**Minutes of Rodsley and Yeaveley Parish Council Meeting**

Held at 7.50 at the Yeaveley Arms

**Sunday 12th May 2019**

**Present Councillors** J Bates (Chair)

L Schroeter

F Sills

H Watson

J Fitzakerley

Clerk, J Bailey

District Councillor, A Morley

Members of the Public, B Dias

**Apologies:** Cllr Nuttall expected to arrive late.

**Declaration of Members’ Interests.** Cllr Schroeter declared a personal interest in Item 12 on the Agenda Re barn conversion on Swallowtail Farm, Yeaveley. Cllr Bates declared a prejudicial interest in Item 11 on the Agenda, Bay Tree Farm, Rodsley.

**Public Participation.** The Chair explained that this is the time when members of the public can state their reason for attendance and air their views on any item on the agenda, or, ask for an item to be put on the agenda of the next meeting.The time allotted to public participation is 30 minutes and no one person may speak for more than 5 minutes and that once the meeting is underway members of the public must not interrupt.

Cllr Morley thanked members and residents who voted for him in the recent election. He said that he will do his best to support the Parish Council and help in any way that he can. He also informed the meeting that there was about £800 of grant money available.

**53/19 Minutes of the Last Meeting** were ratified and signed by the Chair. This was proposed by Cllr Sills and seconded by Cllr Watson.

**54/19 Neighbourhood Watch. (Also Item 25/19).** A resident who lives on the corner of Rodsley Lane and Priory Close reported that someone had tried to gain entry at the front door and also gained entry to the back garden over the fence. Residents were told about this at the time by the Clerk and advised to be vigilant.

**55/19 Planning Application, Stydd Hall Farm, Agricultural Worker’s Dwelling. (Also Item 26/19).** No decision as yet.

**56/19 Planning Application, Two storey Side Extension, The Firs, Rodsley Lane, Yeaveley. (Also Item 30/19).** This application has once again been refused on the grounds that by its scale, design, form and materials it would be detrimental to the character and appearance of the bungalow. **This item is closed.**

**57/19 Planning Application, Erection of Dwelling, Land at Cross Roads, Rodsley. (Also Item 23/19).** At the Rodsley Annual Village meeting Cllr Bull was informed of the Highways Department decision to support this application and he said he would look into why this decision was made. A lengthy response from Ian Turkington, Economy, Transport and Communities was forwarded to the Clerk and is shown below. ‘The MfS II document recommends that, where possible, visibility sightlines should be based on captured vehicle speeds and uses a formula based approach to accurately calculate the visibility splay lengths required. Whilst no formal speed surveys have been undertaken in this instance, officers do carry out their own assessment of vehicle speeds in the vicinity of the site - this includes driving the section of road and following / trailing existing vehicles to gauge local vehicle speeds. I can confirm an officer has visited this site and it was observed that vehicle speeds were consistently below the legal speed limit currently imposed, resulting in the recommendation contained in the highway consultation response. I am aware of the Parish Council comments made in connection with the application, however, as previously advised there are no recorded accident statistics in the locality to substantiate their concerns regarding the operation of the existing adjacent junction, or the operation of the existing access point associated with the site. For the Highway Authority to be in a position to recommend refusal of any application, and defend this position at appeal if necessary, it needs to be able to clearly demonstrate the risks to highway safety (through empirical data), or demonstrate that the proposals would exacerbate an existing highway safety problem. Given the presence of other existing accesses in the immediate vicinity and the absence of any recorded accident statistics it would be extremely difficult to demonstrate that the existing access would be unsafe to serve a new single dwelling. I further note the comments of Mr Bates in an e-mail to you dated 17th April 2019, where several other points are raised. It is appreciated the site may be used by walkers and cyclists on National route 68, however, the additional traffic (over and above that which may lawfully take place at the moment associated with maintenance, management and enjoyment of the land) is likely to be imperceptible. Whilst no specific traffic count data is available for this particular location, perceived volumes of traffic at this rural location are likely to be low. 2 No car parking spaces are located close to the new dwelling and the proposed driveway would offer ample opportunity for vehicles to turn within the site, therefore, negating the need for vehicles to reverse out of the site. As highlighted above the case officer carries out an assessment of likely vehicle speeds at the time of the site visit, in the absence of any speed survey information being available. In this instance it is clearly evident that vehicles passing through this area would not be able to attain 60mph speeds. The visibility splay lengths proposed correspond to 30mph (43m distance) and 26mph (35m distance) and are the expected speeds for 85 % of vehicles in wet weather conditions (this is the normal methodology used for assessing vehicle speeds). It is unclear what value a site meeting would have in this instance, the Highway Authority has assessed the application proposals in accordance with current guidance and has provided its formal independent consultation response to the Local Planning Authority. Whilst I appreciate the Parish Council have a different view regarding highway safety, they are a consultee to the planning process too and have submitted their own formal comments to the LPA, which will be taken into consideration as part of the planning balance.’ PC maintain they should use real data to make judgements rather than an inspector’s impression and question their consistency of approach to development at road junctions. In Yeaveley a drop kerb application to facilitate parking on land opposite Priory close was opposed by DCC Highways in a 30mph zone!

