

## CROSTHWAITE AND LYTH PARISH COUNCIL

### DRAFT Minutes of an Ordinary Meeting of the Parish Council

held on Monday 01 July 2024 at 7.30 p.m. in the Parish Room, Crosthwaite

**Present:** Cllrs Angela Dobson, D. Atkinson, G. Harnby, J. Perry, E. Sharp, H. Young

**In Attendance:** Cllr. S. Bavin (Westmorland & Furness Co.), Martin Curry (Clerk), Malcolm Richardson (Responsible Finance Officer [RFO]) and 4 members of the public.

**46/24 Apologies:** No apologies had been tendered – all Councillors were present.

**47/24 Minutes of the meeting held on the 03 June 2024:** Following a representation from Mr Stuart McGill (a member of the public present), it was **Agreed** to remove the following sentence from Minute 33/24(e)(ii): “*The property remains on the market at the same price, though the particulars of sale have been significantly amended.*” Mr McGill also pointed out that he had not been in contact with ex-Councillor Harkness as stated. This was noted but the Minute was retained as being what had been reported. Noting the amendment agreed above, it was **Resolved** that the Minutes of the meeting held on 03 June 2024 be signed by the Chair as a true record.

#### 48/24 Declarations of Interest:

Councillors noted the following Declarations of Interest:

- a) Cllr. J. Perry in respect of item 9(c): Planning Application 7/2024/5185: 6, Oak Fold, Crosthwaite
- b) Cllr. G. Harnby in respect of item 9(e): Matters relating to Tarnside Farmhouse.

**49/24 Requests for Dispensation:** No Requests for Dispensation had been submitted.

**50/24 Chair’s Announcements:** The Chair referred to ongoing work in relation to various initiatives which would receive consideration later in the Agenda.

#### 51/24 Public Participation:

- a) Mr. G Thornton referred to developments at Espford Farm including a permanent-looking structure in a field behind ancillary accommodation with seating and a firepit as reported in the previous Minutes. He said that he had been heavily engaged with planning officers at LDNPA for some years about developments at Espford Farm and had followed guidance received. He was now engaged with the Enforcement Team on this specific issue and whilst he maintained that it did not require planning consent, he confirmed that he will follow its decision on the matter.
- b) In relation to Tarnside Farmhouse, Mr. McGill wished it to be known that he is in communication with the Enforcement Team via Planning Officer J. Birkett and had previously been in touch with planners about the greenhouse and other developments. Mr McGill had also tried to contact the Clerk by phone and email. The Clerk confirmed that he had not received email correspondence and it emerged that the phone number on the website was no longer current. The Clerk stated that he would amend the contact details.

**52/24 Membership of the Parish Council:** The Clerk confirmed that one vacancy remains on the Parish Council. The vacancy is currently advertised on the Parish Council website and the noticeboard. Councillors **Agreed** that an article to the same effect should be submitted for publication in the Two Valleys Newsletter.

#### 53/24 Reports:

**a) Westmorland & Furness Council (W&FC):** Cllr. Bavin reported as follows:

- i) Bridge Closures: Two reinforced concrete (RC) ‘half joint’ bridges crossing the A591 (Kendal Bypass) on the Underbarrow and Brigsteer Roads have been closed indefinitely to all passage, including pedestrians, due to safety concerns. Following an initial report leading to the closures, W&FC will commission a specialist company to undertake a thorough investigation. The bridges could be declared safe as a result, but communities should be prepared for ongoing closure until repair or replacement is completed. The closure is until January 2026 but this is purely a placeholder date, pending further investigation. There is to be a public meeting on Thursday 11 July at a venue yet to be finally confirmed. Cllr. Bavin apologised for the glitch in green bin collections recently which had been due to vehicle breakdowns, not bridge closures.
- ii) As a result of the closures, repairs to a section of the A592 near Broom Lane will be deferred for the time being so as not to further disrupt local communities.

