

KIRKBY MALZEARD, LAVERTON AND DALLOWGILL PARISH COUNCIL

MINUTES OF THE PARISH COUNCIL MEETING on Monday 25th January 2021 held remotely

The meeting commenced at 7.30pm. Councillors Pippa Manson (Chair), Peter Saxon (Vice-Chair), Geoffrey Berry, Howard Mountain and Jane Aksut, together with the Clerk, took part in the video conference with County Cllr Margaret Atkinson and five members of the public. Cllr Geoff Loblely joined the meeting via telephone.

Note: The meeting was held remotely using video conferencing methods in accordance with legislation which came into force on April 4, 2020 as set out in ‘The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020’.

It was confirmed by the Chair that all persons attending could hear and be heard prior to commencement of the meeting.

1. Welcome. Apologies for absence from Councillors – approve reason why unable to take part. All present confirmed they understood the procedure at remote meetings.

2. Declarations of Disclosable Pecuniary Interest, Other Interests or Close Association

Chair has a dispensation dated 24th February 2020 in relation to items 10 and 12a and declared an “other interest” in relation to item 19.

Cllr Aksut has a dispensation dated 24th February 2020 in relation to items 10 and 12a.

Cllr Loblely declared a “disclosable pecuniary interest” in relation to item 7a, he will not take part in the discussion.

3. Approve the Minutes of the Parish Council meeting held on 14th December 2020

The Minutes were approved as a true record and were signed as such by the Chair.

Action: Chair to sign and post to Clerk

4. Vacancy for a Councillor – The application of 2 candidates for the vacant Kirkby Malzeard Parish Councillor position were considered. The 2 candidates spoke to the Parish Council about what they could offer the Council. After a vote, Fiona Robertshaw was co-opted as a Parish Councillor for Kirkby Malzeard.

Action: Clerk to contact Fiona with the relevant paperwork

5. Correspondence – any urgent items will be raised by the Clerk for consideration and action.

- a) North Yorkshire Police – Localised Police Report – Information noted.
- b) Local Resident – Missing Grit Box – **Action - Chair to consult with NYCC** re the siting of a grit box at the west end of the village
- c) YLCA – Harrogate Branch Meeting – The Parish Council decided not to raise any questions at the meeting.
- d) Local Resident – Concern over a bin store which has been placed on the pavement – Clerk has contacted Highways for advice and is currently awaiting a response.
- e) Local Resident - Request for dropped kerbs in village – Still waiting for a response from Highways

6. Urgent updates from County and District Councillors if present. County Cllr Atkinson updated the Parish Council on the flooding issues within the county. There are currently 14 roads closed due to flooding. She also explained that the North Yorkshire vaccination rate is above the national average, and that a new vaccination site at Ripon Race Course will be opening. County Cllr Atkinson explained that at the upcoming AGM meeting, the rate of Council Tax is expected to increase. She explained that HBC were experiencing problems with bin collections due to the weather. There is also a long delay with property searches due to the pandemic. HBC are working to overcome these problems.

7. Planning – recent Applications made to Harrogate Borough Council where the Parish Council have not been consulted:

20/04929/PROWNY - Kendall Bank, Kirkby Malzeard – PROW modification order - PROW modification order - North Yorkshire County Council. Before the meeting the Parish Council were invited to comment, but after consideration it was decided to not make a response.

8. Planning – notification of recent Decisions made by Harrogate Borough Council:

- a) 20/02903/FUL - 6 St Andrews Gate, Kirkby Malzeard - Erection of part single and part two storey extension to rear (revised scheme) – Weatherer – Permitted

9. Planning - notification of planning refusal going to appeal –

- a) 20/00089/NREFPP land south of Parkfield, Galphay Road , Kirkby Malzeard. The objections to this development made by the Parish Council in July 2020 have been forwarded by HBC to the Planning Inspectorate.

