**Broughton Parish Council**

Minutes of the meeting of Broughton Parish Council was held at Little Broughton Village Hall on Tuesday 18th April 2017 at 19:00 in Little Broughton Village Hall.

Present: Cllr Sue Hannah (In the Chair), Cllr Steve Hannah, Cllr R Gildert, Cllr A Carruthers, Cllr J Wilson, Cllr J Sewell, Cllr R Mawdsley, Cllr M Bradley.

In Attendance: B Carter (Clerk), A/BC Cllr N Cockburn, C/CCllr A Clark, Mr K Kerrigan (ABC Head of Development Services), Mr R Erlston (1st Great Broughton Scouts), 2 members of the public.

**64/17 Apologies for absence**

**Resolved** that apologies be noted from: A/BC Cllr J Farebrother, PCSO Claire Parker.

**65/17 Chairman’s Announcements**

All matters covered elsewhere on the agenda.

**66/17 Requests for dispensations & declarations of interest**

None

**67/17 Approval of the Minutes of the meeting held on 21st March 2017**

**Resolved** by all present that these minutes be accepted as a true and accurate record and be signed as such by Cllr Sue Hannah in her role as Chair (proposed Cllr J Wilson, seconded Cllr R Gildert).

**Action: Clerk to circulate minutes to all and upload them to the website.**

**68/17 Mr R Erlston- 1st Great Broughton Scouts**

Mr R Erlston attended the meeting to discuss the concerns that Broughton Parish Council have regarding planning application 2/2017/0009.

Mr R Erlston noted and acknowledged the Council’s concerns regarding parking/access & egress and he confirmed that he had spoken with the Beavers Group who are the group that have caused significant problems with inappropriate parking in the past. In particular, the parking around the junction of Camerton Road & Coldgill Road, and opposite the rear exit from the Coldgill homes.

Cllr Sue Hannah confirmed beyond doubt to Mr R Erlston that the access track down Coldgill Allotments is a track, and is not and will not be classed as a road by the Parish Council and that anyone accessing any site on the allotments via vehicle does so at their own risk.

Mr R Erlston confirmed that the parking spaces on the site had been dictated by ABC who said they had to include a certain number, which have been dually included. It is anticipated that there will be three scouts related meetings a week (Scouts, Cubs & Beavers), and that the site will be available for use by others living within the parish e.g. for community activities/private hire.

During the construction period some construction traffic will be accessing the site (in particular during the laying of the foundations).

A suggestion was made that the area directly above the Scouts Plot be converted in to parking area. **Resolved** that it be noted that the Clerk confirmed that subject to 12.2.1 of the Transfer of Title that the land ‘be used for no purpose other than for allotment gardens for local community use’ and that any use other than his prescribed use is subject to clawback as per Schedule 1 of the Transfer of Title (TR1) form.

Mr R Erlston confirmed that all waste/rubbish would be removed from the site so bin collection/disposal shouldn’t be a problem.

Mr R Erlston asked the Council if it would be possible for the Scouts to ‘tap into’ the Broughton Parish Council allotment water supply and install a meter rather than laying a new water pipe.

**Action: Clerk to look into this matter and report back to Mr R Erlston & the Council at an appropriate time.**

There will be no electrical supply to the site due to the costs, consideration is being given to the installation of solar PV/generator for low level power for lighting etc.

The Council thanked Mr R Erlston for his attendance and requested that lines of communication be kept open between 1st Great Broughton Scouts and Broughton Parish Council regarding this development.

**69/17 Allerdale Borough Council Planning Team- Mr K Kerrigan**

Mr K Kerrigan Head of Development Services at Allerdale Borough Council attended to answer questions regarding the purpose and enforceability of planning conditions and the weight given to Parish Council comments on Planning Applications.

