

# CLAY CROSS PARISH COUNCIL

Minutes of Clay Cross Parish Council Meeting held in the Council Chamber at Clay Cross Social Centre on Tuesday 25 June 2024 at 7PM

**Present:** Councillor B Wright ..... Vice Chair (in the Chair)

Councillor Ms J Cullen	Councillor A Rouse
Councillor Mrs M Jones	Councillor Ms K Rouse
Councillor E Mansbridge	Councillor D Skinner
Councillor Ms F Petersen	Councillor Ms J Stokes

**Also Present:** Dawn Kershaw, Parish Clerk  
John King, Internal Auditor/Accountant

## **Public Participation**

There were no members of the public present.

## **County Councillor/District Councillor Matters**

There were no County Council or District Council matters raised.

## **PART I – PUBLIC BUSINESS**

**Members were reminded to declare an interest as appropriate.**

### **3491/24 Apologies for Absence**

It was reported that Apologies for Absence had been received from Councillor G Morley (Unwell – In Hospital) and Councillor G Skinner (Absent).

### **3492/24 Exclusion of Public**

Agenda item 11 would be taken in exclusion as it relates to employee matters. *Public Bodies (Admissions to Meetings) Act 1960 s1.*

### **3493/24 Minutes of Last Meeting**

It was proposed and seconded that the Minutes of the Parish Council meetings held on 28 May 2024 and 6 June 2024 are approved as a correct record. **Resolution: the Minutes of the Parish Council meetings held on the 28 May 2024 and 6 June 2024 are approved as a correct record.**

### **3494/24 Reports from Representatives on Outside Bodies**

Consideration was given to the invitation received to attend a meeting of Clay Cross Town Centre Group to be held on Wednesday 26 June 2024.

**Resolution: that Councillor Wright attends the meeting of Clay Cross Town Centre Group to be held on Wednesday 26 June 2024.**

**3495/24 Planning & Environmental Matters**

Councillor Ms Petersen and Councillor Ms Rouse declared an interest as they serve on the District Council Planning Committee.

**Consultation on Local Validation List for Planning Applications**

North East Derbyshire District Council have launched a consultation on local validation requirements checklist for planning applications which has been circulated to all Members for consideration. This requires responses by 11 July 2024.

**Noted**

**APPLICATION NO: 24/00359/FLH**

**PROPOSAL:** Application for dropped kerbs at the Clay Lane boundary of the land (2 Clay Lane) to provide vehicle access to the land which will provide off-road parking for owner of 6 Clay Lane

**ADDRESS:** 2 Clay Lane, Clay Cross, Chesterfield

**APPLICANT:** Mr Mark Rugman

**NO COMMENTS**

**APPLICATION NO: 24/00426/FL**

**PROPOSAL:** The installation of new plant equipment along the left side elevation

**ADDRESS:** Land East Of Parkhouse Hotel, Pilsley Road, Danesmoor

**APPLICANT:** One Stop Stores Limited

**NO COMMENTS**

**APPLICATION NO: 23/01097/FL**

**PROPOSAL:** Demolition of existing barn and proposed construction of 9 (NINE) dwellings (Amended Plans)

**ADDRESS:** 1 Pilsley Road, Danesmoor, Chesterfield S45 9BJ

**APPLICANT:** Mr Adam Staley

**COMMENTS:** Only last year, a planning application was made for 2 (TWO) additional dwellings to be constructed on the site of 1 Pilsley Road, Danesmoor (Planning application 22/00246/OL) and following a successful and detailed application where all the necessary rules and regulations were followed by the applicant, planning permission was appropriately granted.

Subsequently and underhandedly, this application has been received for the same site but not to renovate the original house sited at this property, but to construct a total of 9 (NINE) new dwellings and to demolish the old barns.

Unfortunately, and without following an approved process, the barns have already been demolished; there was no public communication or opportunity to consult on this application. Furthermore, there was at the time of the demolition, bats nesting on this site and a barn owl was regularly seen at this location. It seems the applicant on this occasion has taken it upon themselves to demolish the barns with little consideration for the wildlife and due process.