**58/19 Planning Application, Gravelly Bank Farm, Rodsley Lane, Yeaveley.** Plans for this were circulated prior to the meeting and as there were no objections the Clerk informed the authority. No Decision as yet.

**59/19 Planning Application, Malthouse Farm, Rodsley Lane, Yeaveley.** The plans for this application for the demolition of existing garage and erection of replacement garage with room above were circulated and discussed. The meeting unanimously agreed that there were no objections and the Clerk will action this.

**60/19 Planning Application, Bay Tree Farm, Rodsley Lane, Rodsley.** The plans for this application for replacement of 6 front windows were circulated and discussed. The meeting (with the exception of Cllr Bates who had a prejudicial interest and therefore could not take part in the discussion or vote) agreed unanimously that there were no objections. The Clerk will inform the authority.

**61/19 Planning Application, re Change of Use of Barn North of Swallowtail Farm, Yeaveley.** The plans for this application were circulated and discussed. The meeting (with the exception of Cllr Schroeter who had declared a personal interest and therefore could not take part in the discussion or vote) agreed unanimously that there were no objections. The Clerk will inform the authority.

**Cllr Nuttall joined the meeting at 8.37.**

**62/19 Planning Enforcement Complaint. (Also Item 33/19).** The following was emailed to the Clerk.

Dear Ms Bailey

I have been keeping a watching brief on this application, having been notified by Cllr Morley that the situation in relation to it was sensitive.  As I understand it the main point of concern relates to condition 4 of the planning permission, which is the noise attenuation works that were required to the property.  In particular the query seems to have been about whether the property was brought into use before the completion of the works required by condition 4 and if so why.

In reviewing the file I can see that our Development Management team was involved in managing the application and that they consulted with our Environmental Health team in relation to the quality of work undertaken on site.  A number of visits were made by one of our Environmental Health Officers to check on progress and to ensure that works were completed to the required standard.  I can see that she reported back to her Development Management colleagues as her checks continued.

Initially it seems that the issue was whether the correct insulating material had been installed in the timber flat roof, as set out in Table 6 of the Noise Report.  I understand that a hard material had been installed rather than the mineral wool infill specified.  The applicant appears to have been of the view that the hard material performed the same acoustic function and undertook to provide documentary evidence of this.  This evidence was not forthcoming and the mineral wool was eventually installed in mid-February of this year.  The issue that then arose was whether the kennels were in commercial use prior to full compliance with condition 4.  Initially it appears that Development Management were of the view that the applicant’s own dogs were being kept in the kennels, but it later became clear that they were being used for commercial activity.  At this point a decision was made that the best approach would be to continue to work towards full adoption of the noise attenuation measures.  It was not considered proportionate to take formal enforcement action over the potential commercial use of the kennels at this time, as the applicant was actively working with the Council to resolve the relatively minor deviation from the approved specification.  Having reviewed the case I am satisfied that this was the correct decision at that time.  However, I cannot see any formal documentation of that decision.  This is a weakness in the file and I have discussed this matter with Development Management colleagues.

