**Broughton Parish Council**

Minutes of the meeting of Broughton Parish Council held at Little Broughton Village Hall on Tuesday 26th July 2017 at 19:00.

**Present:** Mrs Mary Bradley (Chair) Mrs Sue Hannah, Mr Steve Hannah, Mr Richard Gildert, Mr Sam Anderson, Mr Maynall Weir, Mrs Alison Carruthers, Mrs J Sewell, Mr B Smith, Ms B Carter (Clerk), A/BC Cllr N Cockburn, 9 members of the public. Mr Pieter Barnard (Lead Officer- Development Management), Mr Andrew Addison (CCC Highways), Mr Kevin Kerrigan (Head of Development Services- ABC)

**Apologies:**

Cllr J Wilson, A/BC Cllr J Farebrother, PCSO Clare Parker

The Council was quorate with more than four councillors present.

**131/17Apologies for absence**

Apologies were received and noted from the above

**132/17 Chairman’s Announcements**

Cllr M Bradley confirmed that ENW had attended and pruned back the branches of the tree overhanging the sub-station to the rear of Church Meadows. Further discussions are to take place between the relevant parties on the aesthetics/size of the tree.

**133/17 Requests for dispensations and declarations of interest**

None received

**134/17 Minutes of the meeting held on the 27th June 2017**

All members of the council had received a copy of the minutes.

**Resolved** by all present that the minutes be signed as a true and accurate record by the Chair Mrs Mary Bradley. This proposed by Cllr Sue Hannah, and seconded by Cllr R Gildert.

**Action: Clerk to upload the minutes to the website.**

**135/17 Public Participation**

Cllr M Bradley prior to adjoin the meeting for Public Participation informed members of the public that this was an opportunity for them to raise issues relating to Parish Matters. It was not an opportunity for members of the public to address direct questions to the members of ABC & CCC.

A number of different concerns were raised by members of the public:

* The condition of Nook Allotments, particularly with regard to the on-going encroachment of Himalayan Balsam up the site and the general overall condition of the allotments which in the opinion of the member of the public present has not improved in many years. With a number of ‘empty’ plots being identified.
* The loss of the footpath that used to go down through the Nook Site to the River Bank.

**Action: Clerk to check the definitive map and confirm at a future council meeting if this a register Public Right of Way or not.**

Cllr M Bradley thanked the members of the public for their comments relating to the Allotments and confirm that the Council were in the process of trying to bring the allotments back into more appropriate management. The process is a long one due to the research and consultation required to ensure the process is a fair one to all and the limited resources available to the council.

Following a formal request from a member of the public Broughton Parish Council confirmed that they have no intent to sell or dispose of either Allotment Site (and indeed can’t do this by warrant of legal clauses on the initial transfer deed).

* Mr D Kelly attended and spoke to the issue of the increasing issue of Anti Social Behaviour in the villages. This issue has been increasing for a number of months. Mr D Kelly noted that whilst some of the individuals in concern were from out of the parish others were resident within the Parish. He acknowledged that the action that the parish council could take was limited due to lack of Police Resources. Mr D Kelly noted that there was also the ongoing issue of the 101 number not being answered/delayed answering. It was reiterated that matters could be reported by [101emails@cumbria.police.uk](mailto:101emails@cumbria.police.uk).

**Action: Cllr M Bradley to ask Cllr J Wilson to include this email address in the next Parish Newsletter.**

* Mr D Kelly offered to draft a plan for the Council to consider on how to move forward with this issue and to prepare a document/plan to go to the Police to try and further address this issue.

**Resolved** by all present that Mr D Kelly’s offer be accepted. The Council thanked Mr Kelly for his offer of help regarding this matter.

**Action: Clerk to circulate to all any information received from Mr D Kelly regarding this matter.**

* Speeding in the Village- Mr D Kelly noted that he had during dialogues with the Police been informed that Traffic Data Units were to be installed to look at Speeding within the Parish. Mr D Kelly suggested that the locations for the TDU’s may not be the correct ones.

