

**SOUTH CAVE PARISH COUNCIL**

20<sup>th</sup> June 2022

The Meeting of South Cave Parish Council took place in the Town Hall, Market Place, South Cave commencing at 7:00pm.

Present: Cllrs L. Turner(Chair), M. Turner, Barnett, Edmond, Long & Bateman  
Ward Councillor Richard Meredith  
Seven members of public

**Public Forum**

There was nothing for Public Forum

- 613040622 **Apologies for absence**  
Cllr Barnett proposed apologies is accepted from Cllrs Rignall, Tudor-Price, Thornham, Munby & Stevenson, Seconded Cllr M. Turner, All in favour
- 613050622 **Ward Councilors Report**  
Scrutiny Committees were considering the local plan and due to scrutinise the draft July 2022  
It was noted the Bund located at Bacchus Lane may be in preparation for non residential development, confidential discussions are with the ERYC and the developer ]
- 613060622 **Approval of Previous Meetings Minutes**  
Cllr Bateman proposed that the minutes of the following meetings be approved as a true and accurate record. Seconded Cllr M. Turner, All in favour  
(1)Full Council – 16<sup>th</sup> May 2022  
(2)The Parish Council noted DRAFT Annual Parish Meeting Minutes – 17<sup>th</sup> May 2022
- 613070622 **Declarations of Interest**  
Cllr Bateman declared a non-pecuniary interest in minute reference: 613100622 (1)
- 613080622 **Committees**  
(1) The Parish Council resolved the minutes of the following committees:  
Planning Committee meeting - 6<sup>th</sup> June 2022, Proposed Cllr Barnett, Seconded Cllr Bateman, All in favour  
Finance & General Policy Committee Meeting – 13<sup>th</sup> June 2022, Proposed Cllr Edmond, Seconded Cllr M, Turner, vote 5 in favour 1 abstention
- 613090622 **Police**  
(1)The Parish Council did not received police crime report and requested letter be forwarded to crime commissioner requesting the reinstatement of attendance of PCSO to Parish Council Meetings
- 613100622 **Planning Applications**  
(1) 22/01780/PLF  
Proposal: Change of use from cafe to take away (retrospective application) Location: La Caverna Caffe 43A Market Place South Cave East Riding Of Yorkshire HU15 2BS Applicant: Mohammad Rajabalian Application Type: Full Planning Permission  
A overview of the application was provided to the Parish Council and the meeting was closed at 7:15p.m for members of the public to speak in relation to the application, it was noted 5 members of public in attendance were in favour of the application with no objections, 2 members of public raised objections to the application:

Members of public in favour of the application spoke initially, discussing the benefits of the application to the village and highlighting the local need for the business including raising awareness to the service provided throughout the pandemic. It was noted the business owners were confident they could work with any neighbours concerns in order to alleviate any smell and noise issues, a petition had been circulated with residents gathering over 300 signatures in favour of the application \*residents advised to submit individual comment on applications as one petition including 300 signatures are deemed as one letter

Neighbour addressed the Parish Council raising objections to the application:

We have lived in Market Place for 28 years and for most of this time 43A has operated either as a café or bakery. These uses posed no problem to us, however, there have been 2 applications over the last 22 years to turn the property into a hot food takeaway. We have objected to both applications which have been refused, and the decision on the second application was upheld on appeal with the inspector stating;

*Consequently, I conclude that the proposed change of use would have significant adverse impact on the living conditions of neighbouring occupiers with regard to noise, disturbance and odour.*

In our opinion nothing has changed, and this decision still applies. In the past we have objected as we feared a hot food takeaway would adversely affect the quality of our lives and would also cause problems within the village regarding litter, antisocial behaviour, parking and noise pollution.

On this occasion we are in the unique position of having lived next door but one to a hot food takeaway as the temporary Coronavirus legislation permitted this.

At first, we were optimistic about the new tenant. The premises were smartened up and looked much cleaner. The previous tenant had traded unlawfully as a takeaway and had been closed down on Food Safety grounds.