Cllr Sue Hannah informed Mr K Kerrigan that the Council submit comments/objections on planning applications that are regularly dis-regarded with no explanation and when conditions have been applied they have been ignored/ABC have refused to enforce them. Particular reference was made to the developments on Coldgill Avenue (Derwent View & Rigg Top) and the seeming disregard for the planning process and the ever changing nature of the developments without proper or appropriate public consultation due to matters being dealt with as ‘minor amendments’.

Mr K Kerrigan confirmed that ABC don’t ignore Parish Council comments but they don’t always get included/endorsed by ABC. The fundamental principle is that comments must be based upon material planning considerations, and it is then a case of weighting up the comments made to reach a ‘balance’. Regardless of an application is a first planning application or a retrospective application to regularise development in abeyance of planning the decision HAS to be taken on if it is acceptable in planning grounds, account can’t be given to the past compliance of an applicant.

The basic position is that to do works/development without planning application is not a criminal offence, it may be an unauthorised development but with the current law it won’t be illegal. So if an application is made for a development that has taken place without Planning Permission being in place the first question to be asked is ‘would Planning Permission have been granted’ if the answer to this is yes then the planning authority can ask for a retrospective application to be submitted to regularise the situation if such an application is not forthcoming, unless it is something that the planning authority/officers feel that planning permission would not have been granted for (at which point an enforcement notice would be issued) then no further action would be taken. The rationale for this is if enforcement action was to be taken and the developer appealed this, if it is something that the planning authority would under normal circumstances have given permission to then the chances are the appeal would be lost and ABC would be liable for costs. As such this route is rarely taken.

*Condition re Pavement/Grass Verge/Hardened Verge Rigg Top & Derwent View.*

This condition was imposed initially on the recommendation of the highways authority for pedestrian safety. The condition was never complied with and the Parish Council and local residents reported this. The response has now been from ABC that it is not planning to enforce this condition as there is ‘no demonstrable harm’. The applicant has been requested to submit a retrospective application to regularise the move from pavement to hardened grass verge but this has not been received.

Mr K Kerrigan confirmed that the current advice they have received from CCC Highways is that a hardened grass verge is appropriate and that a formal pavement would be detrimental as it would encourage parking. In addition, CCC Highways have expressly stated to Mr K Kerrigan in an email that they don’t believe enforcement action would be warranted. As such ABC won’t be proceeding with any such action.

Broughton Parish Council expressed strong frustration at the nonsensical nature of this. The condition was initially imposed for pedestrian safety, it is now not being enforced and what is now in situ is dangerous for pedestrians to use given the finish on it. In addition, further concern was expressed that ABC seem to be adopting an attitude that as there isn’t a pavement along the rest of Coldgill Avenue that this bit won’t be ‘missed’. There is serious concern from local residents and from the Parish Council on pedestrian safety on this road.

It was strongly expressed by the meeting that there appears to be a serious issue of ‘double standards’ between those that obey and follow the planning system and those that consistently go against it and are not checked on these matters. In addition queries were raised regarding ‘favouritism’ of ex-council employees.

Mr K Kerrigan strongly rebutted this suggestion of favouritism and made it very clear that any such allegations would be taken very seriously.

Mr K Kerrigan confirmed that planning is not a ‘black and white’ system which is why controversial applications/those where the balancing of issues has been complex go to the development panel, which has an appeals system. However Mr Kerrigan confirmed that there is no methodology for ‘minor amendments’ to be ‘called into’ the development panel.

Mr K Kerrigan confirmed that the ABC Planning Department don’t undertake site inspections to check that developments are proceeding in compliance with planning permissions. Building Control do visit sites in compliance with the building control regulations but there is no robust system for Building Control notifying planning when developments appear different to plans.

*Minor amendments*

Broughton Parish Council expressed strong concern that there have been examples at the Coldgill sites and also on the Hollies of substantial and large modifications being made to plans after approval under the ‘minor amendments’ process where by there appears to be no public consultation. The Council asked for clarity on the definition of ‘minor amendments’ and the process for retuning something that wasn’t ‘minor’ and requesting it be submitted as a full application e.g. extensions of over x % of the property area.