Cllr M Bradley confirmed that Cllr J Wilson had identified 15 volunteers who are interested in joining a Community Speed Watch Group to act as a speed deterrent within the Village. An appropriate training session would be organised once the results of the TDU are known.

**Action: Clerk to continue to liaise with CCC for the results of the TDU surveys.**

* Land to rear of 10 West End, there is a large bush/shrub on land that is maintained by ISS which needs to be pruned/cut down.

**Action: Clerk to raise this with Allerdale Borough Council.**

**136/17 Application for co-option (2 vacancies)**

None received

**137/17 Pieter Barnard & Andrew Harrison (CCC Development Management) and Kevin Kerrigan (Head of Development Services ABC)**

Cllr M Bradley welcomed Pieter & Andrew to the meeting to discuss issues specifically relating to how comments relating to highways/traffic issues are reached on planning applications. In particular with regard to any precedent/statute and how far the sphere of influence is that can be considered during a Highways Response.

Pieter confirmed that when a planning application is received it is plotted on a GIS map, which shows the new development in the context of the existing/past/and approved developments.

The main ‘guide’ used is the Cumbria Design Guide. A new version of which has been released for consultation from the 25th July until the 4th September.

In terms of quantitative figures, the baselines are set out nationally so ‘busy/congested’ is based on larger settlements, so it is unlikely that a village like Great or Little Broughton would ever fit with the national baseline/critical mass for this standard. It may be a local concern but it is unlikely to be a Development Management concern if there is an increase of 5/10/20/40 cars at any particular junction/location.

Planning Applications generally arrive with CCC Development Management from ABC as they are statutory consultee, but a developer can seek pre-application advice from CCC if they choose.

CCC have an organogram depicting the different sizes/scales of planning application and how it is process/who is consulted.

**Action: Andrew to share this with Becx for circulation to Broughton Parish Councillors for information.**

CCC look at applications with a view to IF there are negative highways/transport impacts then conditions will be suggested where possible to make the development acceptable rather than just outright objection/refusal. These conditions will form part of the CCC opinion, but this can of course be accepted or not by ABC as the planning authority the final decision rests with ABC.

CCC Development Management would look at Parish Council comments (if they were submitted by the point they commented) and check the comments against the Cumbria Design Guide.

Pieter confirmed that site visits only take place during working hours (Monday-Friday 8am-5pm), predominately the research undertaken about any particular planning application is desk based/numeric.

Cllr Sue Hannah questioned Pieter & Andrew regarding a recent comment at a Development Control Meeting where the phrase ‘Broughton is just a village that thinks it has a traffic problem’ was used. Given the comment already made by Pieter about national baselines for traffic movement & critical mass would Development Management ever object to an application on a highways basis?

Pieter responded that they can only object to a planning application for a valid reason, and can only apply a condition if they would have objected to the application without the suggested condition. An additional 40 cars on any street is unlikely to be of significant concern to Development Management.

The Council noted that there have been a series of applications dating back more than 5 years where the Parish Council have raised concerns/objections on traffic matters which have subsequently been ‘no objection’ by Development Management. E.g. Church Meadows and the school footpath crossed by an estate road which took over 3 years of pressure from the Parish Council and a near miss with a child and a car to get an appropriate crossing installed. This could (and in the Parish Council’s opinion) should have been a condition on the planning application for the developer.

Pieter confirmed that whilst local comments would be looked at, any comment made by Development Management need to be justifiable in court (if necessary). Pieter reiterated that the yard stick/bench mark regarding traffic volumes etc is a national one and includes large town/cities as such will rarely show a serious issue in Great/Little Broughton. Pieter noted to the meeting that the Parish was lucky to have such narrow/parked roads which provide natural speed reduction measures.

