

Embleton & District Parish Council

Minutes of the meeting held on the 18th March 2015 at Embleton Village Hall at 19:00

Present: Councillor Petecki (in the chair), Cllr Brandwood, Cllr Wood, Cllr Teasdale, Cllr Richardson, Cllr Nelson, Cllr Graham, Cllr Hewitson, Cllr Brown, Cllr Pickering

Apologies: Cllr Wilson, Cllr Boardman.

Also Present: Becx Carter (Clerk), Dave McGowan (LDNPA), Cath Johnson (LDNPA), Dr Geoff Davies (LDNPA Member), Pete Winter (PFK), Donna Lightman, PCSO Megan Jones.

30.15 Declarations of interest

There were no declarations received.

31.15 Dave McGowan (Head of Development Management) LDNPA- S.106 agreements and Local Occupancy Planning Conditions.

Cllr Petecki welcomed Mr McGowan to the meeting and outlined the reason for inviting him to the meeting being that Embleton & District Parish Council are confused regarding the recent removal of an S.106 agreement from one application and the refusal to remove it in another in particular with regard to the recent decision at Masons Lodge (ref 7/2014/2038) to remove the Local Occupancy clause.

Mr McGowan confirmed that one of the things the LDNPA look at is the control of occupancy of properties within the Lake District this can be via a S.106 agreement or by planning conditions. S.106 is allowed under the Town & Country Planning Act and allows for an agreement to be entered into by either an applicant/developer unilaterally or between an applicant/developer and the planning authority to get past an obstacle that would otherwise prevent the applicant proceeding. In the Lake District it is usually a planning condition that is used rather than S.106. (It was a planning condition on the Masons Lodge permission).

These type of conditions have been around for decades and the terms of controls included within them depend on the policy that was in place at the time. So the term of the current planning controls can be very different to those imposed in say the 1980's. Current planning conditions are applied in line with current policy as set out in the LDNPA Supplementary Policy on Housing (available on the LDNPA website).

Q: What are the grounds for the removal of Local Occupancy clause/condition from a development? It appears to Embleton & District PC that the removal of the relevant condition from, for example Masons Lodge was done on economic grounds because the developer/applicant would not recover his money if the property were to be sold but was not removed in the case of Wythop Mill for , on the surface the same reason?. It is the understanding of Embleton & District PC that the purpose of local occupancy clauses is to keep prices lower for locals and available for local use, and not in the hands of absentee landlords.

A: The starting point for any decision is policy, if a new development is proposed in an area then the condition will be applied inline with current policy (normally geographic area, the current policy would use the northern distinctive area), the conditions are not designed to control price, though the LDNPA do recognise they indirectly affect the value, they are there to secure homes for permanent occupancy of properties and to meet the needs of locals. Once a condition/S.106 is applied it is not common for them to be removed, though each case would be considered on its own circumstances e.g. in the case of Masons Lodge the existing property was flood damaged and couldn't be re-occupied until mitigation measures to prevent/move the property from flooding were addressed, there are protected trees on the site restricting development and the fact that the applicants son is disabled and requires full time care (this is a material planning consideration). It wasn't a strict economic argument but there was a viability argument made, and National Planning Policy makes it clear that viability is a material consideration. Taking these circumstances into account the committee felt it appropriate that in this instance permission should be granted to remove the condition, but retaining a condition stating that the dwelling had to be occupied as a permanent home.

Q: What is the definition of viability? Is it purely economic?

A: Viability would include the constraints of a site as well. In the case of Masons Lodge the applicant discounted the need to make a profit, and even without making a profit the property wasn't viable. The cost of developing the site outweighed the value of the property that resulted.

Q: Hypothetically could someone submit an application for a new development and propose such a complex build that it wouldn't be viable and then request that a local occupancy clause is not applied?

A: No with new properties this is highly unlikely to happen.

Mr McGowan gave an example to highlight the relevance of the viability argument; the Government has recently changed national policy in respect of affordable housing so the threshold below which a local planning authority can't require affordable housing to be built on a site has increased to 10 units because the construction of these type of houses was restricting development. (There is an exemption, which allows National Parks to choose a lower threshold of 5 units- which the LDNPA have adopted). Sheepdog Field, Brundholme Road, Keswick a development of 55 units of which 10 will be local occupancy homes, this number was based upon a viability argument for the whole site.

Comment: The demographic of residents within the Embleton & District Parish Council area has changed over the last 20 years resulting in a predominately older and generally better off population. The most important factor driving this profound change in the character of the community is the lack of affordable housing for younger people and families. There is concern that this is starting to affect the future viability of the community in the area. Mr McGowan responded that this is the reason why the LDNPA wants to encourage the development of both local needs and affordable housing.

Q: If any applicant at Masons Lodge intends to live there for the foreseeable future then why require the Local Occupancy Clause to be lifted? Surely the only reason to do this is in preparation/pre-empting a sale? Once this happens that property having been sold without a local occupancy clause will be lost from the local occupancy housing, and nothing can be done to prevent/change this?

A: Mr McGowan agreed that this was a risk.

