

## Minutes - May 2021

### Minutes of Rodsley and Yeaveley Parish Council Meeting

Held at 7.50 at Yeaveley Holy Trinity Church

#### Monday 17<sup>th</sup> May 2021

#### Present Councillors

J Fitzakerley (Chair)  
D Walsh (Vice Chair)  
L Schroeter  
F Sills  
H Watson  
A Higgins

Clerk, J Bailey  
District Councillor, A Morley

Members of the Public, M Foot, L Millward, J Byrne, N Gething Lewis, A Capes, G Tandy, S and D Pollard, R Walton, G Jones

**Apologies:** H Collett, S Lovatt, J Bates, G Glover, S Gillis.

**Declaration of Members' Interests.** There were none

**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.

Sarah Pollard said that she was objecting to the Planning Application, Item 8 on the agenda, on the grounds of non-compliance with the law pertaining to Paragraph 79, and, the covenant they held which prohibited anyone from building on that site for 80 years - which means not until 2077. The latter because they and several other nearby properties used the site for drainage, as a 'leachfield' and there was a septic tank on the site.

Rachel Walton said that the site was historically agricultural pasture land. She held deeds from 1959 stating that the site should not be built on for 80 years because their water supply crossed it and access was required. The site is right at the heart of the village, surrounded by listed building and the proposed building was not in the least sympathetic.

Andy Capes said that the proposal to remove top soil may reveal their water supply pipes. That digging for the heat exchange would upset the water course which is already difficult to control and lead to further flooding.

Neale Gething Lewis said that the only way permission could be granted was via Paragraph 79 but the proposal did not meet any of the criteria - the site is not isolated as is claimed but is surrounded by listed buildings. There are other inaccuracies in the planning statement - he has not conferred with any of the neighbours on any level. There is an issue with the very ugly security fence proposed.

Gary Jones, said that the appellant had chopped down trees that were outside his boundary to improve his own vista but making a view into Gary's home from the site possible. Gary had reported this to Highways at the time. He said the materials chosen for the dwelling are not sympathetic to the neighbouring properties. This is usually insisted on by the planning authority.

District Cllr Tony Morley was asked for advice. He said to only give planning reasons for objecting and not risk misquoting the planners. Try to keep emotions out of it.

James Byrne said he wished to comment on the application for a license for a Dance Festival on Darley Moor. He was concerned that this newly formed inexperienced company would not monitor environmental issues, noise levels, litter, traffic and anti-social behaviour properly. He was also concerned that they were asking for 5 events in a year.

Gordon Tandy was also concerned about all of the above. Particularly noise levels. As a resident of Hales Green he is already subjected to the noise produced by motor bike racing on at least 14 occasions a year.

Cllr Walsh pointed out that the first date proposed coincided with Ashbourne Show. If allowed to go ahead the inherent traffic, policing problems etc would be magnified.

**47/21 Minutes of the Last Two Meetings** were ratified and signed by the Chair. This was proposed by Cllr Walsh and seconded by Cllr Higgins.

**48/21 Neighbourhood Watch.** There was nothing to report.

**49/21 Planning Application, Brooklyn, Hales Green, Front Porch Extension and Detached Double Garage and Incorporation of Additional Land into Residential Curtilage. (Also Item 22/21).** The application has been granted on condition it is begun within three years. **This item is closed.**

**50/21 Compliance with Conditions of Formation of New Access and Track to Land Opposite the Entrance to Rodsleywood Farm. ( Also Item 23/21).** As previously reported the planning authority said there was no time limit on the works being completed and had passed the query to Highways for their input. The Clerk has also recently asked Cllr Bull if he could expedite Highways on this matter. The missing footpath fingerpost has been ordered.

**51/21 Planning Application for Erection of a Dwelling house (Paragraph 79) and Associated Drainage Remediation, Footpath Improvements and Landscaping Works.** The Clerk explained the meaning of Paragraph 79 as follows - *Since 1997, Planning Policy Guidance 7 (PPG7) along with its successors, firstly Planning Policy Statement 7 (PPS7) and now, since 2012, Paragraph 55 (now known as Paragraph 79) of the National Planning Policy Framework (NPPF), offer an exemption from all [planning permission](#) constraints for individual houses that meet specific criteria, not least of all that they should be architecturally outstanding. However - in this case there are covenants covering the site which are in place until 2077 which prohibit building. Covenant DY268695 on deposit with the Land Registry clearly states this. The proposed building is not architecturally outstanding - rather it clashes with the surrounding properties, many of which are listed. All the immediate neighbours have submitted their objections either during public participation and/or copying the PC into their comments to the planning authority. The PC unanimously agreed to support their views and the Clerk will submit comments to the authority.*

**52/21 Proposed Licensing of Dance Festival on Darley Moor. (Also Item 34/21)** An Extraordinary meeting was held on the 5<sup>th</sup> May to discuss this as representation had to be with the licensing authority before the 17<sup>th</sup> May. Several residents have written to the licensing authority raising their objections. The PC have sent representation querying several facts raised at the meeting and requesting that the application is brought before the licensing committee. To date there has been no decision.