10. Planning - notification of Decision by the Planning Inspectorate

a) 18/03230/FUL - Henry Jenkins Inn, Main Street, Kirkby Malzeard - development of part of the public house (the eastern end) to one dwelling – Claybourn – the Appeal has granted planning permission

11. Planning - recent Applications made to Harrogate Borough Council. The Parish Council will provide a response on the following cases:

a) 20/04260/FUL– Brow Cottage, Main Street, Kirkby Malzeard – Conversion of outbuilding to form additional living accommodation to Brow Cottage – Ramsbottom **Decision A – The Parish Council has no objections but wishes to make the following comment:**

The Council has assumed, on the basis of the wording of the application, that the new living accommodation will form an Annex to Brow Cottage, rather than a separate dwelling and as such would expect that this be confirmed within the Conditions attached to any Consent.

b) 20/04940/FUL - Laverton Woods House, Laverton Woods, Laverton - Formation of tennis court – Abrahams **Decision A – The Parish Council has no objections.**

c) 20/04874/REMMAJ - Land Comprising Field At 422819 474158, Back Lane, Kirkby Malzeard - Reserved matters application for the erection of 33 no. dwellings with appearance, landscaping, layout and scale considered, under Outline permission - Mulberry Homes Yorkshire **Decision C – The Parish Council does not object to or support the application but wishes to make comments or seek safeguards as set out below:**

- 1. We note that the total number of units proposed is to be 33, rather than the maximum permitted under the Outline Consent of 37, and we feel that this is a useful reduction, given the concerns of residents in respect of the increased flow of traffic which the development will create through the village. The consensus at the time of the original Planning Application was that, whilst a development of this general scale will result in additional support for local facilities, it would have much more satisfactory if it had been located somewhere other than the western end of the village as the majority of vehicle journeys by those living on the development will be along Main Street and possibly along Back Lane South.*
- 2. We are pleased to note that, in accordance with Planning Regulations for 'Major' developments, 40% of the homes (13 in total) are classed as 'affordable', as it is our view that housing of this nature is currently needed within the village in order to give those who cannot afford a market property, the opportunity to be part of this community. We note that the HBC Housing Department in their response have suggested that 9 of these should be rented and the remaining four should be made available for ownership, and we concur with this allocation. It is assumed that the latter will be available on a shared ownership basis so that purchasers can initially purchase 50% or 75% and pay rent to Broadacres for the remaining tranche, until such time that they wish to purchase the remainder. We would expect that priority for all the affordable properties will be given to those with local connections. We feel that the allocation of house types for the affordable units is satisfactory, although their positions within the development do appear to be somewhat clustered together, with none in the South Eastern corner. Please note that if any attempt is made by the developers to reduce the proportion of 'affordable' houses within the site on the grounds of viability, the Parish Council will strongly oppose this.*

3. *With regard to the remaining 'market housing' it is felt that there is a predominance of 4-bedroom houses and we would request that a greater number of 3-bedroom and 2-bedroom houses be provided. This would result in a greater selection of properties for families whose income does not enable them to purchase a larger 4-bedroom house at this time. There is also a shortage of bungalows for older residents wishing to downsize and a higher proportion of these would also be advantageous.*
 4. *A serious concern surrounding this development has been that adequate provision must be made to cater for increased sewerage output into the village system and also that measures be incorporated to ensure that there are no adverse consequences to these properties or to nearby existing housing, for example on Back Lane South, due to surface water outflow from the site as a result of the development of this land. We have been assured by Yorkshire Water that the existing sewers further down the village, which are approximately 100 years old, will cope but many people are unconvinced. It is appreciated that this is ultimately YW's responsibility but we would welcome re-assurance that the drainage system on the site will be designed to the highest standards with this concern in mind. We note the presence of Pumping Stations and an Attenuation Tank but it is imperative that these will be adequate.*
 5. *We are aware that access details have already been approved but we would ask that it be made a condition of any Consent that the 30mph zone be extended to the south of the Laverton Road/Kirkby Moor Road junction. The presence of a footpath from the development onto Back Lane South is seen as essential but a footpath should also be created on Laverton Road between the access road to the development and the junction of Back Lane South as a condition of any Consent.*
 6. *Only basic information on the materials to be used to construct the properties has been provided. As the site is within an AONB we would expect that the highest specification should be used and all external walling should have natural stone facings. Rendering requires greater maintenance than other materials and soon starts to look scruffy if neglected and so we ask that this be replaced. The extent to which existing neighbouring properties may be overlooked is difficult to assess from the information available but clearly this should be kept to an absolute minimum.*
 7. *We expect that all properties will be constructed with charge points for electric vehicles.*
 8. *It should also be ensured that Broadacres Housing Association will be fully responsible for maintaining all the communal landscape areas within the development in perpetuity.*
 9. *We would ask that the developers make every effort to minimise the impact on local residents whilst construction is being carried out.*
- d) 20/04587/FUL - The Laurels, Laverton Village, Laverton - Demolition of existing outbuilding and replacement with new dwellinghouse – Abrahams **Decision A – The Parish Council has no objections, although wishes to make the following comment:**
- We would like to clarify that whilst the majority of Councillors felt the design of this house is 'in keeping' with the village, we would expect that if unsuitable designs were submitted in other cases, they could not be justified to the Planning Department on the basis that other individual properties already in the immediate location may not, in the opinion of applicants*

or their professional advisors, be in keeping. We would always hope that the standards of design be improved by reference to positive aspects of the existing vernacular architecture.