It was noted by all present at the meeting that one of the key issues regarding traffic movement/speed/volumes is that Great & Little Broughton are starting to be used as a ‘rat run’ between the A66 & A595, with peak times lasting for far longer that the CCC determined ones (8-9 and 3-4/4-5). Pieter confirmed that this is a common issue with traffic not being generated within the concerned communities. This can’t be taken into account during consideration of a development (a developer can only be asked to mitigate problems caused by their development).

How wide a ‘sphere of influence’ is considered when looking at a development? E.g a large development in Dearham is its impact on Great & Little Broughton considered? No it is mapped by the developers e.g. how many people will go left/right from the develop in an expanding ‘spider’ diagram. Even from a large scale development once 3 or 4 junctions are passed the impact is to dilute to be considered.

Pieter confirmed he or Andrew would be willing to attend site visits with some Parish Councillors about key applications to view Parish Council concerns and identify if they are ‘directly’ linked to a development and could possibly be reasonably included as a condition on any development. However this may be difficult given the timescales available for consultation (standard period is 8 week turn around with 4 weeks of public consultation, larger applications circa 13 week period).

The baseline that is used for roads is 5m wide roads can comfortably carry 14,000 vehicles a day, with a single track road being capable of up to 1000 cars a day without a problem. However Development Management will where possible listen to Parish Council comments.

Kevin (ABC) noted that the earlier Parish Council comments were received the longer the period of time ABC & CCC have to consider them.

Q: Who regulates the Planning Authority?

A: ABC are required to follow complex planning law/guidance and make decisions in accordance with planning law/policy. All decisions have to be based evidence and have to be lawful. Each planning application is determined in line with the development plan unless material considerations to determine it differently applies (e.g. National Planning Frame work, Planning Practice Guidance). In terms of governance, ABC have a process which allows for delegation of planning applications either to an individual planning case officer, or to be considered by the development panel (made up of 12 councillors). In theory any application can be handled by a case officer, which would then be signed off by a senior officer, or in certain circumstances be passed to the development panel. The circumstances where this would occure are:

1. Being called in by an Allerdale Borough Councillor (can call in any application within 21 days of it being received)
2. That in the opinion of the head of development services that an application is controversial, innovative or of an unusual nature
3. Or that approval is being recommended contrary to the development plan.

The Right of Appeal only rests with the applicant E.g. regarding the decision or an applied condition. The only way a decision can be challenged by a third party would be see a judicial review within 6 weeks of the decision being made, via an application to the high court, but this has to be based on the decision making process being legally flawed. A judicial review will not interfere in the judgement made by a planning authority. In addition anyone can complain to the Local Government Ombudsman regarding mal administration of the process but again they would only comment on procedural matters, not interfere with planning judgements.

The main scrutiny is public scrutiny as everything is posted on the ABC website for all to view if they wish.

A/BC Cllr Cockburn raised concerns over the consistency of comments applied e.g. relating to visibility splays required which have differed significantly on recent developments.

Pieter confirmed that the only conditions they can add about visibility splays are to the road that exits the new development, they can’t impose conditions on further afield junctions e.g. Broughton Park could have applied visibility splays to the development exit/entrance road, but not to Craggs Road/Harris Brow/Little Brow. Where a development route exits on to an existing road the key factor is the speed of the road, and this is not based upon speed limits, but on TDU counts and using the 85% figure. Once this information has been received then Development Management would look at the Design Guide for visibility splay figures. However the Highways Authority may offer advice in terms of further afield junctions but it can’t be a condition on a developer, and the Design Guide wouldn’t have to be complied with on existing junctions.

A/BC Cllr Cockburn raised concern that the ‘accident database’ that CCC use is out dated, and doesn’t record all accidents (many are known about that are not on the system). Pieter confirmed that it is a database of KSI (Kill or Serious Injury) and that they can only use the information they have. For it to be an accident blackspot there needs to have been 7 accidents in a year within 50ms of a site.