Conclusion: That the policy is a guide to decision making and individual applications will be looked at based on their merits, and that in certain cases economics/viability of a particular application can override the policy. The policy hasn't changed from how Embleton & District Parish Council understood it, that is objective is to assist in such a way as planning can to achieving a balance and mix of housing stock within communities and ensure that land continues to come forward for the right mix of houses to support the ongoing viability of communities.

Embleton & District Parish Council are still not wholly satisfied with the rationale for the decision made regarding Masons Lodge but accept that it was an individual case and that the decision has been made and nothing can be done regarding this now.

Mr McGowan was thanked by Cllr Petecki for attending the meeting and complemented on the fact that planning issues were much reduced with the better cooperation and communication with LDNPA, the attendance at this meeting being an example.

Action: Clerk to thank Mr McGowan for his attendance, and ask him for a definition of 'local needs' and 'affordable' housing for circulation to all councillors.

32.15 Police Report

PCSO Megan Jones attended and notified the council that since the last meeting there had been two incidents both regarding 'manner' of driving on the A66.

- i) *Community Speedwatch Training*- This will take place on the 28th March at 14:00 meeting at Cllr D Brown's house. The site where the training will actually take place is at the rear of the Embleton Spa Hotel pointing towards Dubwath (due to risk assessments). PCSO Jones confirmed she would be willing to hold another training session later in the year for additional volunteers.

Action: Cllrs Petecki (& Mrs Petecki), Brown (& Mrs Brown), Graham, Pickering, Nelson to attend.

Action: Clerk to request a list of the names of those who attended the training course from Cllr Brown for insurance purposes.

Action: Clerk to include the possibility of a future training session in the upcoming newsletter.

PCSO Jones confirmed that the recent change in the responsibilities regarding lost property was a national change not just a Cumbrian one.

PCSO Jones was thanked for attending.

33.15 LDNPA Member for Allerdale Parishes

Dr G Davies introduced himself. He is the LDNPA member that represents the Allerdale parishes. The role of a parish member is to encourage the greater involvement of local people in the running and management of the LDNP. Dr Davies circulates a monthly report to the clerk which she then circulates to all councillors this highlights key issues. If anyone has any issues or queries to raise Dr Davies can be contacted direct or via the clerk.

33.15i) Cath Johnson, LDNPA Area Ranger

Cath covers the Northern Distinctive Area (a division of the park for management purposes) and also because some geographical areas have contiguity with others in terms of needs/strategy. Cath is the main point of contact for communities with any issues relating to rights of way, access, recreation, and environmental projects. Within her team there is also a Project Ranger, a Ranger, and two Field Rangers.

Lake District Communities Fund is managed by the Area Rangers. The fund is created for projects which are led by or benefiting communities within the LDNPA area. Awards can range from £500-£5k. The application is a straightforward process. If a project is run by a volunteer/community group they will need to find 20% match funding (which can be in kind), if it is a project led by a business then 50% match funding will be required.

The Northern Distinctive Area team have recently attended a pipeline site visit with UU to look at the potential planning gains, opportunities and issues that may arise from this project both from parishes directly affected by this project but also the wider area.

Q: Cllr Teasdale raised concern that a footpath wasn't being cleared in the High Side area of Wythop.
A: Cath confirmed she would look into this matter but only footpaths on the definitive map (OS) can be maintained by the LDNPA.

Action: Clerk to confirm location of this footpath to Cath with grid references

Action: Clerk to add Cath to the list of people who receive the minutes after a council meeting.

34.15 Minutes of the previous meeting

The minutes of the meeting held on Wednesday 18th February 2015 were accepted as a true and accurate record by the councillors present and the chair duly signed them. All in favour. **Resolved.**

35.15 Actions Update

Covered under Clerks Report.

36.15 Public Participation

Mr P Winter & Ms D Lightman attended the meeting to speak to two planning applications.

Ref 7/2015/2032 Mr Winter confirmed that this activity had taken place on the site since 1989 but at that time didn't require planning permission. Permission was being sought to regularise this and to extend the

provision offered by this site by 6 units. Mr Winter confirmed this would not make any material difference to the volume of traffic entering/exiting the site.

Ref 7/2015/2033 Mr Winter confirmed this proposal had been included in an application that was submitted in 2013 however this aspect was removed when the LDNPA implied they would refuse the larger application on the basis of this aspect. This application is to regularise this issue.

Resolved by all councillors present to bring forward the planning item on the agenda to be considered now.

37.15 Planning

7/2015/2033 Retrospective change of use of land for the storage of touring caravans, motor homes, trailer tents etc including a small new additional area of storage (part retrospective). Graysonside Farm, Lorton Road, Cockermouth, CA13 9TQ

Resolved that Embleton & District Parish Council had no comments or objections with relation to this proposal.