- iii) Road safety warnings for the 'narrow bit' of the A5074 are still under review. These are unlikely to be flashing signs but Cllr. Bavin is promoting yellow warning signs and an advisory speed limit (30-40 mph).
  - iv) There has been no start yet to the repair of Mill Lane Bridge, but this remains in hand for attention between July and September.
  - v) There are currently no dates proposed for the next meeting of the A590 Working Group.
  - vi) Mention was made of the culvert at Starnthwaite which requires effective repair by W&FC and Cllr. Bavin confirmed that it is on the list. Grasscutting on roadside verges for safety is also now required following the peak of the nesting wildflower seasons. Cllr. Dobson mentioned that there is a tree down on the track from the Smithy. Some residents have expressed a wish for a 30-mph zone from the Smithy which should help the Parish Council secure the required evidence of local support.
  - vii) Cllr. Bavin and the Clerk will continue to liaise on matters relating to United Utilities
- b) Police:** The Clerk reported that there was nothing in recent Police Focus Newsletters of direct relevance to Crosthwaite and Lyth. He has however written to the Police and Crime Commissioner to ask if police presence at Parish Council meeting could be reinstated.

#### 54/24 Planning

- a)** Councillors noted that the following planning applications have been received from LDNPA and circulated to Members of the Council since the last meeting:
- i) **7/24/5303: Broad Oak Farm, Crosthwaite, Kendal LA8 8JL.** Conversion of existing milking shed to a garage. Circulated to Councillors 26/06/24. Deadline for comment 03/07/2024. Councillors resolved to submit a response of **No Objection** to the application.
  - ii) **7/2024/5325: Barkbooth, Winster LA23 3NZ.** Approval of details (colour) on consent 7/2021/5693. Received for information - no provision for consultation.
- b)** Councillors noted the following application received and circulated to Members of the Council after publishing the Agenda:
- 7/2024/5342: Tarnside Farm, Crosthwaite, LA8 8BU** – Retrospective planning application for ancillary garage and storage building. Received 27/06/24. Deadline for comment 25/07/2024: Cllr. Harnby confirmed his Declaration of Interest as a near neighbour and stood down for the item. The Chair asked Councillors for comments on the matter. Cllr. Perry noted that this was an application for *retrospective* consent for a development already completed. Cllr. Harnby then asked to comment as a member of the public. It was clarified that there was no right for the public to speak outside the item for Public Participation unless invited to do so, but that, given the short period of time since receipt of the planning application, the Chair, taking advice from the Clerk, felt that Councillors would benefit from additional information and approved this request. She made it clear that the applicants would be given the opportunity to respond to any points made. Cllr. Harnby acknowledged the difficulty of this situation given the proximity of the applicants as near neighbours. However, he had concerns about the development which, he believed, the Parish Council should be aware. He listed his concerns as follows:
- i) Tarnside Farm should be called Tarnside Farmhouse in the application. This was relevant in understanding the relative size of the property;
  - ii) The application did not fully describe the construction materials used which should have included concrete footings - thus signalling the intention for it to be a permanent structure;
  - iii) As to whether the development would result in new or altered vehicle access, the applicant's Agent had answered 'No'. Cllr. Harnby maintained that this was incorrect as the development has utilised and upgraded the surface of a redundant farm track giving access on to the A5074. This access had not been used for over 10 years and in 2014-15 Highways had advised that the bend on the A5074 at this point made it dangerous for this access to be used and directed access via an alternative route.
  - iv) Where the application asks whether the proposed works will affect car parking arrangements the answer is 'No'. However, in addition to the three car parking spaces and garage already present, the development makes provision for a significant increase in the number of cars that can be garaged on site.
  - v) In relation to whether the development can be seen from the road, Cllr. Harnby maintained that contrary to the answer in the application, it can be seen from the road.
  - vi) Cllr. Harnby said that, in taking account of the above points, the planning application is flawed in that the Agent has declared that facts stated in it as true, when they are not.

At this point, The Chair commented that the issue of visibility had been raised (anonymously) by a parishioner in a letter dated 02 April 2024. Several other points had been made in that letter leading to the Parish Council referring the development to the LDNPA Enforcement Section for an opinion. Cllr Harnby confirmed that he was not the originator of this note.