Mr Kerrigan stated that there is no formal guidance/precedent/statute and that decisions on if something is ‘minor’ or not is up to the individual officers judgement, based on if something would ‘materially affect the neighbours/development/ It was noted by the Council that clearly in some instances the officers judgements had been exceptionally lenient on the definition of ‘minor’ e.g. the near doubling of one of the Coldgill Properties.

Mr Kerrigan accepted that ABC may have a duty to communicate better with Parish Councils, however previous decisions could not be revisited but that his department would work to build better relationships with the Parish Council in the future.

Broughton Parish Council requested that if ABC Planning team don’t understand why a particular comment has been made by the Parish Council they should seek clarity rather than just dis-regarding it e.g. the footpath crossing on Church Meadows that the Parish Council consistently asked for, which was not included as a condition as highways said it wasn’t important and has then taken some 5 years and significant expenditure to have an appropriately marked crossing put in at this location.

Mr K Kerrigan noted that there maybe a perception that bigger developers appear to get away with modifications/retrospective applications more so than the individual. This maybe linked to the fact that the last 2 governments have made changes to the planning system in the Country that were in favour of development and encouraged local planning authorities to support and promote development.

Cllr J Sewell asked that Mr K Kerrigan take back to his team the serious emotional and psychological effects that in particular the Coldgill ‘bungalows’ are now having on local residents in this area. Where local concerns have consistently been disregarded and now conditions that were imposed to try and deal with some of the issues are now not being enforced. Mr Kerrigan confirmed that he would feed this back, and acknowledged that mistakes regarding this may have been made in the past.

The Council thanked Mr Kerrigan for attending and noted that whilst they were grateful to him for attending the information provided has not helped resolve any of the councils concerns or frustrations and there doesn’t appear to be any straightforward way to work to resolve these matters.

**Action: Clerk to agenda the matter of inviting the Highways Team to the June meeting to discuss highways responses to planning applications to the May agenda.**

**70/17 Public Participation**

2 Members of the public attended to hear the presentation by Mr K Kerrigan. Both members present expressed frustration and disappointment at the information provided by Mr K Kerrigan that appears to suggest that developers can do what they wish without fear of recourse from the planning authority. Resulting in serious impacts on local neighbours/communities.

1 of the members of the public present noted that she had spoken with Mr Barnard about the Highways current position on allowing the ‘hardened’ grass verge, but that he had stated that the grass verge must be finished to a highways standard including drainage to allow for highways adoption and this clearly hasn’t happened.

**Action; Local resident & clerk to raise this with CCC Highways/ABC planners depending on the response from the Highways Team.**

**71/17 Applications for co-option**

None received.

**72/17 Police Report**

**Resolved** that it be noted that the Police Report is still directing Parish Councils to the ‘Crime Map’ website which is currently at least 8 weeks out of date and doesn’t detail all incidents.

**Resolved** by all present that the Clerk contact the local police team and raise concern regarding the growing number of incidents of minor anti-social behaviour (related to groups of young people) that are occurring within the Parish, in particular around the depot at the bottom of the Quarry, the Quarry itself and the Rugby Club (recent incidents of youths on the roof late at night).

**Action: Clerk to raise these concerns with the local Police Team.**

**Resolved** by all present that there appears to be a growing amount of drug related activity within the Parish, an additional area was noted that possible transference of substances maybe taking place at the Rugby Club late at night.

**Action: Clerk to raise this serious matter with the local police team and ask for a formal response on action to be taken to address this matter.**

**73/17 Update on matters arising from previous meetings**

i)*Broughton Lodge/Soddy Gap.*

**Resolved** by all present that the additional evidential forms be submitted to CCC.

**Action: Clerk to submit these.
Action: Sue to go to CCC Archives in Carlisle to look at additional information located**

**Action: Clerk to go to Kendal Archives to view the files that have been located here.**

ii) *Emergency Planning-next steps.* **Resolved** that this matter be deferred until the June meeting.

