrary:

- on the north west side, the land bordered by the Buttsbury lane and Ingatestone Road
- in the centre, along footpaths north of the Kings Head, Greenacre Farm and Stock Farm
- on the north east side, to include the Local Wildlife Sites of Great Bishops/Broom wood and Little Bishops Wood/ Kiln Common

The Parish also includes part of Area 35 which is the Hanningfield Woods and Reservoir Area. This is being looked at by Lucinda Butcher, the Living Landscapes co-ordinator for Essex Wildlife Trust (EWT), supported by Leon DeBell of Essex and Suffolk Water. They are keeping in regular contact to try and keep a single point of liaison with each PC. A current exclusion is the important woodland areas to the west of Stock including Swan Wood. These have not been forgotten: they are regarded as part of an important corridor to the Galleywood Area and the current unmanaged woodlands are listed as potential Local Wildlife Sites by the Borough Council.

Mr Sumner advised that boundaries can be re-drawn, depending on the views of the local community and how keen they are to progress the initiative. The problem with including all the important areas around Stock is that it would make Area 34 too large. However, they could always create a new Area. Mr Sumner offered to send a Boundary Map. It was agreed that the Clerk should circulate the document to all Councillors and invite Mr Sumner to the October meeting and request a copy of the boundary map.

Barbara Kendall, Senior Planner, at CBC regarding Site Allocations Document – Issues and Options Paper (August 2009) Notification of forthcoming consultation on suggested mineral extraction sites. Consultation to start 17th September and run until 12th November. The Parish Council decided that this did not affect Stock so no comments would be submitted.

Urgent Planning Matters Not On The Agenda.

Nothing to report.

Fence alongside Footpath 26 at Scriveners Farm

The Clerk read out a copy of a letter that Mr Boulton, District Public Rights of Way Officer, had sent to a parishioner regarding the new fence and proposed diversion of the footpath. Cllr. Dixon advised that he had asked the Clerk to contact ECC as various issues had been raised regarding footpaths. The Clerk had got a definitive statement about the footpaths. Dogs do not have to be on a lead on a footpath but if a dog strays then it is trespass. The Chairman advised that people were straying from public rights of way. As regards cycling on footpaths, you cannot cycle, push or carry a cycle as this is considered as trespass. The Chairman had arranged to have a site meeting with Mr Boulton to look at footpaths, particularly those going across private land.

Listing Old Buildings in Village

The Chairman advised that an individual had put in an application to list the Old School. The Parish discussed listing buildings and had recently chosen to try and get The Plantation listed. After discussion it was agreed that, in future, if the Parish Council wish to recommend that a property is listed that the landowners should be written to in order that they can then make representation by the next meeting.