In response, Mr Suart McGill (applicant) offered the following comments:

- i) He acknowledged that the property should be called Tarnside Farmhouse and that in most other matters of correspondence, it is so called.
- ii) The application does not imply that the proposed development is to be temporary and that it is an ancillary structure linked to a residence, not a farm.
- iii) That the application form is correct in stating 'no' to new or altered vehicle access in that the track and gateway onto the A5074 have been in place for many years.
- iv) That whilst the new structure is capable of taking up to six cars, the space is intended for other items such as machinery, bee keeping equipment, a boat etc.
- v) Visibility – He maintained that the development is screened from view by trees and bushes.
- vi) Mr McGill stated that he had spoken with his Agent and confirmed that the application is a true submission in respect of the development.
- vii) And in summing up, he stressed that he had been in liaison with Planners during the process leading up to the application for retrospective consent.

The Chair thanked both Cllr Harnby and Mr McGill and asked for further opinion. Councillors were of the view that the question of visibility and the status of the proposed access and driveway were both opaque to the point where further information is required. It was agreed that the Parish Council arrange a site visit and also request a site meeting with Planning Officers to discuss these issues in particular and other concerns raised. It was **Agreed** that a decision on this matter should be deferred pending further information and the outcome of a request for a site meeting.

- c) To note responses submitted to LDNPA following consideration by the Parish Council:
  - i) **7/2024/5185: 6, Oak Fold Crosthwaite, LA8 8EZ.** Erection of garden shed. No objection had been submitted. It was noted that this was still under consideration by LDNPA.
- d) To note decisions on the following planning applications since the last meeting:
  - i) **7/2024/5259: High Foulshaw Farm, Levens LA8 8ET.** New building to house milking parlour and collecting yard. Approved with Conditions (ACON) 24/06/2024.
  - ii) **7/2024/5235: 1, Foulshaw Cottage, Levens LA8 8ET** - Variation of Condition 2 of planning approval 7/2016/5145 relating to various matters. No Objection submitted 28/05/24. ACON 24/06/2024.
- e) To note any other Planning Matters:
  - i) The following additions to the Schedule of Developments referred to LDNPA Enforcement Section as having queries on planning consents were noted:
    - Development at Espford Farm (referred to in Public Participation)
    - Recently erected stable block on land for sale in the Lyth Vally (GR SD467 873)
    - Stables in field on Broad Oak Lane
  - ii) 4, Oak Fold: It was noted that Castles and Coasts had confirmed that the property remains the main residence of the occupant
  - iii) Cllr Perry will confirm details of a development at Starnthwaite possibly without consent
  - iv) The Clerk confirmed that he had sent a note to Two Valley News asking for the article on obtaining planning consent to be retained from issue to issue as a standing item.

#### **55/24 Highways and Footpaths**

- a) **Highways matters:** All current highways matters had been mentioned in Cllr. Bavin's earlier report.
- b) **Footpaths / Tracks Matters:** It was noted that Chris Smith had trimmed and cut-back encroaching vegetation on a number of areas of Parish Council land and other work. A note had been sent to LDNPA regarding work required on other bridleways and public footpaths. Cllrs. Perry and Atkinson are making path improvements at Jubilee Wood.

#### **56/24 Trees, Woods, Hedges and Grass:** The following matters were noted:

- a) Alan Fawcett has been asked to attend to hedge cutting in the Autumn.

#### 57/24 Parish Land

- a) **Letting of Vacant Parish Land:** Leases have now been finalised and are being sent out to the new tenants.
- b) **Parish Property:** The Clerk demonstrated progress with the addition of parish land to Parish Online.
- c) **Noticeboard at the Old Post Office:** Cllr. Dobson reported that she had received a verbal quote of £1,971 + VAT for a new noticeboard at the Old Post Office and that a written quote will follow. Two further quotes will be procured. Following discussion, it was confirmed that it is desirable to have a board at this location and suggested that an approach for Member Grant to support the cost might be made to Cllr. Bavin. It was confirmed that the rotted-out board at the Recreation Field is not a Parish Council board.

**58/24 Neighbourhood Plan:** The Clerk reported that an Expression of Interest in new funding had been approved and that he was preparing a full application.

#### 59/24 Environmental Initiatives:

- a) **W&FC Biodiversity Toolkit** – it was noted that the Toolkit had been circulated for information – including to CLEAN for its information.
- b) **CLEAN:** There were no new CLEAN initiatives to note or report.

#### 60/24 Local Infrastructure Issues

- a) **Water Supply:** The response from UU had not been clear. The Clerk undertook to go back to them to try for greater clarity on the questions of long-term strategy and investment. He and Cllr. Bavin will liaise as necessary on this.