**Action: Clerk to agenda this matter for the April meeting.**

iii) *Heritage Lottery Signposts Project.* Cllr M Bradley agreed to start work on applying for funding to include the signposts.

**Action: Clerk to continue to liaise with CCC on permissions for this work**

**Action: Clerk to liaise with Cllr M Bradley on such a funding application.**

iv) *Cemetery Extension.*

It was noted by the meeting that following the resolution at the March meeting that the Council is no longer pursuing the issue of trying to get the relevant permissions and consents to have this area as a graveyard, but are continuing to look at the possibility of some form of memorial garden.

The Clerk informed the meeting that confirmation has not yet been received from ABC/Storey Homes on if the S.106 contribution that was offered for the play area could be used for the creation of a memorial garden at this site.

**Action: Clerk to continue this discussion with ABC/Storey Homes**

**Action: Clerk to convey the final resolution of the council re the cemetery to the Church.**

**74/17 Clerks Report**

A Clerks report had been received by all councillors in advance of the meeting, **resolved** that this report be noted as received.

*Parish Land Registration*

The Clerk informed the meeting that the Bulling Meadow registration is still not yet confirmed.

**Action: Clerk to agenda prioritisation of Land registration for the May Meeting**

**75/17 Playarea**

*Up-date on Drainage Works*

The Clerk informed the meeting that she had received an update from Mr J Elliot stating that the works can’t commence until the ground is ‘dry’.

**Action: Clerk to continue to liaise with Mr J Elliot on the dates for this work and then to organise the attendance of Playdale to the site to repair the surface under the swings.**

*Gates*

The Clerk informed the meeting that she had provided measurements to Playdale for the mending/replacement of the pedestrian gates at Welfare Field and a quote was awaited.

Cllr Sue & Steve Hannah informed the meeting of a metal ‘doormat’ type installation used in Pickering Park Hessle that prevented dogs accessing the site.

**Action; Clerk to look into the costings for these types of installation.**

**76/17 Reports from visiting councillors**

*ABC Cllr N Cockburn*

Updates provided under relevant agenda items.

*CCC Cllr A Clarke*

Informed the meeting that the CCC meeting regarding the Success Regime outcomes was a shambles with Councillors leaving the meeting before it had concluded. As a result only the maternity services item is being referred to the secretary of state.

Linefoot unauthorised encampment- A meeting has now taken place, Broughton PC was unrepresented due Cllr S Hannah having an emergency to deal with at work. The Clerk confirmed to C/Cllr A Clarke that a written statement on the Parish Council’s position had been submitted stating that the Council had no concerns regarding the encampment but did have animal welfare concerns.

**77/17 Allotments**

1. Access conditions at Nook Allotment.

Ongoing

**Action: Clerk to update on this at the next meeting of Broughton PC**

1. Broken Culvert at Nook Site

Ongoing

**Action: Clerk to contact United Utilities to see whose responsibility this land drain is.**

1. Update on Site Measuring

The Clerk informed the meeting that this work had now been undertaken over a period of 4 days and that the next stage was for the work to be digitised once the students in question had done their end of season exams.

**Action: Clerk to speak with Mr Pugh to ask if he would like to attend a meeting in June to present their findings.**

**Resolved** by all present that the expenses incurred by the students in the undertaking of this work be repaid by the Council.

**78/17 Parish Maintenance**

1. Trees overhanging and obscuring the light on Main Street- Cllr J Sewell has met with some contractors regarding this matter who despite what was said last year the supervisor has said there are no problems with these trees and no work will be undertaken to resolve this matter.