Cllr M Bradley thanked Pieter, Andrew & Kevin for attending and summed matters up as, the rules are laid out in a rule book which is followed, small villages are compared with larger settlements, and that only the immediate impact of any proposed development is considered. There is a degree of consideration of local comments and common sense but ultimately it comes back to the rules. Challenges can only be made on procedure and not on decision.

Kevin confirmed that broadly this was correct but stressed that planning decision making was a balancing process, and that it is about weighting up the balance/factors. The views of town/parish council can be useful in informing the judgement made on the weight applied to factor/s in the balancing equation. Kevin asked the meeting to note that he does not want the Parish Council to feel that it was not worth commenting on applications in light of the information shared above.

**Resolved** by all present that in future the way comments are submitted from the Parish Council needs to be improved to focus on what conditions the Council feel would be appropriate to make a development acceptable for approval, whilst understanding that the developer can only be asked to deal with the impacts of their development.

It was noted by Kevin that the above was correct and further strengthened that a Planning Authority can’t ask for ‘betterment’ from a developer.

**Action: Clerk to circulate the Cumbria Design Guide to all for consideration and comments**

**Action: Clerk to circulate the National Planning Policy Framework and Planning Practice Guide along with the Development Plan to all for information.**

**138/17 Police report**

It was noted that the website was still over 2 months out of date.

1. Response to concerns raised with the Police regarding Anti-Social Behaviour

The Clerk informed the meeting that following the June meeting a letter had been sent to both the Police & Crime Commissioner & the local Police via PCSO Clare Parker & Srgt Atkinson. No response yet received form the PCC but a response was read by the Clerk from Srgt Atkinson.

**Resolved** by all present that the response from Srgt G Atkinson be noted as received.

It was noted by the meeting that there had been an increased Police presence in the villages recently and there appears to have been less gatherings of young people around the bus shelter in recent evenings.

**Resolved** by all present that Cllr J Wilson include the [101emails@cumbria.police.uk](mailto:101emails@cumbria.police.uk) email address in the next Newsletter Article to encourage people to report incidents.

Cllr S Anderson informed the meeting that PCSO Alex Ostle recently attended a report made and was very helpful and confirmed that the Police area aware of this issue and are trying to act up on it, within the budgetary and time constraints that they have.

1. Community Speedwatch

Covered at 135/17 above.

**139/17 Update on matters arising from previous meetings**

1. *Soddy Gap/Broughton Lodge*

Cllr Sue Hannah informed the meeting that recently good news had been received from CCC that on inspection of the available evidence that the intention of the original landowner to dedicate the bridleways and footpaths as rights of way. This includes the footpath that Broughton Parish Council have been working on.

In addition to this main bridleway there are other subsidiary footpaths that could be included based on the evidence that CCC has. To ‘claim’ these footpaths an additional 10 evidence forms are needed for all/or for each of the other footpaths. Once these are received then the matter will go back to the next development panel for consideration. The evidence forms need to include a map showing the routes that the person has used (the CCC map can not be used).

Andy Sims (Countryside Access Officer) has not specified which time period the forms need to be completed for.

In addition CCC are looking for evidence of when the plans were first used after their construction (two current dates they have are 1995 and 2000).

**Action: Clerk to circulate the forms via email to all for completion and return to the Clerk by Mid August.**

**Action: Cllr Sue Hannah to circulate the 20 hard copy forms for completion to be returned to the Clerk by Mid August.**

**Action; Clerk to seek evidence from the files/Facebook on the first use of the created paths.**

**Action: Clerk to post on Great & Little Broughton Craic to seek additional evidence forms.**

1. *Heritage Lottery Signposts Project*

A response has been received from CCC stating that the way they would like this to happen is they will instruct their contractors and the Parish Council will reimburse the CCC for these works.

**Resolved** by all present that this is not an acceptable way forward as it precludes the Parish Council from applying for grants/using the grant already received.

