

PITSTONE PARISH COUNCIL PLANNING COMMITTEE

Minutes of the Parish Council Planning Committee held on 29 June 2017
in the Millennium Room at the Memorial Hall, starting at 7.00pm and
concluding at 8.45pm

Prior to the start of the planning committee meeting, the public had been able to view the planning applications and related materials between 6pm and 7pm.

26PC/17 ATTENDANCE AND APOLOGIES

COUNCIL PRESENT: Due to the strategic nature of the application and in line with the terms of reference for the committee, all parish council members had been summoned to attend the meeting. Cllr Mrs Crutchfield (Chair of Planning Committee), Cllr Starling, Cllr Blunt, Cllr Nicholls, Cllr Dr Frearson, Cllr Stack, Cllr Weber, Cllr Mrs Arney and (from the section on questions from members of the public) Cllr Matthey.

OTHERS PRESENT: Clerk: Laurie Eagling. 25 members of the public.

District Councillors Derek Town and Sandra Jenkins (from the section of questions from members of the public)

APOLOGIES: It was **RESOLVED** to accept apologies for absence from Cllr Saintey (holiday)

27PC/17 APPROVE MINUTES

It was **RESOLVED** that the minutes of the meeting held on 12 June 2017 were a true and correct record of the meeting and the Chair was duly authorised to sign on behalf of the council.

28PC/17 CORRESPONDENCE

The following correspondence was noted: planning application notifications from AVDC, correspondence from residents on the planning applications, email from BCC re S106, correspondence from Pitstone Memorial Hall charity re car parking and an update from Wakelin.

29PC/17 LEGAL ADVICE

- a) At the 25/5/17 full parish council meeting it had been resolved to obtain legal advice from Landmark Chambers, specialist planning law counsel, relating to how the parish council can properly consider 3 separate applications (1 full and 2 outline) that relate to 1 overall site, along with the relative status of the various planning and associated documents which concern the PDA site and/or what is required to be provided on it. Cllr Weber provided a summary of this legal advice by reading from that contained within the clerks report.
- b) Cllr Starling wished it minuted that he disputed the legal advice provided by Landmark Chambers and felt the representation to be biased.

30PC/17 DECLARATIONS OF INTEREST ON MATTERS TO BE CONSIDERED AT THE MEETING

- a) Because the parish council is a landowner in the planning application (the area of land where the MUGA is proposed) and will receive S106 contributions from the development, the council must declare a pecuniary interest. As this would affect all councillors, which would prevent discussion of the planning applications, it was **RESOLVED** to grant a dispensation under paragraph 2(a) of Section 33 of the Localism Act 2011 for all councillors to speak and vote at this committee meeting so the business can be transacted.
- b) The Parish Council is sole trustee of Pitstone Parish Charity. Because the parish charity is a landowner in the planning application (old allotment site), the parish council as trustee of the charity, must declare a pecuniary interest. As this would affect all councillors, which would prevent discussion of the planning applications, it was **RESOLVED** to grant a dispensation under paragraph 2(a) of Section 33 of the Localism Act 2011 for all councillors to speak and vote at this committee meeting so the business can be transacted.
- c) Cllr Nicholls declared a non-pecuniary interest as a resident on one of the roads affected by the development. However, his property is at the opposite end of the village meaning that most of the population are closer to the development. It was **RESOLVED** to grant dispensation to speak and vote at this committee meeting under paragraph 2(e) of Section 33 of the Localism Act 2011.
- d) Cllr Blunt declared a potential pecuniary interest as Chair of Governors at Brookmead School who may receive a S106 contribution arising from the development. It was **RESOLVED** to grant dispensation to speak and vote at this committee meeting, on matters excluding education, under paragraph 2(e) of Section 33 of the Localism Act 2011.