But it soon became apparent the premise was being equipped as a hot food takeaway not a café. We went to have a chat with the new tenant concerned that he may not be aware of the planning situation. However, he was fully aware of the restrictions and said he couldn't make any money running a café there. He also said that if the council took any enforcement action he would win, and if necessary his barrister would take the case to the High Court.

Our fears about living so close to a hot food takeaway have been realised.

- Cooking smells can be detected inside and outside our house, not only during trading hours but often earlier in the day as food is prepared
- We often cannot open our windows as everything becomes impregnated with smells
- The impact of increased vehicular use as staff and people visiting the premise is noisy and smelly as vehicles often leave their engines idling
- Our drive, and the only access to no 37A Market Place is often blocked
- Delivery drivers chat with friends outside the premise, and our property, often with car doors open and music playing as they wait for orders to be prepared.
- An increased amount of litter is apparent- the public waste bins are often overflowing and cartons are dumped in the doorways of other units and our small front garden
- Gangs of youths congregate outside the property often leaving bikes all over the pavement making it impossible to pass and often they sit on the bench opposite our house throwing food at each other

We notice also that the application seeks to extend the opening hours to 11:00 to 21:30 which would mean there would be no respite.

In the statement the applicant states that *..there is one house to the south*. This is incorrect and misleading. In his judgment the Inspector found;

*Nonetheless, the area is predominantly residential in character.*

The plan shows the residential properties adjoining the property and comprising the remaining properties to the south and east in Market Place. In addition, there is a flat above the applicant

premises and indeed all the commercial premises in the parade. There is a courtyard of houses to the rear, the closest being no more than 5 metres from the shed shown at the rear of 43a. The operator regularly leaves the rear door open during opening hours, so odours inevitably escape. There is no sign of external extraction fitted to the property, and presumably this could not be attached to the residential property above which we believe is tenanted in in separate ownership.

We were in regular contact with the Council's planning enforcement officer as a result of the previous tenant's unlawful trading prior to lockdown, and we continued to liaise with the officer through lockdown. Additionally we had contact with the Environmental Protection Department concerning the odours coming into our home so it is completely wrong to suggest there have been no complaints.

We asked the applicant to keep his door closed when trading, but he informed us that he is under no obligation to do so.

The applicant took no steps to submit this application during the operation of the Coronavirus Regulations. We understand that when they expired, he was given a month to turn the premises back to a café. This he did not do but instead chooses to submit an application he knows has been refused twice before, and on appeal, and which he knows causes great distress to his neighbours.

Since the premises have been closed it has been so peaceful in the evenings, the traffic is much lighter, there are no unpleasant odours. Our quality of life has improved immeasurably as we have been able to use all our house and garden.

We understand the original permission to operate as a tea shop prevented the sale of hot food for consumption off the premises. In 2006 an application for change of use was refused. A second application was refused in August 2017. This second refusal was upheld on appeal on 15.02.18. The Inspector's reasoning that granting it would have a significant impact on living conditions for neighbours has proved correct and to grant now would still be contrary to Policy ENV1 of ERLPSD and the National Planning Policy Framework.

We would therefore ask that you refuse the application.

Representative for resident at number 43 raised the same objections as above, and also noted the residents are disabled and quality of life had diminished when the take away was open, with anti social behaviour, litter and un-thoughtful drivers collecting orders with loud voices, music and inconsiderate parking.

The Meeting was reopened at 8:25p.m

Cllr Edmond proposed the Parish Council raise no objection to the application providing the conditions enforced by public protection are adequately addressed, and request the ERYC refer the application to committee for consideration. Seconded Cllr Barnett, vote 5 in favour, 1 abstention

(2) 22/01775/PLF

Proposal: Erection of two storey extension to side Location: 30 Water Lane South Cave East Riding Of Yorkshire HU15 2HJ Applicant: Mr R Carlisle Application Type: Full Planning Permission

Cllr Edmond proposed the Parish Council raised no objection to the application, but request the ERYC ensure the boundary to number 69 Annie Med Lane provides sufficient space for the storing of Bins. Seconded Cllr M. Turner, all in favour

613110622

**Other Matters**

(1)The Parish Council requested information relating to heavy traffic at First Lane, South Cave be placed on future agenda for discussion