May we suggest you ask the applicant to produce copies of what surveys have been carried out prior to this demolition work as we believe it is an offence under the Wildlife & Countryside Act 1981 to intentionally or recklessly disturb bats while they occupy a structure or place used for shelter or protection.

It is for this reason, should permission be granted for any development, sufficient control measures are put in place and regular inspections are carried out by the authority to ensure compliance by the applicant.

Residents in the area have expressed a number of concerns over such a congested development proposal where its evidently clear that maximising profit from this site appears to be the only fundamental and overriding consideration of this applicant.

There is also concern for local flooding. At the bottom of Pilsley Road, approximately 50m down from the site, the area consistently floods. The proposed development site has already had all the trees, plants and shrubbery removed or cut down and the further removal of green land to be replaced with houses/hardstanding with potential water run-off and loss of land to absorb water or rainfall will further impact this.

Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway, we would suggest measures be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gulley laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.

If we refer to the original planning application 22/00246/OL, it clearly stated on planning approval Section 1, that “No development including preparatory work shall commence until space has been provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, and parking and manoeuvring of employees and visitors vehicles with this space laid out in accordance with a scheme first submitted to and approved in writing by the local planning authority”.

**Section 2 states “Throughout the period of construction vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned on a hard surface before leaving site”.**

**Section 3 states “No development or preparatory works shall commence until the new private vehicular access to Pilsley Road has been constructed”.**

**Thanet Street at this location is a very busy road which sees busy periods of traffic movement including numerous LGV's (40 ton plus). Due consideration should be given to the restricted view that the exit from each property would have due to the current location of the stone farmhouse (1 Pilsley Road) which would restrict the view of any vehicle attempting to emerge from any new development.**

**The house is currently situated so close to the road that vehicles pulling into the road from either the east or the west of the house would have a restricted view and could only have a line of sight to oncoming traffic if they pulled out into the road which would potentially be extremely dangerous. It's worth noting the scale and positioning of the house on the plan does not seem accurate.**

**Maybe a further consideration would be for any potential development to be considered subject to vehicular access to the site being via Bennison Gardens.**

**Car parking provision should be made on the basis of 2 no. or 3 no. parking spaces per 2/3 bedroom or 4/4+ bedroom dwelling respectively. Each parking bay should measure a minimum of 2.5m x 5.5m with an additional 0.5m of width to any side adjacent to a physical barrier e.g. wall, hedge, fence, etc.**

**Furthermore, previous planning applications and comments from County Highways suggest the re-instatement of the pedestrian walkway be considered to prevent pedestrians having to enter the road or cross to the other side at such a dangerous location. The Highways Agency commented a new 2m wide footway that was proposed on the previous application along the entire site frontage, which was previously deemed acceptable, and this should be dedicated as highway as part of a formal agreement with the Highway Authority. This 2m wide footpath should be a recommendation for any development at this site.**

**The Highway Authority previously recommended that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc). We would wish this to also be the case for any approved development.**

Finally, we would expect there to be restrictions on working hours by tradespeople due the close proximity of elderly residents with health conditions.

There is no firm objection to a reasonable development at this location as per previous applications, but consideration should be given to the manner in which this rogue applicant has approached this application with a lack of consideration to local residents and so many other factors.

County Highways made a number of recommendations against planning application 22/00246/OL for this site, and we would suggest these be re-visited and considered for any other approved development.

This Parish Council also supports the views and comments made by Steven Wigglesworth in his email to NTR Design sent on the 11 March 2024.