**53/21 Footpath Issues. (Also Item 24/21).** Following the last meeting the Clerk approached the Housing Association that monitors the nearby flats on Rodsley Lane, Yeaveley. There followed a telephone conversation with Hannah who said she would ask the maintenance people to cut the hedge. However it now transpires that the maintenance people say it is not their responsibility. They are only responsible to the garden area enclosed by the fence.

On the other side of Rodsley Lane where footpath 13 passes through the garden of North View, notices have appeared saying that the footpath is closed due to covid restrictions and the entrance is prohibited by a securely locked gate. The Clerk queried this with Lynn Taylor. She replied that she

had no knowledge of footpaths being closed for this reason and asked if a photograph of the notice could be taken so that she could determine its validity.

**54/21 Highways and Flooding Issues. (Also Item 25/21).** Nothing reported.

**55/21 New Grit Bin in Yeaveley. (Also Item 26/21)** This has now been sited on the verge near Brook View. **This item is closed.**

**56/21 Mobile Library and Kiosk Library. (Also Item 31/21)** On the latest Time Table for the Mobile Library the Clerk noticed that Yeaveley was not mentioned. On enquiring if this was an error she was advised that 'The temporary reduction of service has taken into account the number of users per stop and geographic area that the mobile library van could accommodate during a morning's service. The stops at Yeaveley have not been cut permanently from the routes and as we work through the recovery of our services all aspects will be kept under review in line with prevailing Government and Public Health England guidance. Our aim is to build up to the same level of service that we were delivering before the pandemic. Parishioners affected by the changes can

contact [ask.library@derbyshire.gov.uk](mailto:ask.library@derbyshire.gov.uk) or call 01629 533444 to discuss receiving a home library service'.

The Chair asked the Clerk to write again stressing that there are several elderly residents very disappointed by this decision, therefore could Yeaveley be reinstated as soon as possible. Kiosk Library - to date no change.

**57/21 End of Lockdown in June (Also Item 29/21).** The Clerk and Cllr Walsh met with Rob Parker, Les Field, Kirsty Sharp and Deb Cadman to discuss how to achieve a celebration. It was decided to hold an event called 'Post Pandemic Celebration' in the back car park of The Yeaveley Arms on Sunday 27<sup>th</sup> June from 2 to 5 pm. Car Parking would be available at Yeaveley Shoot meadow. PC grant to cover the cost of one item of food per person from the barbecue and also the cost of a small band to play live music. The event will be fine-tuned nearer the date and when it is known that restrictions will be relaxed from the 21<sup>st</sup> June.

Cllr Morley suggested that the PC could apply for a further £150. The Clerk will action this.

**58/21 Clerk's Report. (Also Item 30/21)** Nothing Extra to date.

**59/21 Financial Matters. (Also Item 32/21)**

Pat Testing was carried out in conjunction with Yeaveley Holy Trinity at a cost of £80. The meeting unanimously agreed to contribute £40 towards the cost of this as has been done in the past. It was realised that the green bin at Yeaveley cemetery was not being emptied because the £50 fee had not been paid. It was unanimously approved that PC has paid for this on this occasion, and in the future. DALC has been paid the standard fee of £174.14 this year. The meeting unanimously approved the payment of £164.11 to Parish Protect for Insurance cover. **(NB Below)**

Bank Statements and Summary of Accounts (as shown below) were circulated and signed

<b>Summary of Accounts 2021 to 2022</b>		<b>To end April 2021</b>	
<b>Receipts</b>	Precept	£2,900.00	
	Interest	0.03	
<b>Total</b>			£2900.03
<b>Payments</b>	Cemetery Green Bin	£ 50.00	
	Clerk Salary to end April	£ 147.52	
	Petty Cash	£ 16.96	
<b>Total</b>			£ 214.48
<b>Excess of Receipts over payments</b>			£2,685.55
<b>Funds in Hand 1<sup>st</sup> April 2021</b>			£5,007.73
<b>Total</b>			<b>£7,693.28</b>
<b>Funds in Account 00117946</b>			£3,792.63
<b>Funds in Account 00054278</b>			£3,873.07
<b>Petty Cash</b>		£ 27.58	
<b>Total</b>			<b>£7,693.28</b>

**Date of the Next Meeting will be Monday July 12<sup>th</sup> 7.30 pm at the Yeaveley Arms**

**There being no further business the meeting closed at 8.50**

**NB The Clerk later found that due to Commercial Legal Expenses the actual amount due for insurance was £173.69.**

**Councillors agreed that this amount could be paid as it was still below the other quotation.**