- e) Cllr Blunt declared a non-pecuniary interest as the owner of a property facing onto one of the roads affected by the development. It was **RESOLVED** to grant dispensation to speak and vote at this committee meeting under paragraph 2(e) of Section 33 of the Localism Act 2011.
- f) Cllr Starling declared a non-pecuniary interest as the owner of a property facing onto one of the roads affected by the development. It was **RESOLVED** to grant dispensation to speak and vote at this committee meeting under paragraph 2(e) of Section 33 of the Localism Act 2011.
- g) No other interests were declared.

31PC/17 **QUESTIONS FROM MEMBERS OF THE PUBLIC AND PRESS**

- a) Cllr Nicholls responded to a question relating to Parish Charity and Parish Council membership and the management of conflicts of interest.
- b) Cllrs Crutchfield and Weber provided information relating to the Neighbourhood Plan referendum in response to a question about why a pub and/or nursery had to be included at this site.
- c) A number of attendees asked why the pub and nursery locations could not be swapped. It was explained that the councils Pitstone Development Area (PDA) working party had previously asked the developer to consider this, but that they had provided evidence from potential operators to support their choice of locations and that the councils professional advisors on planning matters were content with this.
- d) One resident queried the ongoing delays with a footpath/cycleway along Northfield Road and requested improvements to the public transport system to Tring station as a result of the development.
- e) One resident requested a footpath be installed at Pitstone Memorial Hall to avoid pedestrians walking through the car park as at present.

32PC/17 **PLANNING MATTERS**

1. Applications:

The Parish Council carried out a near-neighbour notification program relating to all three applications, hand delivering 160 letters to properties in the immediate vicinity of the application sites, as well as advertising the applications on the council website, Facebook page and Twitter feed (3 times each), and via the parish council noticeboards (2 separate notices). AVDC erected yellow site notices and advertise in the local press.

- a) **Land adjacent to allotment gardens, Marsworth Road, 17/01875/AOP**, outline application with access to be considered and all other matters reserved for a pub/restaurant (Class use A3/A4) including means of access from Vicarage Road. It was noted that Policy 2 of the Pitstone Neighbourhood Plan requires that development proposals for the site for approximately 70 homes, "will be supported, provided that subject to viability: i. land is made available within the site boundary for the development of: (a) an A4 drinking establishment use and/or a licensed A3 restaurant or café use". It was noted that some residents and councillors expressed a preference for the pub and nursery locations to be swapped. After consideration of the application, it was **RESOLVED** to 'support' the application (8 votes in favour, Cllr Starling voted against) with the following conditions imposed:
 - i) Noise/disturbance – Prior to grant of planning, AVDC (planning and environmental health) should satisfy themselves that such a facility, at this location, will not cause undue noise or disturbance for the existing residents of Vicarage Road or the new residents of the dwellings proposed under 17/01871/APP.
 - ii) Overlooking and loss of privacy - Prior to grant of planning, AVDC (planning and environmental health) should satisfy themselves that such a facility, at this location, will not cause undue loss of privacy or overlooking for the existing residents of Vicarage Road or the new residents of the dwellings proposed under 17/01871/APP.
 - iii) Smell and fumes - Prior to grant of planning, AVDC (planning and environmental health) should satisfy themselves that such a facility, at this location, will not cause undue smell or fumes that would negatively impact the existing residents of Vicarage Road or the new residents of the dwellings proposed under 17/01871/APP.
 - iv) Non-residential - AVDC and developer should note paragraph 4.19 of the Pitstone Neighbourhood Plan, which elaborates upon the policy requirement for land to be made available for (amongst other things) A3/A4 use, and states "For clarity, although located within the Settlement Boundary, any proposals for housing development on the non-housing land will be resisted." Therefore, should the pub/restaurant subsequently be demonstrably "non-