#### 61/24 Policies and Procedures:

- a) **Code of Conduct:** It was noted that a virtual training session on W&FC's Code of Conduct will take place on Wednesday 31 July and that it was open to anyone who wished to attend.
- b) The RFO reported that new model Financial Regulations had been published and that he was adapting these for use by the Parish Council. He will bring the updated version to the next meeting for adoption.

#### 62/24 Finance: The RFO reported as follows

- a) **Receipts:** It was noted that there had been no receipts other than investment income since the last meeting
- b) **Receipts since publishing the Agenda:** It was noted that there had been no receipts since publishing the Agenda.
- c) **Payments:**
  - i) It was noted that the Npower payment for May was £27.88.
  - ii) The following payments were **Approved:**
    - a. Npower – Payment of the Npower Parish Room electricity for June 2024 within the normal parameters of reasonable cost. It was also **Agreed** to sign a direct debit authority for payment of the July 2024 invoice onwards.
    - b. M R Curry – salary and expenses June 2024 - £432.57
    - c. M R Richardson – salary and expenses for three months to 30<sup>th</sup> June 2024 - £529.40
    - d. HMRC – PAYE on above salaries - £200.00
- d) **Payments notified since publishing the Agenda:** The following payments were **Approved:**
  - i) Chris Smith - Grass cutting and strimming work (including strimmer cord) £ 271.00
  - ii) Payment in respect of Chris Smith public liability insurance due in August
  - iii) M R Curry - Expenses payment to offset H M Land Registry costs for title documents (£12 already incurred) £ 96.00
  - iv) Cllr H Young - Reimbursement of costs incurred for cleaning Parish Room windows: £ 12.00
- e) **Budget Comparison 2023/24:** This was presented by the RFO and was **Approved**, noting that there was a £1,150 surplus of receipts over payments in the year. This mainly resulted from income from the refund of electricity by the Snooker Club of £236; A legal charges refund of £255; a reduction in expenditure on parish maintenance, parish projects and road gritting of £1,182 compared to budget; and the refund of VAT for the year ended 31st March 2023 of £1,195, less the Neighbourhood Grant refunded of £1,850.
- f) **Bank Balance** at 30 June 2024: Cllrs noted the bank balance at 30<sup>th</sup> June which stood at £27,874.80 and authorised the Chair to counter-sign the bank statement.
- g) **Grant Requests:**
  - i) Defibrillator – Councillors considered an application from Mr J Holmes as Secretary and Treasurer of the Lyth Valley First Responders Group (previously circulated) for a grant of £500 towards a defibrillator (total cost £1,111.00) to be located on the front elevation of the Argles Memorial Hall.

Noting financial advice from the RFO, Councillors **Approved** the request and awarded a grant of £500.

- ii) Crosthwaite Playgroup – Councillors considered an application from Katie Smith on behalf of the Crosthwaite and Lyth Playgroup (previously submitted) for a grant of £1,000 to help create a baby area for the Playgroup. Noting financial advice from the RFO, Councillors **Approved** a grant of £500 with the option of increasing this at a later date if financial circumstances allowed.

**63/24 Correspondence:**

- a) Updates from CALC and other Agencies: Councillors noted that these had been circulated as appropriate.
- b) Specific items of correspondence: The following items were considered:
  - i) Changes to CALC contact details were noted
  - ii) Coronation Community Orchard Fund: Councillors noted the availability of grants for the creation of new orchards under this Fund. The Pinfold was suggested as a possibility, but its location and parking were not considered to be in its favour.
  - iii) W&FC consultation on the developing new Local Plan was noted.
  - iv) An email from Mary Harkness with observations on the state of noticeboards, footpath maintenance and the Neighbourhood Plan was acknowledged with thanks. Her offer to help with the Neighbourhood Plan was noted with appreciation.
- c) No further correspondence had been received since publishing the Agenda.

**64/24 Items 'for Information'** Councillors noted the publication of new Financial Regulations as previously reported other than which there were no matters for information.

**65/24 Councillors' Issues to be Raised:** No new items for inclusion on a future Agenda were raised.

**Next meeting dates:** The next meeting of the Parish Council will be held on 02 September 2024

The meeting finished at 9.29 p.m.

**Signed as a correct record:**

**Date:**