

KINOULTON PARISH COUNCIL MEETING

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Final minutes of the Parish Council Meeting held via Zoom on Tuesday 16th March 2021.

Present Councillors: Cllr. P. Cadwallader (Chairperson)
Cllr. S. Campbell
Cllr. G. Earl
Cllr. S. Hill
Cllr. M. Kaiser
Cllr. M. Marriott (Vice-Chairperson)
Cllr. N. Oxby (Treasurer)

Mrs. J. Holland (Clerk to the Council)

Visitors: Cllr. T. Combellack (Borough Councillor)
Cllr. R. Butler (County Councillor)
A parishioner

Apologies None

Parishioner Question Time

Chairperson welcomed the parishioner and ask if she would like to talk before the meeting was formally opened.

Parishioner attended the meeting to ask the Parish Council what plans, if any, had been put in place for when Covid 19 was over and she would like to see a copy of the Village Survey to see what the feelings of the Village were - because of the pandemic these views may well have changed.

She asked what views the Parish Council have on, how the Pandemic has affected the Village and any views as to how they wish the Village to develop. Has a Neighbourhood Plan been commissioned?

The Parish Councillors suggested that she looks at the Village Survey results that had been e-mailed to her, and that a copy of the minutes in which the Neighbourhood Plan had been discussed would be supplied to her. It was explained to the Parishioner, that due to the format of a Parish Council meeting, it is expected that the parishioner would come to the meeting with suggestions and plans, as it is not a forum for a general discussion, and could she please come back with concrete suggestions.

The Parish Councillors felt it was too soon to have plans in place for the village at the moment, as we are still in lockdown but would review this in due course.

Meeting was formally opened at 7.45pm.

108. APOLOGIES

Cllr Butler advised he would join the meeting as soon as his other meeting finishes.

109. APPROVAL OF MINUTES FROM THE 19TH JANUARY AND 16TH FEBRUARY

It was proposed by Cllr Hill to approve the minutes from the 19th January off and seconded by Cllr. Oxby. Cllr Marriott proposed that the minutes from the 16th February were approved and seconded by Cllr Hill. Agreed by all councillors.

110. MATTERS ARISING FROM THE MEETING

No outstanding matters arising.

111. DECLARATION OF INTEREST BY MEMBERS AND OFFICERS

Cllr. Oxby and Cllr. Campbell declared a personal interest in the request for support for facilities improvements for the Cricket Club as both were members of the Club and asked the Clerk to sign on their behalf regarding the Cricket Club request for funding. Cllr Oxby advised that he would answer any questions regarding the Parish Council's finances but would not participate in the discussion or vote on the request for grant funding.

112. PLANNING APPLICATION

Reference Number: 21/00544/PAQ

Applicant: Mr and Mrs Arthur and Julie Sketchley

Development: Application for Prior Approval, change of use of agricultural building to dwelling house.

Location. OS Field 0002, Kinoulton Lane, Nottinghamshire

An associated paper had been circulated to councillors setting out the background to prior approval under Class Q and aspects of the application that needed to be considered by the Council. The proposed response set out below was discussed by the Council

Current planning position

The two barns were granted planning permission on appeal against an enforcement notice as the barns had been erected without planning consent. The appeal decision was 11th September 2002. The planning approval was granted subject to conditions including the following:

Condition 1: The buildings shall not be used for any purpose other than agricultural use without the prior written consent of the local planning authority.

The condition in question here does include the words "for no other purpose", but it is slightly different from the condition in *Dunnett Investments Ltd v SSCLG & East Dorset DC* [2016] EWHC 534 (Admin); [2017] EWCA Civ 192, in that it does not include the other words "whatsoever, without express planning consent from the Local Planning Authority first being obtained". However, referring to an earlier case in *Dunnett* it was noted the words "for no other purpose" (unqualified by "whatsoever") were possibly sufficient to exclude the operation of the Order as this goes beyond simply limiting the use of the building to a specified use. In these circumstances, it would appear that permitted development rights have been excluded.

N.B. Appeal decisions APP/P3040/C/02/1087973 & APP/P3040/C/02/1085326

Class Q

Class Q allows a change of use of a building and land within its curtilage from an agricultural building to residential. It also enables significant building works to be carried out providing that the building is structurally sound.