**APPLICATION NO: 24/00458/FLH**

**PROPOSAL:** Two storey side and single storey side and rear extension

**ADDRESS:** 53 Rye Crescent, Danesmoor, Chesterfield S45 9BJ

**APPLICANT:** Mr Rodney Rens

**NO COMMENTS**

### **3496/24 Kenning Park Matters**

Consideration was given to the invoices received from Shed Grounds Maintenance for May and June 2024 for ground maintenance at Kenning Park (Minute 3460/24). The meeting was informed that complaints have been received from members of the public regarding the lack of grass cutting and general state of the Park; Councillor Ms Petersen concurred with these comments. It was reported that whilst the grass in the Park has now been cut, discussions with Shed Grounds Maintenance are ongoing with regard to their charges.

**Noted.**

Consideration was given to email received from Derbyshire County Council Corporate Property regarding Clay Cross Library in particular the ground lease for the library which is held between the Parish Council and the County Council. It was reported that at the Parish Council meeting held on the 23 May 2023 it was resolved that the demolition of this building should not be included in any planning applications as the Parish Council wish the Library to be retained as a community asset (Minute 3286/22(b)).

**Resolution: the Parish Council still wish this building to be retained as a community asset and that Parish Council representatives meet with County Corporate Property to discuss the options further.**

### **3497/24 Street Scene Matters**

Consideration was given to the update received from the Parish Clerk regarding the in situ play equipment at Rock Crescent (Minute 3482/24). Whilst it was noted that the equipment is 20+ years old, it is still fit for purpose.

**Resolution: a quotation is requested to upgrade the items as per the Independent Playground Inspections Ltd report.**

### **3498/24 Cemetery Matters**

Councillor Wright provided a report for the benefit of members present.

**Noted.**

### **3499/24 Social Centre & Events Matters**

Councillor Wright and the Parish Clerk provided a report for the benefit of members present.

**Noted.**

### **3500/24 National Grid**

Consideration was given to the information received from National Grid and Stop the Pylons Derbyshire regarding proposals for the Chesterfield to Willington section of 'The Great Grid Upgrade'. An invitation to attend a meeting hosted by South Wingfield Parish Council on Wednesday 3 July 2024 was also considered.

**Resolution: as the Parish Council are yet to decide their stance towards these proposals and due to not being able to attend the meeting at South Wingfield Parish Council, representatives from Stop the Pylons Derbyshire and South Winfield Parish Council are invited to meet with Parish Council representatives.**

At this point, Councillor A Rouse declared an interest.

### **3501/24 Land at Clay Lane**

Consideration was given to an update received regarding the request from the residents of Clay Lane/Windermere Road to purchase Parish Council owned land between 1 Clay Lane, Clay Cross to the east and the Woodall Homes development to the west (Minute 3459/24). Stainton Planning have reported that following information received from THE District Council Principal Planning Officer it is clear that planning permission MAY be granted but there are a number of planning policy issues, and it will not be a straight forward case. It has been suggested that specialist housing provision/older persons properties may have more chance of success and it was noted that the 10% biodiversity net gain requirement is going to be a very significant constraint on this site (and may require off-site biodiversity provision).

**Noted.**

**3502/24 Complaints Procedure and Unreasonable & Persistent Complaints & Unreasonable Behaviour Policy**

To consider and adopt the Complaints Procedure and Unreasonable & Persistent Complaints & Unreasonable Behaviour Policy.

**Resolution: the Complaints Procedure and Unreasonable & Persistent Complaints & Unreasonable Behaviour Policy are adopted and published on the Parish Council website.**

**3503/24 Internal Auditor Report 2023/24**

The final report 2023/24 had been undertaken by John H F King, Chartered Certified Accountants with no matters arising. The Annual Internal Audit had been completed for submission with the Annual Governance & Accountability Return to the External Auditor. The reports had been circulated to Members.

**Resolution: That the final report 2023/24 undertaken by John H F King, Chartered Certified Accountants with no matters arising, together with the Annual Internal Audit Report are received.**

**3504/24 Annual Governance Statement 2023/24 Section 1**

It was proposed and seconded that the Annual Governance Statement 2023/24 Section 1 of the Annual Return is signed by the Chair and Clerk/Responsible Financial Officer.