- e) 20/04702/FUL - Hoggerstone Farm, Belford Lane To Hogerston Hill, Dallowgill - Erection of a two storey extension and lean-to 'link' building to join the main house with now converted barn (as consented application 19/00628/FUL) – Bromet **Decision A – The Parish Council has no objections.**
- f) 20/04366/FUL - Mowbray Park Farm, Ripon Road, Kirkby Malzeard - Erection of roof over existing muck store – Atkinson **Decision A – The Parish Council has no objections.**

Action – Clerk to submit responses to HBC

12. Planning - Assets of Community Value

- a) Notification from HBC re Henry Jenkins Public House Assets of Community Value Listing - an initial moratorium period and protected period commencing 21 December 2020. (This refers to the western end of the building). It was agreed that any discussion on this item be deferred until the Henry Jenkins Community Pub Ltd is able to state their position on the situation.

Action – Clerk to place on February Agenda

- b) A local resident joined the meeting and suggested that the Parish Council nominate the Queens Head as an Asset of Community Value. It was agreed that the Parish Council needs time to consider this option, it was therefore deferred until the February meeting at which time a vote will take place to decide whether to proceed or not.

Action – Clerk to place on February Agenda

13. Planning – Enforcement issues.

- a) No new cases were raised
- b) Cllr Mountain updated the Parish Council on a recent case which is being dealt with by Enforcement Office.

14. Children’s Play Area.

- a) Cllr Saxon expressed concern that the wet pour around the basket roundabout has been damaged by the frost. He will keep an eye on the situation and the Parish Council will get a quote for the wet pour to be repaired.

Action – Clerk to ask DTMS to quote

- b) It was discussed as to whether the Parish Council should apply to the National Lottery for a grant from the “Reaching Communities” Fund for the Play Area improvements. This item was deferred until the February meeting, so that new Parish Councillor Fiona Robertshaw can research other funding options available.

Action – Clerk to place on February Agenda

- c) The quote of £210+VAT for the tree work required at the Play Area was approved.

Action – Chair to contact Mr Blakey

15. Community Helper scheme – Cllr Aksut updated the Parish Council. The buddies who helped in the earlier lockdowns have been contacted. Only one ‘buddy’ could no longer support and has been replaced. There has been some Facebook discussion on food parcels. Cllr Aksut is working with resident Jennifer Little who offered help to establish if there is a need for food parcels or not. If there is a need, they can arrange provision via Nidd Hub and Ripon Community House. Cllr Aksut is discussing with the organisation Neighbourly possibly reinstating food surplus collections. There are a few logistical issues, but it is a great way to keep in touch with some elderly and shielding residents and to check they are OK. The Parish Council wishes to thank Cllr Aksut for all of her work on the Community Helper scheme.

16. Footpaths - ROW/3242334 – Path at Arrowfield, Main Street, Kirkby Malzeard. Notification that the Inquiry is now delayed further to no earlier than July 2021

17. Kirkby Malzeard Charity Trust Update – Cllr Berry updated the Parish Council on the complaint which is to be made to the Charity Commission. He explained that the Chairman of the Charity Trust had asked that he holds off sending the complaint, while he tries to resolve a number of issues, including that the bank account has been apparently closed by HSBC. It was agreed by the Parish Council that Cllr Berry should submit the complaint within the next two weeks, if the issues were not resolved.

Action – Cllr Berry to follow up and submit complaint if necessary.

18. Traffic safety – The Parish Council has secured AJ1 funding. As this is not enough to pay for a Speed Indicator Device (SID), Cllr Aksut has been looking at other areas of funding. The Parish Council applied for funding from the GEM Motor Insurance (deadline for funding was the end December) but we have not had a response from them as yet. Cllr Aksut has been in touch with a company making Speed Indicator Devices, Westcotec, to discuss the provision of a SID that Parish Council can either afford or buy-to-rent. An additional possibility is to work with another Parish Council to share the SID. The Parish Council will set up a Traffic Safety action group of Cllrs Aksut, Saxon, Robertshaw and the Chair to progress this issue.