Class Q is made up of two elements:

- Paragraph Q.1 sets out the circumstances in which development is not permitted by Class Q and
- Paragraph Q.2 sets out conditions which must be met for the development to be carried out under the permitted development rights.

Schedule 2, Part 3, Paragraph W requires that prior approval applications must be submitted with a plan indicating the site and showing the proposed development. The Local Planning Authority may also require the developer to submit such information as may reasonably be required in relation to the proposed building or other operations.

In this context, the Parish Council would raise the following matters.

Agricultural Trade or business

Paragraph X defines 'agricultural building' to mean a building (excluding a dwelling house) used for agriculture and which is so used for the purposes of a trade or business. The term 'agricultural use' refers to such uses. It is clear therefore that agricultural use has a more restrictive meaning in the context of an application under Class Q. It is not clear what the use the building has been put. However, there should be substantive evidence to demonstrate that the building has been used in connection with a trade or business rather than simply for storage or other purpose or for the general maintenance of the land. A critical matter is whether the agricultural use on the relevant date was for the purposes of a trade or business. If there is no firm evidence to demonstrate that this was the case the proposal would not meet the restrictions and limitations set out in Paragraph Q.1(a).

Curtilage

Class Q(a) relates to the change of use "of a building and any land within its curtilage". For the purposes of Class Q "curtilage" means the piece of land immediately beside or around the building which is closely associated to it, or an area of land immediately beside or around it, no larger than the area occupied by the building, whichever is the lesser.

It would appear from the plans submitted that the red line of the application site is drawn tightly around the footprint of the existing building. Effectively this is assumed to be the curtilage, and, on this basis, it is not indicated how pedestrian access would be achieved, how vehicles would be parked and how waste/recycling or other storage aspects would be achieved? There is no foul or surface water sewers to this part of the Parish so that presumably a cesspit, septic tank or domestic sewage treatment plant will be required. These aspects would indicate that domestic use of the land would extend beyond the area shown by the red line as it would be essential and unavoidable. Consequently, as the application stands it is impractical for it to be used for residential purposes.

While not directed related to the Class Q application, it is understood that the Quorn Hunt may have a right of way over the land between the northern elevation of the barns and the hedge to gain access to Herricks Thorns. (It is not clear as to the extent of width of this possible right of way).

Structural Elements

Planning Practice Guidance (PPG) sets out that it is not the intention of Class Q to include the construction of new structural elements for the building. Therefore, it is only where an existing agricultural building is structurally strong enough to take the loading which comes with the works to provide for residential use that the building would be considered to have the permitted development right.

The application includes a report of the structural elements, but the report gives cause for concern in that it gives rise to comments that further works may be required in relation to the structural elements. These include the following:

Buried foundations have not been exposed as part of this initial report. We have made recommendations for more intrusive investigations as the project progresses.

We believe the original roof loads would have been lower than those necessary for a conversion to domestic accommodation. We have not carried out any formal assessment of the capacity of the existing roof and using modern materials it is sometimes possible to re-use the existing supporting purlins with a new covering and insulation to achieve the required performance to satisfy the building regulations. We understand under a class Q conversion it is possible to replace the roof and we would recommend that the existing timber purlins are replaced with steel profiles.

From a structural engineering perspective any additional loads from the new conversion will be transferred onto the existing ground bearing slab or the existing steel frame. The capacity of this slab to support the additional loads will need to be established by either using the information provided from the original construction or by taking cores through the slab.

There would appear to be an element of doubt from the report that the foundations of the steel frame and the floor slab would be capable of accommodating the proposal. There are no structural calculations to support a conclusion that the proposed changes can be accommodated without structural alterations. Generally, there is very limited information on the building methodology as to how the building would be converted and achieve the building regulation requirements, for example on insulation and whether this would have a structural impact.

In addition, as has already been raised, in this location there are no public sewers, and the proposed dwelling would require a cesspit, septic tank or small treatment plant. As the application stands, it is not clear how this will be achieved within the curtilage set out in the application?

It is for the applicant to provide the information to demonstrate that the building is suitable for conversion. As it stands it is not considered that this has been demonstrated in sufficient detail.