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<p>The Chairman felt that it was courteous to advise the owner and not to try and list a building without their knowledge. It was reported that CBC can compulsory purchase a property if it is listed and not kept in good order. An owner can attempt to apply to have a property delisted. Cllr. Rilstone enquired whether somebody could look at the list of buildings in the village that the Parish Council felt were possible for listing. He suggested a property surveyor but it was agreed that the Parish Council would need to weigh up the costs. Cllr. Millernas suggested contacting the Conservation Officer at CBC. Cllr. Rilstone suggested inviting his Mother's Cousin to walk around the village who had written a book. Cllr. Grundy suggested bringing the matter up at the CBC training session. It was agreed that this was the best course of action in the first instance.</p>	
<p><u>To Discuss CBC Planning Presentation</u></p>	
<p>Cllr. Grundy said that the Parish Council needed to provide case studies to highlight what the Parish Council are looking for. CBC would then explain why the decisions have been made. Cllr. Grundy felt that the training session would clear the air so the Parish Council would look at plans in a more knowledgeable way. He felt that the Parish Council needed to build their knowledgeable skills. Cllr. Grundy advised that the process had been very successful in Little Baddow and Danbury. It was suggested that the training session be held at a planning meeting. Cllr. Grundy said that he was unhappy about 42 Well Lane and 87 Mill Road and many other applications. Cllr. Grundy advised that the meeting would last about an hour. Cllr. Grundy to arrange meeting.</p>	<p>IG</p>
<p>It was reported that the ground had been cleared at 52 Well Lane and a shed had been built with a satellite dish and windows. It had been plastered inside and a peg tile roof put on. Cllr. Johnson had reported the matter to CBC Enforcement.</p>	<p>SJ</p>
<p>Cllr. Woodward reported the building behind the Nursery in Well Lane appears to be being habituated as it has been curtained and fenced. Clerk to report to CBC Enforcement.</p>	<p>CLERK</p>
<p>It was reported that a fence has been put around the cottage next to the church which is owned by Paul Fenwick. Cllr. Hawkes advised that it has been done to make the area look nicer when trying to sell it.</p>	
<p><u>Applications.</u></p>	
<p>None.</p>	
<p><u>Applications for Works to be carried out on trees in Conservation Area and trees that have Tree Preservation Orders.</u></p>	
<p>Application No. 09/05570/CAT. Sycamore x 1 - within Stock Common on boundary with 7 Common Road - pollard at 5m; Hornbeam and Oak - within Stock Common on boundary with 7 Common Road - reduce overhang to boundary line, cutting to suitable growing points. (Suitable growing points are side branches that are at least one third the diameter of the originating branch.) Location: Land Adjacent Cricket Pitch, Common Road, Stock. Applicant: Mr Peter Woodward – Stock Parish Council. The Parish Council had no comments or objections.</p>	<p>CLERK</p>
<p>Application No. 09/05152/TPO. T1 - Oak at entrance to the bowls club - reduce lateral overhanging entrance by 50% and the lowest extended lateral towards the cricket club house by 7m cutting to suitable growing points and crown clean. (Suitable growing points are side branches that are at least one third the diameter of the originating branch.) Location: The Bowling Green, Common Road, Stock. Applicant: Mr Peter Woodward – Stock Parish Council. The Parish Council had no comments or objections.</p>	<p>CLERK</p>
<p>Application No. 09/05153/TPO T1 - Oak - front garden adjacent to road - crown lift to 5.2m to allow vehicle movement without direct contact, cutting to suitable growing points. (Suitable growing points are side branches which are at least one third the diameter of the originating branch) (TPO 2000/054) Location: 32 Birch Lane, Stock. Applicant: Mrs Kathy Swanston. The Parish Council had no comments or objections.</p>	<p>CLERK</p>

	<p><u>Chelmsford Borough Council Planning Decisions.</u></p> <p>Application No. 09/00902/FUL. Demolition of existing dwelling and detached garage, erection of two storey dwelling with detached garage. Location: 40 Mill Road, Stock. Applicant: Mr & Mrs Gundle. Approved.</p> <p>Application No. 09/00486/FUL. Replacement dwelling and relocate access. Location: 42 Well Lane, Stock. Applicant: Mr R Moggan. Approved.</p> <p>Application No. 09/00955/FUL. Dormer windows to rear and side elevations. Location: Cornerfield, Mill Road, Stock. Applicant: Mr Clive Nation. Approved.</p> <p>Application No. 09/01003/FUL. Part two storey, part single storey rear/side extension. Location: Plantation Cottage West, Mill Road, Stock. Applicant: Mr & Mrs Richard Nunn. Approved.</p> <p>Application No. 09/00959/FUL. Replacement dwelling (amendment to permission ref. 08/02121/FUL). Location: Landry, Whites Hill, Stock. Applicant: Mr & Mrs M Day. Approved.</p>	
6.	<p>DATE OF NEXT MEETING.</p> <p>The next Planning Meeting of the Parish Council is on Monday 9th November 2009 at 7.30pm in The Rectory Hall. Cllr. Rilstone gave a vote of thanks to the Chairman for the lunch he had held on Sunday for Cllr. Johnson's retirement as Chairman.</p>	

The Chairman thanked everyone for coming; the meeting closed at 8.35pm.

Signed (CHAIRMAN).....DATE.....