- viable" the parish council requires other commercial or community uses for this non-residential land to be explored, as opposed to additional housing.
- v) NB: AVDC should obviously be mindful of the interdependence between the three applications and any decisions made by AVDC relating to the above may have implications for the remaining two applications.
- b) **Land adjacent to allotment gardens, Marsworth Road, 17/01873/AOP**, outline application with access to be considered and all other matters reserved for a Class D1 non-residential institution (day nursery) with access from Marsworth Road. It was noted that Policy 2 of the Pitstone Neighbourhood Plan requires that development proposals for the site for approximately 70 homes, "will be supported, provided that subject to viability "i. land is made available within the site boundary for the development of: ... (b) a D1 day nursery/crèche/pre-school use". After consideration of the application, it was **RESOLVED** to 'support' the application (8 votes in favour, Cllr Starling abstained from voting) with the following conditions imposed:
- i) Highway Safety – AVDC Planning and BCC Highway Authority should ensure that a pedestrian crossing outside the site on Marsworth Road is definitely provided. As this is a 40mph main road through the village, and the crossing will be heavily utilised by young children attending the nursery, the council's preference would be for a pelican crossing rather than the refuge island proposed.
- ii) Non-residential - AVDC and developer should note paragraph 4.19 of the Pitstone Neighbourhood Plan, which elaborates upon the policy requirement for land to be made available for (amongst other things) D1 use, and states "For clarity, although located within the Settlement Boundary, any proposals for housing development on the non-housing land will be resisted." Therefore, should the nursery subsequently be demonstrably "non-viable" the parish council requires other commercial or community uses for this non-residential land to be explored, as opposed to additional housing.
- iii) NB: AVDC should obviously be mindful of the interdependence between the three applications and any decisions made by AVDC relating to the above may have implications for the remaining two applications.
- c) **Land adjacent to allotment gardens, Marsworth Road, 17/01871/APP**, residential development comprising 80 dwellings, creation of two new accesses, car parking, leisure facilities, landscaping and associated works. It was noted that the application was subject to the terms of Policy 2 of the Pitstone Neighbourhood Plan. After consideration of the application, it was **RESOLVED** to 'support' the application (8 votes in favour, Cllr Starling voted against) with the following conditions applied:
- i) Commercial sites – The two interdependent commercial areas relating to this site, must be placed on the open market prior to commencement of construction of the residential dwellings to provide the best chance of successful sale and avoid any unnecessary derelict areas remaining at the end of the residential construction.
- ii) Non-residential - AVDC and developer should note paragraph 4.19 of the Pitstone Neighbourhood Plan, which elaborates upon the policy requirement for land to be made available for (amongst other things) D1 and A3/A4 use, and states "For clarity, although located within the Settlement Boundary, any proposals for housing development on the non-housing land will be resisted." Therefore, should the nursery and/or pub subsequently be demonstrably "non-viable" the parish council requires other commercial / community uses for this non-residential land to be explored, as opposed to additional housing.
- iii) Highway Safety – BCC Highway Authority should satisfy themselves that every necessary traffic calming measure has been included throughout the site to deter speeding vehicles on the highways and prevent vehicles utilising footpath links. This is especially important given the proximity of a proposed nursery and the parish leisure facilities/play space.
- iv) Highway Safety – BCC Highway Authority should consider making this development a 20mph zone throughout.
- v) Noise/disturbance/Loss of Privacy/Smell/Fumes – Prior to grant of planning, AVDC (planning and environmental health) should satisfy themselves that the two interdependent commercial facilities, will not cause undue negative impact on either the existing surrounding residents or the new residents of the dwellings proposed under this application.
- vi) Drainage/SUDS/Capacity of Infrastructure – The parish council notes the concerns raised by BCC Drainage and Anglian Water, and is also concerned about the knock-on implications of capping the drainage pipes up stream as this may cause increased flooding of the ditch between the application site and the adjoining recreation ground. Prior to grant of planning permission,