Highways

The plans submitted appear to identify two possible access points although the application appears to suggest that access would be from the bridleway.

There are concerns regarding an access from the bridleway as:

- Access come out onto the brow of a 90-degree bend. To access the bridleway by a vehicle means crossing over the bend where visibility is poor in relation to oncoming traffic. (Theoretically, the speed line is 60 mph at this point).
- It will have an urbanising effect on the rural character of the area in what is a well-used bridleway for both horses and people.

Clearly, there is the possibility that if access is off the bridleway any improvements to the surface to take domestic vehicles cars would fall outside any permitted development rights, presumably, requiring a separate planning application.

Under these circumstances, it is considered that if the agricultural building is considered to meet the requirements for permitted development the alternative access should be utilised.

Proposed by Cllr Cadwallader the Parish Council agreed to submit the above to Rushcliffe Borough Council. Agreed by all councillors.

Action Point: Clerk to e-mail the planning department as it is too large for the planning portal.

113. DECISION NOTICE

Reference Number: 21/00021/FUL

Applicant: Mr David Dodge

Development: Construction of two storey front/side extension and single storey rear extension with rear balcony. New front porch.

Location: Owthorpe Lane, Kinoulton, Nottinghamshire NG12 3EH

Decision: GRANT PLANNING

114. JOINT USE AREA

Cllr Oxby confirmed the twice a week inspection had been undertaken. No issues had been identified other than had already been reported. He advised that he had wash down the two Joint Use Area noticeboards to remove the green mould.

115. FACILITY IMPROVEMENT AT KINOULTON CRICKET CLUB

Cllrs Oxby and Campbell declared a personal interest in this matter and did not participate in the discussion on the merits of the proposed grant and abstained from any vote.

This item was deferred from February's meeting.

An associated paper had been circulated to councillors for the meeting of 16th February 2021 which set out the following:

- legal advice from the Nottinghamshire Association of Local Councils regarding the powers to make a grant;
- the Parish Council's financial position with reference to the budget report at January meeting of the Parish Council;
- The Parish Council has adopted a 'Criteria for Grant Support'. Any grant should be considered against the provisions set out in this policy.

Cllr Cadwallader said that most organisations have suffered over the last year. This work needs to be undertaken so that the Cricket Club can continue into the future. The club had sought additional funding from RCAN, etc. but funds that did not directly grow the club membership were not available.

The Parish Council discussed what funds are in PC reserve and known outgoings. It was proposed that the Parish Council would either.

- Make a grant of £3,000 and loan the Cricket Club £3,000.

Or

- Make a grant of £6,000.

The loan's legal complications were discussed, and it was decided that if the Cricket Club were to have a loan this would need to be obtained from another source, as the Parish Council would have to hire a solicitor to draw up a contract.

The Parish Council noted that as there was another Grant request on the agenda this should be taken into consideration.

Cllr Hill requested clarification on how and when the grant would be paid, if it was agreed to provide a grant. The Treasurer advised that, in line with normal financial practice, the grant would not be paid until such time as the work was put in hand. This would at least need evidence that a contract had been entered into by the Cricket Club for the works to be undertaken.

Cllr Marriott proposed that the Parish Council grant the entire £6,000. This was discussed and then seconded by Cllr. Kaiser. Agreed by the members of the Parish Council participating in the vote (Cllr. Earl lost connection at this point so was unable to vote). (Cllrs Oxby and Campbell abstained having declared a personal interest in the matter).

116. WILD SEED FOR THE VILLAGE

An associated paper had been circulated to councillors regarding Rushcliffe Borough Council offering wildflower seed to local councils to sow around the village. This included the possibility of road verges, but this would require the consent of the Highway Authority.

Agreed that all councillors should review locations where they consider that wildflowers could be sown in the Parish and come back with any suggestions to the next meeting of the Council.

Action Point: All Parish Councillor to identify sites around the village that the wildflower seeds could be sown.