**Resolution: That the Annual Governance Statement Section 1 of the Annual Governance and Accountability Return 2023/24 is approved for signature by the Chair and Clerk/RFO.**

**3505/24 Annual Accounting Statement 2023/24 Section 2**

It was proposed and seconded that the Annual Accounting Statement 2023/24 Section 2 of the Annual Return is signed by the Chair and Clerk/Responsible Financial Officer.

**Resolution: That the Annual Accounting Statement Section 2 of the Annual Governance and Accountability Return 2023/24 is approved for signature by the Chair and Clerk/RFO.**

**3506/24 Annual Statement of Accounts 2023/24**

An Annual Statement of Accounts for the year ended 31 March 2024 was put forward and it was proposed and seconded that this is signed by the Chair and Clerk/Responsible Financial Officer.

**Resolution: That the Annual Statement of Accounts for the year ended 31 March 2024 is approved for signature by the Chair and Clerk/RFO.**

***(It was proposed and seconded that Clay Cross Parish Council Standing Orders 3x be suspended [9.00PM] and the meeting continued)***

### **3507/24 Finance Report**

To receive report of Finance Sub-Committee meeting held on the 18 June 2024 and to receive recommendations for resolution.

#### **Resolution:**

- 1. the report the Finance Sub-Committee meeting held on the 18 June 2024 is received**
- 2. that any cheques/BACS authorised by designated signatories, confirmed:**

CXPC EMPLOYEES: SALARIES & WAGES	<b>£5,051.82</b>
DCC PENSION FUND: PENSION CONTRIBUTIONS FOR MAY 2024	<b>£986.89</b>
HMRC CUMBERNAULD: NI & TAX FOR MAY 2024	<b>£577.91</b>
PAULINE STRINGFELLOW: DANCES FOR MAY & JUNE 2024	<b>£315.00</b>
CLAY CROSS DO-IT YOURSELF: SOCIAL CENTRE SUPPLIES FOR APRIL 2024	<b>£63.76</b>
CHESTERFIELD GAS CO (AGARS): BAR SUPPLIES FOR MAY 2024	<b>£1,712.71</b>
OAS LTD: BINGO FLYERS AND CLOAKROOM/RAFFLE TICKETS	<b>£163.80</b>
VOICE MAGAZINE: SOCIAL CENTRE ADVERTISING APRIL, MAY & JUNE	<b>£559.50</b>
FIDELITY GROUP: PARISH OFFICE BROADBAND/CALL CHARGES FOR MAY 2024	<b>£86.29</b>
CROWN GAS & POWER: SOCIAL CENTRE GAS 2.5.24 TO 31.5.24	<b>£296.35</b>
SOCIAL CENTRE DAMAGE BOND REFUNDS (3 @ £50)	<b>£150.00</b>
<b>TOTAL:</b>	<b>£9,964.03</b>
<b>3. the Income is noted:</b>	
SOCIAL CENTRE HIRE	<b>£771.00</b>
SOCIAL CENTRE BAR TAKINGS	<b>£3,758.97</b>
CEMETERY LODGE RENT	<b>£294.00</b>
PUBLIC SECTOR DEPOSIT FUND DIVIDEND PAYMENT	<b>£149.05</b>
<b>TOTAL:</b>	<b>£4,973.02</b>

### **3508/24 Date of Next Meeting**

**It was confirmed that the next Parish Council meeting will be held on Tuesday 23 July 2024.**

### **3509/24 Exclusion of the Public**

**Resolution: That in view of the confidential nature of the business to be transacted, to exclude the press and public from the meeting in accordance with the Public Bodies (Admissions to Meetings) Act 1960 s1, in order to discuss the item.**

### **3510/24 Appeals Committee**

Council to appoint an Appeals Committee following the complaint considered by the Complaints Committee on Thursday 6 June 2024 and agree a meeting date.



**Resolution: Councillor Mrs Jones, Councillor Mansbridge and Councillor Ms Stokes are appointed the Appeals Committee, and the meeting takes place on Tuesday 9 July 2024.**

Meeting Closed at 9.25PM