Action – Cllr Aksut to contact other Parish Councils and to convene the Action Group.

19. Local Organisation grants 2020-21 – The Grant application form was approved and will be made available – applications will be considered at the February meeting.

Action – Clerk to distribute and advertise application form.

20. Laverton Defibrillator – The Council has still been unable to make any progress in respect of a promised donation. Chair to contact donor but otherwise will initiate alternative means of fund raising.

Action – Chair to contact donor.

21. Property Assets

a) Consider monthly condition reports from Councillors.

Asset	Inspected by	Date	Comment
Pinfold	Cllr Aksut	25/01/21	No urgent work required although Cllr Aksut feels work will be required to the pointing at some point in the future
Market Cross	Cllr Berry	25/01/21	No urgent work required
Greygarth Monument	Cllr Lobley	24/01/21	No urgent work required
Lamberts Quarry	Cllr Lobley	24/01/21	No urgent work required
Laverton Quarry	Cllr Lobley	24/01/21	Top stones have fallen off the stile. Cllr Lobley to put back up.
Bus Shelter	Cllr Berry	25/01/21	No urgent work required

22. DTMS Task List – The annual maintenance task list was considered and approved.

Action – Clerk to send the task list to DTMS and confirm hourly rate.

23. Highways issues.

a) Update on existing cases and review of recent work undertaken by NYCC Highways:

- Damage caused by 4x4 vehicles to the Drift Lane/Belford Lane UUR – the track has now been temporarily closed to motorised vehicles by NYCC.
- Bus Shelter street light – NYCC have said that they are not responsible. – Clerk to email HBC.
- The clerk has asked Highways for an update on all outstanding Highways issues – still awaiting a response.

b) No new items were raised by Councillors or public.

24. Financial Items:

a) The Bank statement showed a balance of £21,474.87

b) Cash Book. Reconciliation with bank statement noted by Council.

c) Comparison to budget – The Q3 comparison to budget was noted with no significant variances.

d) The following payments (including VAT where applicable) were approved.

Payee	Amount	Item Paid For
Clerk Reimbursement	£3.49	Printer Ink
Clerk Reimbursement	£29.13	Stamps and Envelopes
Clerk Reimbursement	£14.39	Zoom Expenses
Beyond Digital	£250.00	Neighbourhood Plan consultation document design.

25. Emergency Delegation of Powers to the Clerk. It was decided that the Council will continue to meet via video conference call for the time being, however should it become necessary, the Council will call an Extraordinary meeting at which point the Standing Order will be invoked to delegate Emergency Powers to the Clerk.

26. Any Other Business. Items not covered elsewhere on the Agenda can be raised by Councillors and Members of the Public for discussion and referral onto Agenda of next meeting.

- a) Cllr Aksut has received a request from a resident that one Parish Councillor could have particular responsibility for drains and flooding.
- b) A resident has concerns that there were a number of people driving to the play area and gathering whilst children played. They were concerned that people from elsewhere were visiting.
- c) A resident has concerns that there was shooting happening on the moors.
- d) Cllr Berry and Cllr Lobley have asked that they are sent a dispensation form in regards to the Church Clock.
- e) The Parish Council wishes to offer thanks to Mr Blakey who removed and disposed of the Christmas trees free of charge.
- f) The Parish Council wishes to thank Mr Robertshaw who removed and emptied the Christmas tree tubs and put them into storage.
- g) Cllr Howard Mountain, who has moved out of the Parish, resigned from the Parish Council at the end of the meeting. The Chair thanked Cllr Mountain and expressed the Council's great appreciation of all the work that Cllr Mountain has done for the Parish.

27. Date of next monthly meeting: The next monthly meeting is to be held remotely (or at the Mechanics Institute, Kirkby Malzeard, if permissible) on 22 February, 2021 starting at 7.30pm. Any items to go on the Agenda should be submitted to the Clerk by 12 February 2021 please.

Meeting Ended at 21:47

Dated 20/01/2021

PARISH CLERK: Victoria Preston, 17 Cypress Gardens, Ripon, HG4 2LT (Postal enquiries only) Tel: 07725801675 Email: clerk.kmldpc@outlook.com Agenda, along with General Privacy Notice, also available on the Parish Council website: www.kirkbymalzeardarea.org.uk Facebook: @kmldpc