117. VALE FIRST RESPONDERS

An associated paper had been circulated to councillors regarding setting out a letter received from Vale First Responders requesting a donation from the Parish Council. Reference was made in the letter to the running costs of the vehicle at £3,948 per annum

Councillors considered that Vale First Responders provide a valuable service to local communities and they should be supported. Cllr. Hill highlighted their role in running courses in the Village on how to operate the defibrillator.. Cllr. Kaiser supported giving funding and considered it should be a percentage of the amount needed, presuming that they have written to all the Parish Councils in the Vale.

Proposed by Cllr Oxby that a grant of £300 was made to Vale First Responders. Seconded by Cllr Hill. Approved by all councillors

Action Point: Cllr Oxby to write a cheque for Vale First Responders.

118. RISK ASSESSMENT

An associated paper had been circulated to councillors setting out the approach taken to risk assessment by the Parish Council including the actions taken by the Parish Council in relation to the Covid Pandemic. Proposed by Cllr Cadwallader that the risk assessment be approved. Agreed by all councillors

Due to problems with the Zoom connection to the Chairman Cllr. Cadwallader asked that Cllr. Marriott take over chairing the meeting

119. VILLAGE SPRING CLEAN

Typically, the Parish Council would organise the Spring Clean. Due to the Covid position this would not be organised this year. However, councillors advised that residents had been undertaking litter picking on Kinoulton Lane, Owthorpe Lane and other areas.

The Parish Council unanimously agreed to thank all the parishioners that have been going around the village litter picking.

120. GRANTHAM CANAL

This was deferred to the next meeting.

121. ANNUAL PARISH MEETING

Nottinghamshire Associations of Local Council's advice on future meetings had been circulated to Cllrs. The regulations that allow local authorities to hold meetings remotely apply to local authority meetings that are required to be held, or held, before 7 May 2021. This means that, without any further action from the government, all local authorities including local councils must return to face to face meetings from 7 May.

Raised by Cllr. Oxby that the Annual Parish Meeting should be held between 1st March and 1st June. The Council considered whether to hold the Annual Parish Meeting before 7th May through a virtual meeting or alternatively to have a physical meeting on or after 7th May but before the 1st June.

The Parish Council unanimously agreed to hold the Annual Parish Meeting on the 20th April by Zoom immediately before the April Parish Council meeting.

122. CORRESPONDENCE

An associated paper had been circulated to councillors setting an E-mail from a Parishioner from East Bridgford raising what plans there if any there are for opening up open space. After a discussion agreed that the correspondence be noted.

Latest Crime Figures showed a single case of a scam phone call in Kinoulton. It was noted that a Land Rover had been stolen off of a drive in the village (this will appear on March's figures). Also been advised that thieves are targeting workman's vans locally. Cllr Combellack advised that PC. Howard Shinn has retired and PC. Paul Henson has taken over from him – The Clerk advised that PC Henson had been invited to this meeting and to the one held in February.

Suggested that PC Henson is invited to the Annual Parish Meeting.

Action Point: Clerk to invite PC Henson to the APM.

123. SANCTION OF ACCOUNTS

Clerk's wages from 1st January 2021 to 31st March 2021.

Under the provisions of section 11 of the Local Government and Housing Act 1989 the right of the inspection of any document that contains personal information about a member of staff was agreed to be removed. Therefore, details of the Clerk's salary appear as an Addendum to these minutes.

Clerk's Expenses 1st January 2021 to 31st March 2021 of £ 19.50.

The Parish Council agreed to defray the above costs.

124. PARISH AFFAIRS

Cllr. Combellack advised that at the last full council meeting at Rushcliffe, the Enforcement Policy was adopted with replaces the Code of Practice Parishioners still needed to be the eyes and ears of Rushcliffe and report any suspected breaches to RBC.

Cllr. Butler apologised for being late to the meeting as his other Zoom meeting had over-run. He had not been updated on the Parish Councils request for salt/grit and a new salt/grit bin for the village. The Clerk advised that the Parish Council had been contacted concerning this and thanked Cllr. Butler.

DATE AND TIME OF NEXT MEETING

The next Parish Council meeting is due to take place on Tuesday 20th April 2021 at 7.30pm, or as soon as possible thereafter following the Annual Parish Council Meeting which will start at 7pm.

Meeting closed at 9.05 pm

Addendum

Clerk's wages:

1st January 2021 to 31st March 2021

375.84