- AVDC Planning should ensure that both these bodies are fully satisfied with any revised drainage scheme.
- vii) Ecology – AVDC should ensure that the required re-appraisal of bats/badgers is carried out and acceptable mitigation measures are put in place and approved by AVDC Biodiversity.
 - viii) Multi Use Games Area – the parish council and AVDC Leisure need to be provided with, and approve, detailed plans for the design and construction of the MUGA and replacement car park prior to construction by the developer. The parish council wishes to contend the recommendation of the Environmental Health Officer for this facility to be locked overnight, and for designated hours of operation, as this will have a negative impact on the design of the facility and the ongoing management. The parish council will submit further details to AVDC Leisure and Environmental Health.
 - ix) Memorial Hall Charity aspirations/car parking – (1) the current residential application will have significant impact on the parking at the Memorial Hall, immediately adjacent. The parish council wishes to support the Memorial Hall Charity to bring the remaining areas up to the same standard, at the same time as the development works are taking place, and would urge AVDC to facilitate these works via utilisation of some of the off-site S106 leisure contribution allowance on these works instead of taking the financial alternative. The parish council will submit separate details to AVDC Leisure and the developer. (2) The council would be supportive of the removal of the hedgerow and the installation of the ‘proposed’ additional car parking spaces for the Memorial Hall as part of this application as it is within the red site boundary, along with up to 6 additional spaces to the east of those illustrated by moving the sub-station back to the location it occupied on the developer’s consultation plan.
 - x) NB: AVDC should obviously be mindful of the interdependence between the three applications and any decisions made by AVDC relating to the above may have implications for the remaining two applications.

2. Decisions:

- a) **Land to the rear of Vicarage Road, 16/04167/ADP**, Approval of reserved matters pursuant to outline permission 15/00139/AOP relating to appearance, landscaping, layout and scale for the erection of a residential development of up to 68 dwellings, estate roads and associated works: AVDC approved (PPC tendered no objections to principle of development but a number of specific queries and concerns). Site works commence 26/6/17.
- b) **Unit 25B, Marsworth Airfield North Site, Cheddington Lane by Old Ministry Airfield, CM/17/17**, Change of use from parking of empty skips to waste storage and sorting: BCC approved (PPC submitted concerns re traffic)
- c) **Barley End, Stocks Road, 17/01697/APP**, Minor amendments to planning permission 16/04006/APP: Demolition of part of existing dwelling house, stables and outbuildings; construction of replacement dwelling house and glasshouse; alterations to retained part of building for use as annex and garaging; and installation of ground loops for ground source heat pump: AVDC approved (PPC submitted no objections)

3. Other:

- d) **S106 requests to submit to AVDC** relating to the planning application 17/01871/APP (estimated in the region of £239k). It was **RESOLVED** to advise AVDC that the parish council wished these utilised “on the redevelopment of (or improvements to) the sports pavilion and grounds located on Marsworth Road, LU7 9AP and/or the redevelopment of (or improvements to) Pitstone Memorial Hall and the associated sports and recreation grounds located off Vicarage Road, LU7 9EY”.
- e) **S106 requests to submit to BCC** relating to the planning application 17/01871/APP. It was **RESOLVED** to advise BCC that the parish council would be supportive of contributions to:
 - i) Education contribution for local primary school provision and, should this not be possible, the contribution must only be allocated to a secondary school that the children of this village can attend.
 - ii) Elements of the Ivinghoe & Pitstone Highway Safety Scheme, with priority preference to the proposals to (i) divert traffic up Westfield Road and away from this development, and (ii) to improve pedestrian and cycle safety between the roundabout and Brookmead School.

- iii) Public Transport contributions for bus shelters and RTI panels for the facilities in Westfield Road (those by the Recreation Ground being subject to the recent Vicarage Road planning S106).
- iv) A further contribution to a community transport/dial-a-ride scheme (initial £10k contribution arising from the Rushendon Furlong S106 agreement) to enable this scheme to be fulfilled.

33PC/17 **REPORTS**

Applications outstanding with AVDC:

17/01894/APP, 12 Marsworth Road - awaiting decision
17/01813/APP, 41 Marsworth Road – awaiting decision

34PC/17 It was **RESOLVED** that there were no matters for referral to full council.

35PC/17 Date of the next planning committee meeting to be confirmed, dependent upon receipt of any applications from AVDC.

36PC/17 **CLOSURE OF MEETING**

There being no further business to be transacted, the Chair closed the meeting at 8.45pm.

Signed: _____
Chair

Date: _____