(2)The Parish Council received update relating to Brough Station short stay arrangements, it was noted transpennine had advised there was a limit of 20 minutes short stay for drop off and pick up within the carpark area. Cllr L. Turner requested a letter be sent requesting signage be installed for users. Seconded Cllr M. Turner, All in favour

(3)The Parish Council received update relating to East Riding Hedge Planting Fund through ‘Trees for Climate fund’ and/or ‘The Northern Forest scheme’ - it was noted the areas identified could not be considered and should be included within the next scheme ERYC submit

(4)The Parish Council received correspondence from North Newbald Parish Council relating to joint communications to ERYC, it was noted no further communication were planned at this point

(5)The Parish Council received letter(s) from resident(s) of Appleton Gardens in response to the Parish Councils decision relating to Decision to ERYC relating to On Street Parking at Appleton Gardens and West End, It was noted the Parish Council can only recommend to the ERYC whom hold the final decision on matters, the Parish Council were very concerned with any loss of parking within the village, particularly around areas supporting business. Concerns were raised with traffic and parking being moved causing more issues in alternative locations. Therefore the Parish Council upheld their decision not to support ERYC plans. Proposed Cllr Barnett, Seconded Cllr Bateman, vote 5 in favour, 1 abstention

(6)The Parish Council noted residents opinions relating to the Bus Services raised at Annual Parish Meeting and requested item be placed with the next Parish Newsletter

(7)The Parish Council noted information relating to Sports Centre and note new Youth Club from 1<sup>st</sup> June 2022 – raised at Annual Parish Meeting, and requested item be placed within the next Parish Newsletter

(8)The Parish Council noted invite to Parish and Town Council liaison Meetings

(9)The Parish Council considered the purchase of stencils for Market Place Pots and request 4 stickers are initially purchased in order to check the size and suitability. Proposed Cllr L. Turner, Seconded Cllr Edmond, All in favour

(10)The Parish Council noted information from Northern Gas relating to disruptions due to maintenance works - Castle Drive/Rise & Church Street

(11)The Parish Council requested Market Place Crossing – Safety improvements be placed on future agenda for discussion once works fully completed

(12)The Parish Council discussed Natural England - requesting opinions on the landscapes and heritage of the Yorkshire Wolds as they assess its potential for designation as an Area of Outstanding Natural Beauty (AONB) – Cllr L. Turner proposed the Parish Council recommend South Wolds Area including land surrounding the Wolds Way, Beverley Clump running North to North Newbald and Mount Airy be included within the designation. Seconded Cllr M. Turner, All in favour

613120622

**Open Space**

(1)The Parish Council requested the Cemetery Land extension discussion be placed on future agenda

(2)The Parish Council received update relating to Land at West Cote Farm – Lease and s106 agreement. It was noted all documentation had been finalised and was not officially the Parish Councils responsibility, the Parish Council to consider signage for site and name of open space at next Full Council meeting

(3)The Parish Council did not receive a response relating to the request for signage to King George V Playing field from ERYC and Clerk place item on future agenda

613130622

**Technical Services**

(1)The Parish Council requested possible CCTV installation and Crime Commissioner fund be placed on future agenda

(2)The Parish Council noted the completion of works Kiosks & Town Hall Ornate clock

(3)The Parish Council noted the ERYC had no record of the seat being installed or removed from at Common Road. Clerk to make further investigation

613140622

**Events**

- (1)The Parish Council noted the Queens Jubilee Event 2022 as being a success to the village. Item to be placed in next Parish Newsletter
- (2)The Parish Council approved the support of Cave Castle Festive Event 2022 – Saturday 26<sup>th</sup> November 2022. Clerk to make arrangements for Meeting with Cllrs Barnett and L. Turner

613150622

**Planning Matters**

(1)The Parish Council noted the planning procedure for WIFI Infrastructure Street posts received from ERYC:

1. Telecom masts up to a specified height (recently increased to 25m ) are permitted development but require Prior Approval from the Council, but we can only consider location and design.
2. Whilst an applicant is entitled to submit a retrospective planning application, Prior Approval can only be sought BEFORE the development is in place. Thus the 3 masts already erected at south Cave would have to be regularised through planning applications. The Council's Enforcement Policy is to request retrospective applications.
3. As 1. when considering a Prior Approval application we can only consider comments in relation to the specified 2 matters - location and design
4. The planning guidance on telecommunications makes it clear that Councils have to permit competition between providers . However there is no indication that other operators wish to use the same approach as Connexion - BT and KCOM prefer to use land line connections AND overhead wires from masts. Masts with overhead wires do NOT need any form of planning approval and are the more likely proliferation, but we can't control this.
5. I have not seen what Hull City Council has said to the Government, but in previous Government Consultations on Telecommunications it is clear that the Government have deliberately relaxed regulations in order to improve broadband and mobile phone connectivity and see this as a national priority.
6. The published officers report on each Prior Approval sets out the considerations taken into account. We have checked and there was no planning condition imposed restricting future overhead infrastructure when the estate was approved, and I am not aware that such a condition has ever been imposed or would be reasonable given national permitted development rights

(2)The Parish Council received response (ERYC ) re: New Build Numbers

613160622

**Finance & Policy**

- (1)The Parish Council approved the purchase of Vacuum Cleaner for Town Hall. Proposed Cllr Edmond, Seconded Cllr Barnett, All in favour
- (2)The Parish Council noted the income received and approved items for payment for June 2022

Richard Powell	Kiosk Works	£1,012.00
Eon	Gas	£31.45
Eon	Electric	£276.13
Water		£17.23
J Calvert (Electrical) Ltd	Shark Hoover	£229.99
Faze 3 Musical Group	Jubilee Entertainment	£200.00
Smith of Derby Ltd	Clock restoration	£6,720.24
Partee Marquee	Jubilee Marquee	£960.00

South Cave Parish Council

Initialed.....

MW Farm Supplies Ltd	Provisions - Brush, Padlocks	£61.05
Ray Burrell Magic	Jubilee Entertainment	£120.00
Supplies	Stationary	£100.03
KCOM	Telephone & Internet	£63.64
ERYC	Burial Ground Rates	£462.02
L Fielding	Expenses - Zoom (Nov)	£14.39
	Expenses - Jubilee	
L Fielding	Expenditure	£101.95
MNB Computing	Computer Assistance	£12.00
KRL Group	Photocopier	£158.71
Stuart Dobbie	Jubilee - Entertainment	£100.00
SCPC	Petty Cash	£60.00
Nicholas Associates Group	Footway Sweep	£1,262.20
Paddy Greenwood	Scaffold Hire	
GJ Landscapes	Grass Cutting	£1,558.80
Ian R Donkin	Repairs	£350.00
Singleton Event Services	Jubilee Event First Aid	£284.40

Cllr M. Turner proposed the Parish Council pay the invoices received on the grounds of sound financial management of the Council. Seconded Cllr Edmond, All in Favour

(3)The Parish Council received reviewed Standing Orders. Cllr Barnett proposed the Parish Council adopt the reviewed Standing Orders, Seconded Cllr L. Turner, all in favour

(4)The Parish Council received the recommendation for a review to Financial Regulations & considered alteration to reference 5.2 & 5.3. Cllr Barnett proposed the revised Financial Regulations be adopted, Seconded Cllr L. Turner, all in favour

(5)The Parish Council received notification of Town Hall Business Rates & refund received. It was recommended funds be held for Budget Review 2023/24. Proposed Cllr M, Turner, Seconded Cllr Barnett, all in favour

(6)The Parish Council noted change of date for Planning Committee meeting to 11<sup>th</sup> July

613170622

**Confidential Matters**

(1)To resolve that in view of the confidential nature of the business about to be transacted, it is advisable in the public interest that the press and public be temporarily excluded and they are instructed to withdraw

(2)Cllr M Turner proposed that these items be paid on the grounds of sound financial management of the Council, seconded Cllr Edmond, All in favour.

£3151.79

613180622

**To note the date of next Parish Council Meeting – Monday 18<sup>th</sup> July 2022**

.....Chairman

.....Date

South Cave Parish Council

Initialed.....