7/2015/2032 Retrospective change of use of land for retention of twin unit caravan for holiday let purposes. Graysonside, Lorton Road, Cockermouth, CA13 9TQ

Resolved that Embleton & District Parish Council support this proposal as it fits with Pg 24 (jobs) and Pg 30 (tourism) to the parish plan, and also that these comments are in line with the original letter of support submitted in Nov 2013 to application 7/2013/2263

7/2015/2023 Development of 2 local needs houses. Land adjacent How End Cottage, Cockermouth to Dubwath, Embleton, Cumbria

Resolved that Embleton & District Parish Council had no objections to this proposed development assuming that access queries were addressed. Any approved development on this site should have a S.106 agreement or Local Occupancy Condition applied to restrict occupancy to the Northern Distinctive area as per the Embleton & District Parish Plan. The Parish Council would also be interested to see further information on the type/size/scale of the houses proposed for this development.

7/2015/2040 Two local needs dwelling houses on site of domestic outbuildings. Beckbank Farm, Embleton, Cockermouth, CA13 9YP

Resolved that Embleton & District Parish Council have no comments or objections with relation to this proposed development, the council would request that any approved development at this site have a S.106 agreement or a Local Occupancy Condition imposed to restrict occupancy to the Northern Distinctive area as per the Embleton & District Parish Plan.

Action: Clerk to submit these comments to the LDNPA

38.15 Chairman's Report.

A written copy of the Chair's report had been received and read by all Councillors. A copy is available from the clerk on request.

38.15j) The Clerk read out a response from Dr Kate Mahone regarding the on-going fluoridation queries. It was noted by the council that the response received seemed evasive and didn't directly answer the questions raised by the council.

Resolved that this matter is larger than the remit of Embleton & District Parish Council. This matter should be re-agenda'd for May when the council would consider raising this issue with whomever is elected to be our MP for the next term.

Action: Clerk to add this to the May agenda.

39.15 Clerks Report

All councillors had received and read a copy of the clerks report, unless otherwise listed the receipt of correspondence was noted and no further action was requested.

Correspondence Items 15- LDNPA Parish Member Elections timetable. The Clerk informed the meeting that these elections would take place on a very tight timescale.

Action: Clerk to consult with CALC on if the Ballot has to take place during a formal council meeting or not.

Correspondence Item 19- Purdah- The clerk notified councillors of their obligations during Purdah. The formal written guidance to be circulated to all councillors

Action: Clerk to circulate the Purdah guidance to all councillors.

Clerks Actions from the Previous Meeting

Unless otherwise mentioned below all actions are deemed to have been completed.

20.15 Formal police response re Traffic Data Count- **Resolved** to defer this item until the April meeting.

Action: Clerk to action this.

20.15 CCC Speeding Sites Review- **Resolved** to defer this item until the April meeting.

Action Clerk to action this.

23.15 Craggs Road- The Clerk confirmed that this road is an unclassified un-surfaced road. **Resolved** that the clerk pursue what this means in terms of responsibilities for up-keep of the surface and keeping vegetation trimmed back. Clerk to also investigate what would be required to down grade this road to a footpath or bridleway since it is a risk to vehicular traffic with appropriate signs.

Action: Clerk to look into this and action for the April meeting.

Complaints Procedure- Clerk to add this to the April meeting agenda.

Action: Clerk to add this to the April agenda.

40.15 Consultations

a) Bringsites Review- ABC

The clerk informed the meeting that this had been received and all agreed to think about their response in advance of the April Meeting

Action: Clerk to add this to the April meeting agenda

b) Dog Fouling Bags- ABC

The Clerk informed the meeting that this had been received and Allerdale Borough Council were proposing to alter the way that dog fouling bags were distributed, so that they would be passed to Parish Councils for distribution every six months.

Resolved that the Parish Council did not have the storage capacity nor the delivery methods in place to support this change. Embleton & District Parish Council object to this proposed change.

Action; Clerk to submit these comments to ABC.

41.15 Highways & Parish Maintenance

Gully Cleaning- Cllr Brown reported that this was working well.

A66 Marker posts- Cllr Teasdale reported that he felt each junction of the A66 was missing some marker posts.

Action: Clerk to look into this.

42.15 Council Finances

A) Reconciliation for March

The reconciliation of finances for March was approved by all & signed by Cllr Petecki. **Resolved by all present.**

B) Authorisation of Payments

Becx Carter	Expenses	£47.51
Becx Carter	Salary	£515.28
HMRC	PAYE	£128.80
Cumbria Payroll Services	PAYE Services	£14.00

Resolved that all cheques listed above be signed by two signatories (Cllr Teasdale & Brandwood).

Action: Clerk to process the above payments

C) Consideration of finance request from Embleton Play Area

Resolved that the resolution from last year remains (that the 2014 donation was a final donation due to the circumstances).

Action: Clerk to write to Margot Fish (Cllr Petecki to check the letter before it is sent) explaining the resolution from last year remains, and suggesting she approach the LDNPA Communities Fund as the Embleton Play Area was mentioned in the LDNPA management plan.

43.15 Matters for the next meeting

Issue of building waste being dumped in the field opposite Wythop Sunday School (it appears the waste is being dumped to create a track)

Action: Clerk to look into this matter prior to the next meeting.

44.15 Date of next meeting

The next meeting will take place on the 22nd April 2015 at 19:00

Signed..... (Chair)

Dated.....

Following the closure of the meeting the clerk distributed the nomination papers for the 2015 election to all councillors.