**Action: Clerk to go back to CCC and ask for a formal memorandum of understanding to allow the Parish Council to undertake and project manage the works.**

1. *Bulling Meadow Bench*

**Resolved** by all present that Mr D Whild be given permission to site his bench on the area of Bulling Meadow included in the partial title that was been granted. Subject to Mr D Whild being responsible for all upkeep/maintenance of the bench and insuring it against damage/loss due to flooding.

**Action: Clerk to communicate this decision and conditions to Mr D Whild**

**140/17 Clerks Report**

A written copy of the Clerks report had been received by all Councillors and was noted as read.

**141/17 Play Area**

**Resolved** that it be noted that the installation of the new gates has been delayed and will now be taking place in Mid/Late August. Playdale have applied a £100 discount for this delay.

**Resolved** by all present that the old gates be placed on Cllr S Andersons drive way for return to the original contractor.

It was noted by all present that Cllr S Anderson has placed a padlock on the double gates that were getting damaged.

**Action: Clerk to provide a copy of the key for this padlock to ISS Landscaping to enable them to continue to undertake their maintenance contract on the site.**

**142/17 Reports from visiting councillors**

All covered elsewhere.

**143/17 Allotments**

1. *Update on revised tenancy and measuring*

The measuring has been done and completed by three University Students from Newcastle University. This has allowed for a more accurate map/measurements to be undertaken than the Council have ever had before. There are a couple of areas where the maps need to be corrected but broadly the information is very useful

Regarding the tenancy agreement the Allotment Working Group are continuing to finalise this with a view to a paper being tabled at the September 2017 for Council approval. Following this a series of public meetings will be held (one for each Allotment Site) to discuss the ways forward with the tenants.

1. *Request for New Water Tap @ Nook*

**Resolved** that this be deferred until after the September meeting as one of the issues to be considered at the public meetings is the Water Supply to the sites and the costs that this incurs.

1. *Splitting of Coldgill 8*

Cllr J Sewell declared an interested in this agenda item.

**Resolved** that it be noted that 2/3 of this plot has been returned to Broughton Parish Council. The tenant wishes to keep on 1/3 (the 1/3 furthest away from the access track). The tenant has offered to leave the boundary fence in place (with the track) in return for a reduction in her tenancy fees for this year.

**Resolved** by all present that the tenancy (£55) fee be waived for this year as a gesture of goodwill for the leaving of the boundary fence.

**Action: Clerk to convey this decision in writing to the tenant along with a nil invoice.**

**Action: Allotment working group to consider how to move forward with the sub-division/splitting of the remainder of this site.**

**144/17 Parish Maintenance**

1. *Footpaths where works are required*

The Clerk informed the meeting that the next date for footpath inspections within the Parish is 2021/22 (every 6 years) so if anyone notices any serious damage to a footpath this needs to be reported to the County Council.

1. *Location for replacement trees (Nook)*

The Clerk informed the meeting that ABC/ISS Landscaping have accepted responsibility for the death of one of the trees on the Nook and are monitoring the other.

ABC are willing to replace the dead tree, but would like to site it on an area of land that is their responsibly (apparently part of the area on the Nook they are caring for belongs to 83 Main Street…).

**Resolved** by all present that ABC can select a location for the replacement tree as long as it remains within the Nook.

**Action: Clerk to convey this information to ABC and ask that if they are contemplating ceasing to strim the area that they don’t own would they please inform the landowner of this and remind them of their obligations to keep the area tidy.**

**145/17 Highways Matters**

1. *White Lines on Broughton Bridge*

It was noted that these are still not in place despite many reassurances to the contrary.

**Action: Clerk to pursue this with CCC.**

1. *20MPH Speed Limit*

**Resolved** that it be noted that this matter has been raised with CCC and is being looked into by an officer called Matt Reeves. However the KSI statistics don’t suggest that this is a problem area.

**Action: Clerk to pursue this with CCC and report back to the Sept meeting.**

1. *Main St/Kirklea Junction Safety*

**Resolved** by all present that it be noted that this matter has been raised with CCC who are holding the report on file with a view to considering other measures that may assist in terms of moderating speeds e.g. revised road markings.