I can see from the file that the insulation was installed as required by condition 4 in mid-February.  This means that the condition relating to noise has been fully complied with now.  I note that the noise report indicates that this should result in no noise nuisance to residents.  However, if any resident does have concerns about noise from the premises, these should now be directed to Environmental Health ([envhealth@derbyshiredales.gov.uk](mailto:envhealth@derbyshiredales.gov.uk) or 01629 761212) rather than to Development Management.

I hope that this explains the current situation.  I understand that the development has caused the Parish Council some concern and I apologise if the Council’s handling of the matter has exacerbated that.  Hopefully now the works are complete the matter has been resolved

Tim Braund

Head of Regulatory Services Tel: 01629 761118, Email: [tim.braund@derbyshiredales.gov.uk](mailto:tim.braund@derbyshiredales.gov.uk)

A lengthy discussion followed and the meeting agreed that a letter should be sent in reply stating that the PC accept Mr Braund’s apology but in future the actions of the planning authority would be carefully scrutinised. Cllr Nuttall said that he would draft a letter. The Clerk will action this. **This item is closed.**

**63/19 Footpath Issues. (Also Item 36/19)** The Clerk reported the missing fingerpost on Hales Green Road and has received a reply from Daniel Edwards, a Rights of Way Technician, that this has been added to their schedule.

**64/19 Highways Issues. (Also Item 37/19).** The Chair told the meeting that he met with John Bourne to discuss, the state of Rodsley Lane where it floods and work was done last year between Rodsley and Yeaveley, and, the planning application at Rodsley cross roads. For Rodsley lane he stated again that there is no road drain at this point and finances are such that no such improvement is likely anytime soon (including easement soak away in adjoining land) but agreed to ask his department if the location is considered suitable for stone to be put down to fill the ruts. With regard to the planning application issue. He said that he hadn't written the "no objection" response and whilst he agreed with many of our highways issues, in particular the necessity contained in the plan to reverse on or off the site and the lack of traffic speed and volume data, he could only pass his/our views to the author in development control who might agree to a further site visit. The meeting decided that the Clerk should ask Highways if the mud on this road could be removed.

**65/19 Flooding Issues (Also Item 38/19).** No Issues reported.

**66/19 Clerk’s Report. (Also Item 39/19)** Action Grants. Parish Councils can now apply up to the end of May 2020. There are 2000 grants of up to £500 and a smaller number of £5,000 and £10,000 grants. A poster about this will be on the notice boards. More information on [www.derbyshire.gov.uk/action](http://www.derbyshire.gov.uk/action) or call 01629 538359 or 538408.

**67/19 Financial Matters. (Also Item 40/19)** Derbyshire Dales have changed the format for Register of Pecuniary Interests. The new forms handed out to councillors to fill in and return. These will then be forwarded to Sandra Lamb, the monitoring officer. It is now required that this information – minus signatures – is put on the website. The Clerk will action this. The meeting agreed to officially thank Terri Jones for once again completing the audit for us. She recommended that in future we also adopt an official Privacy Policy and keep a Training Record, and that all this information is published on the website together with our complaints procedure. Also as mentioned at the AGM that the assets register reflects the actual condition of assets as well as the cost to replace them. The insurance renewal is due by the 1st June and the meeting agreed to pay £218 online to Came and Co. Bank statements and Summary of Accounts to date were circulated and signed by non- signatory Cllr Fitzakerley.

**Summary of Accounts 2019 to 2020 to End April 2019**

**Receipts**

Precept £2,900.00

Interest £ 0.15 £2,900.15

**Payments**

DALC £ 164.14

PAT Test £ 40.00

Clerk’s Salary end April £ 143.48

Petty Cash £ 14.98 £ 362.60

**Excess of Receipts over Payments** £2,537.55

**Funds in Hand 1st April 2019 £**5,143.44 **£7,680.99**

**Funds in Account 00117946** £3,779.59

**Funds in Account 00054278** £3,870.27

**Petty Cash in Hand** £ 31.13 **£7,680.99**

**The Date of the Next Meeting will be Sunday 7th July**

**The meeting closed at 9.06pm**

**Signed…………………………………………………………………………..Date………………………………….**