**Action: Clerk to raise this matter during her meeting with the Highways Team on Monday 24th April 2017.**

1. Winder Lonnin- concerns were noted by the Council regarding the attend by Laurel Cottage to create an access route to the rear of Archway Cottages. The CCC have confirmed that this is not a public right of way so no laws are being broken here.

**Action: Clerk to contact CCC to see this stretch of road is a U-Road and if so what the maintenance agreements are on it, and if it gets ‘down graded’ following periods of non usage.**

**79/17 Highways Matters**

None

**80/17 Correspondence**

Unless otherwise noted below the council **resolved** that no response was necessary.

1. Cumbria Farmer Flood Group- **Resolved** by all present that Broughton Parish Council fully support the action being taken by the Cumbria Farmer Flood Group.

**Action: Clerk to submit a letter of support to this group.**

1. Application for Temporary Road Closure-**Resolved** by all present that Broughton Parish Council fully support this application for a road closure for the Broughton Children’s Carnival

**Action: Clerk to submit a letter of support.**

1. Standing Stone Great Broughton- It was noted by the meeting that reports have been received that there is a standing stone in the field where the Story Homes are proposing developing, this stone is not currently registered with historic England.

**Resolved** as a matter of urgency that this stone be registered with Historic England to provide it with some protection.

**Action: Clerk to submit this application.**

**Action: Clerk to contact ABC to notify them of this stone & also request that ecological surveys are undertaken given the present of newts and red squirrels on the land.**

1. Meeting with Sue Hayman MP re Story Homes Development-**Resolved** that the Council take MP Sue Hayman up on her offer for a meeting.

**Action; Clerk to circulate possible dates for a meeting to all.**

**81/17 Planning Applications.**

None

**82/17 Consultations for consideration**

None

**83/17 Planning Decisions**

**Resolved** that the below be noted as received.

|  |  |  |  |
| --- | --- | --- | --- |
| **Ref** | **Location** | **Proposal** | **Decision** |
| 2/2017/0051 | Land to the rear of Thorndene, Moor Road, Great Broughton, Cockermouth | Erection of detached dormer bungalow | Approved |
| HOU/2017/0032 | Codling House, Great Broughton, Cockermouth | Storm porch to front elevation | Approved |
| 2/2017/0009 | Land at Coldgill Avenue, Great Broughton | Application for proposed construction of new Scout Hut | Approved |

**84/17 Finance & Accounts**

1. *Payment of accounts*

**From Reason Amount**

HMRC PAYE £77.60

Becx Carter (Salary Via SO) £310.06

Cumbria Payroll Services Payroll & Pension £208.80

Mr D Pugh Expenses for allotment measuring £162

Mr S Tan Expenses for allotment measuring £360

**Resolved** by all present that the above accounts be paid, these were signed by two signatories Mrs M Bradley & Mrs A Carruthers (Proposed by Cllr R Gildert, Seconded by Cllr M Bradley)

1. *Approval of Bank Reconciliation & spend against budget reports.*

**Resolved** by all present that these reports be received as a true and accurate record. Cllr S Hannah signed the Bank Reconciliation as such.

1. *Approval of Year End Accounts 30th March 2017*

**Resolved** by all present that these be signed as approved.

**85/17 Councillor Matters**

Extension of 20mph speed limit to Little Broughton to be included on May Agenda

**Action: Clerk to include this matter on the May agenda for consideration**

Issue of damaged drain cover on West End to be raised with appropriate organisations due to the large amount of noise it cause when it is driven over.

**Action: Cllr R Mawdsley to provide a photo of the location.**

**Action: Clerk to report this to the relevant authorities.**

**86/17 Date of next meeting.**

**Resolved** by all present that the next meeting including the Annual Parish Meeting take place on Tuesday 30th May 2017 at 19:00 in Little Broughton Village Hall.

Cllr J Wilson’s apologies for the 30/5/17 meeting were noted.

Meeting closed 21.04

Signed…………………………………………………………………………………………..