1. *A66 Roundabout/Junction*

**Resolved** by all present that it be noted that this project has been delayed by a year but is still very much going ahead from the information that has been received by A/BC Cllr N Cockburn.

**146/17 Correspondence**

Unless otherwise listed below all items of correspondence were noted as received.

1. Christ Church Request to use Welfare Field for games during a summer club.

**Resolved** by all present that the council have no objections to this.

**Action: Clerk to communicate this decision to Christchurch.**

**146/17 Planning Applications**

**Ref: 2/2017/0337**

**Location: Glenfield, The Green, Little Broughton**

**Proposal: New Dwelling**

**Resolved** by all present that the Council had no objections subject to the design being in keeping with the local architecture and appropriate conditions to be applied to the development to ensure access safety as a number of dwellings now use this access route which is narrow.

**Action: Clerk to submit these comments.**

**Ref: HOU/2017/0136**

**Location: Lawson Garth, Moor Road, Great Broughton**

**Proposal: Proposed placement of shipping container on property (Retrospective).**

**Resolved** by all present that if approval is granted on this application that it should be for a temporary period (10 years) due to likely deterioration of the structure, and should include appropriate conditions to ensure that it is clad appropriately to not create a visual amenity disturbance, and that conditions are imposed regarding the duty of the owner to maintain the structure to prevent visual deterioration. It was also noted by the Council that the structure should be appropriate secured to prevent children accessing/getting trapped in it.

**Action: Clerk to submit these comments.**

**147/17 Planning Decisions**

**Resolved** that the below decisions were noted as received:

|  |  |  |  |
| --- | --- | --- | --- |
| **Ref** | **Location** | **Proposal** | **Decision** |
| 2/2017/0219 | Land at former RNAD Derwent Forest, Great Broughton | Reserved matters application for erection of 24 dwellings following outline approval 2/2014/0858 | Approved with conditions |
| 2/2017/0232 | Derwent View, Coldgill Avenue, Great Broughton | Variation of condition 10 on app 2/2014/0272 to substitute tarmac finish with grass footway | Approved |
| 2/2017/0233 | Rigg Top, Coldgill Avenue, Great Broughton | Variation of Condition 14 on application 2/2012/0445 to substitute tarmac finish to footway with grass (Plot 2 only) | Approved |

**148/17 Finance, Accounts & Governance**

1. *Payment of Accounts*

**Resolved** by all present that the below accounts be approved for payment and were signed by Cllr M Bradley & Cllr A Carruthers.

|  |  |  |
| --- | --- | --- |
| **From** | **Reason** | **Amount** |
| HMRC | PAYE July | £77.60 |
| Becx Carter | July Salary- VIA SO | £310.26 |
| Becx Carter | Expenses | £125.43 |
| Sue Hannah | Expenses | £56.03 |
| Cumbria Pest Control | Coldgill Site Pest Control | £120 |

**Action: Clerk to pay accounts**

1. *Approval of Bank Reconciliation and Spend Against Budget*

**Resolved** by all present that the Bank Reconciliation for July be signed as a true and accurate record by Cllr R B Smith.

**Resolved** by all present that the Spend against Budget report be noted as received.

1. *Red Rose Request for Grant*

**Resolved** by all present that a S.137 grant of £150 be made to the Red Rose Club.

**Action: Clerk to pay this donation.**

1. *Citizens Advice request for Grant*

**Resolved** by all present that the Council don’t offer grants to organisations that are wholly external of the Parish.

**Action: Clerk to convey this decision.**

**148/17 Councillor Matters**

None

**149/17 Date & Time of Next meeting.**

**Resolved** by all present that the August meeting be cancelled.

**Resolved** by all present that the next meeting be held on Tuesday 19th September 2017 at 19:00

Meeting Closed 21:10

Signed……………………………………………. (Chair) Dated………………………………………………..