

**MINUTES OF TARPORLEY PARISH EXTRAORDINARY COUNCIL MEETING
HELD IN THE CRAVEN ROOM, TARPORLEY COMMUNITY CENTRE
ON FRIDAY 18TH AUGUST 2017**

Chairman – Cllr Gordon Pearson

Cllr Elaine Chapman

Cllr Gill Clough

Cllr Julie Hall

Cllr Jeremy Mills

Cllr Richard Statham

Cllr Nigel Taylor

Clerk – Abigail Webb

Public – 0

Press – 0

Apologies

Cllr Bill Mather – Personal Commitments

Cllr John Millington – Work Commitments

Cllr Peter Tavernor – Personal Commitments

Cllr Wallace – Personal Commitments

Clerk – Delia Cox – Personal Commitments

Declaration of Interest

Cllr Mills declared an interest regarding planning application 17/02956/FUL.

Public Participation

No public attended the meeting.

S106 Agreement – Planning Application 17/00760/FUL

The extraordinary meeting has been called by Tarporley Parish Council to review the S106 agreement of the planning application 17/00760/FUL which relates to the former Royal British Legion site, Bowling Green, Allotments and car park.

The developers and Cheshire West and Chester Planning Team have asked the Council to approve the documents before the 31st August 2017 otherwise the developer will incur costs under the new Community Infrastructure Levy (CIL).

There have been many versions of the s106 agreement circulated within the last few days however the version that is presented to the Council has been amended by Cheshire West and Chester Legal Department.

Resolved 17/305 – The Council agreed that the Chair and Vice Chair should be the signatories for the document.

There has been clarification with regards to the small area on the plan between the allotments and the path to the bowling green and the proposed dwellings, which was raised at the last Extraordinary meeting that took place on 30th June 2017. This area has now been included in the land which it is proposed to become under the ownership of the Parish Council.

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The Chairman suggested reviewing each page one by one to ensure that the Council is happy to approve the document.

The following changes are required to the document

P2 – Change the Tarporley Parish Council address to 35 Oswalds Way, Tarporley Cheshire, CW6 0GF and remove the wording ‘registered office’.

P4 – Education Contribution – The education contribution is awarded to Tarporley Primary school and not Tarporley High School. Clarification of why this decision has been made needs to be sought from CWAC.

P9 – VAT – Clarification from CWAC on whether the Council is required to pay VAT.

P10 – Change of address of Tarporley Parish Council.

P13 – (3.2.1)

The Owner covenants with the Council to sell the freehold title to the Public Car Park, the Allotment Gardens and the Bowling Green to Tarporley Parish Council with full title guarantee and vacant possession for the purchase price of One Pound (£1) payable on completion together with the benefit of all rights of way with or without vehicles over and along the Access Road and such other easements as shall be necessary for the use and enjoyment of the Public Car Park, the Allotment Gardens and the Bowling Green (but subject to such easements and rights of access in favour of the Owner as may be reasonably necessary to lay or maintain sewers, drains, utilities and related infrastructure and for the avoidance of doubt that includes all necessary agreements and wayleaves as may be required) PROVIDED THAT if Tarporley Parish Council do not accept the transfer of the Public Car Park, the Allotment Gardens and the Bowling Green the provisions of paragraph 3.2.3 will apply.

And P14 (3.2.3)

The Owner covenants with the Council that in the event that the transfers of the Public Car Park, the Allotment Gardens and the Bowling Green to the Parish Council do not take place within two (2) months of Commencement of Development the Owner shall immediately submit to the Council for its approval an alternative scheme providing details to ensure the community use of the Public Car Park, the Allotment Gardens and the Bowling Green including a timescale for implementation. The approved scheme will thereafter be implemented by the Owner in accordance with the approved timetable.

The Council is concerned that a two-month period to transfer the land from the developers to the Council may not be sufficient. An urgent enquiry to CWAC legal team is required to clarify the word ‘transfer’ and whether this relates to the exchange of contracts within two months or for the formal legal process to be completed within two months.

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Resolved 17/306 – The Council agreed that it was not necessary to obtain independent legal advice regarding the S106 agreement provided that the above concern is resolved satisfactorily.

Resolved 17/307 – The Council agreed that once the S106 agreement is signed it would be necessary to instruct a Law firm to deal with the transfer of the land.

Resolved 17/308 - Once the Bowling Green, Allotments and car park have been transferred to the Council, contracts would need to be put in place for the use of the Bowling Green, Allotments and possibly Car Park.

Planning Application 17/03331/S73 – Variation on Planning Application 14/00732/FUL

The variation of the above planning application has been received by the Council relating to the style of property that are to be built on the land at 32 High Street, Tarporley.

Resolved 17/309– The Council strongly objects to the variation of condition 2 on Planning Application 14/00732/FUL for residential development of dwelling for the following reasons

There are no valid benefits or reasons to change the design of the properties to a lesser quality design that would contradict the statement in Paragraph 15 of the appeal decision paper dated 26th August 2015, in which the Planning Inspector considers the design to be of a high quality and an asset in Tarporley’s Conservation Area. She states: -

“All of the proposed dwellings have been designed to reflect characteristics of built development elsewhere in the conservation area. They include key features such as pitched slate roofs and chimneys with traditional window openings and materials. The bespoke houses would be arranged in attractive courtyards, with parking tucked away. I conclude that the dwellings would be high quality and their interesting layout would make a sympathetic and positive addition to this part of the conservation area.”

In Jones Homes’ original planning application in February 2014, in their Design and Access Statement, they made much of the original design of the dwellings they proposed, making reference to their enhancement of the Conservation Area. The Parish Council does not consider that the reasons they expressed then for that design to have changed, nor can it support an application for dwellings of a lesser quality, than those already approved.

The planning application letter from Jones Homes dated July 15th 2017 cites their reason for the change in design as being based on the views CWAC members cited for refusing planning permission. However these views were expressed prior to the Planning Inspector’s report, which should take precedence over the members’ views. The Inspector did not consider these views of the members as a valid reason for the refusal for planning permission, so they should not now be considered as a reason for changing the design. The Parish Council does not consider this argument of Jones Homes’ as a sound and valid one for changing the design of the dwellings.

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17/02956/FUL Erection of 21 dwellings (Net increase of 5 dwellings on planning application 15/00815/REM from 95 to 100 dwellings, in accordance with the 100-house limit set out in the outline permission (14/00234/S73) at Land Rear of 3 – 9 Springhill, Tarporley

The developers have resubmitted an application to change the number of properties from 95 to 100. The closing date was 7th August however this number is within the range approved in the original planning application. A suggestion was made that the Council should approach the developers for compensation for the increase of house and the additional pressure on the infrastructure in the village but as the original planning application was approved for 100 houses, it would be superfluous to request additional funding.

Meeting closed 8:36pm