

# MEPPERSHALL PARISH COUNCIL

## MINUTES OF AN EXTRAORDINARY MEETING OF THE COUNCIL HELD VIA VIDEOLINK ON MONDAY 8<sup>TH</sup> FEBRUARY 2021

**PRESENT:**      **Councillors:** Chapman (in the Chair), Austin, Karslake, Merryweather, Morgan, Seaman and Thompson  
                  **The Clerk:** A Marabese  
                  **Others:** Ward Councillor Liddiard, and 8 members of the public  
                  **Guest:** Mr Richard Proctor – CBC Planning Enforcement Team Leader

The Chairman declared the virtual meeting open at 7:50pm.

### 584. APOLOGIES FOR ABSENCE

Cllr Thomason, Parsons and Brown provided apologies that were accepted.

Cllr Standbridge did not provide apologies.

### 585. CHAIRMANS ANNOUNCEMENTS

a. The Chairman thanked all participants of the meeting which was being held via video link and in particular welcomed Mr Richard Proctor of CBC who was a guest at the meeting at the request of MPC. The Chairman then explained that during the public session interventions would be limited and Mr Proctor would be asked to answer questions from MPC and residents to start with. All participants to the meeting were asked to 'mute' themselves and to raise a hand when wishing to speak. Councillor voting would be conducted by a show of hands. Cllr Morgan was appointed as the meeting 'moderators'.

### 586. MEMBERS INTERESTS

a. To receive declarations of interest from councillors on items on the agenda and requests for dispensation.

None received or requested.

### 587. PUBLIC SESSION

**At this point (7:52pm) the Chairman suspended Standing Orders to receive reports from Ward Councillors, village organisations and to allow members of the public to address the Council in relation to items on the agenda or request matters to be discussed at a subsequent meeting.**

Mr Proctor – Planning Enforcement questions and answer session.

- A number of developments currently underway in the village included various planning conditions within the approval that could not be enforced due to the poor wording of the conditions making them legally unenforceable, what do you and you colleagues have to say about the implications on residents of these mistakes and what is being done to ensure this does not happen in the future?

*This is an awkward question to answer as Planning Officers set conditions not Planning Enforcement. There is however a great deal of advice on planning conditions and the government suggests that they should not include 'traffic routing'. A new CBC Planning Enforcement Plan has been issued in February 2021 (RP will forward to Clerk) that covers how to report a planning breach, how breaches are investigated, what action can be taken and the target outcomes. Time has also been spent with Planning Officers on applications granted planning permission as often work on site does not start for 2-3 years after permission has been granted. There is often a gap between residents' expectations and enforceable planning conditions and Planning Enforcement can only take forward non-compliance issues that have a sound legal basis. CBC's Planning Enforcement team is now*

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*well resourced that includes 2 Compliance Officers who inspect actual build against plans for sites where planning has been granted. Many issues experienced in Meppershall recently are due to unenforceable planning conditions based on historic planning permissions granted for contractors previous to the new CBC Construction Code of Conduct (CCOC).*

- Many of the issues currently being felt by residents in Meppershall are a direct result of the changes in planning control at CBC. The Central Beds Council Planning Department are now using the 'Construction Code of Conduct', however although I note the code was endorsed by the CBC Executive as technical planning guidance in August 2019, the Code has not been adopted. Why was there no consultation with Parish Councils or residents about the implications of moving to this method of planning control?

*The CCOC is being applied as part of s106 but perhaps has not been formally adopted by CBC, it is not enforceable via planning conditions. The CCOC gives CBC the opportunity to build a working relationship between sites and Compliance Officers, and with the CBC Clerk of Works where highways issues are concerned. It is important to remember that planning conditions only apply to the development site and not the surrounding areas and roads. If a developer has said they will agree to the CCOC then they should do so as it is based upon 'best practice'.*

- What happens if a site is not building more than 10 dwellings and therefore there is no s106?

*A planning condition is applied to the planning permission granted.*

- In this time of Covid and the pressures on the Police and other services, when residents need to make a complaint about the various developments around the village they find it difficult to understand why the advice is phone the police or environmental health. CBC Planning are the people approving these developments (unless it's by appeal) and one would like to think you would be keeping a record of issues associated with each developer, for future reference, I would like to believe this was the case but from our experience thus far it is not the case. Why are residents asked to contact the Police or Environmental Health directly?

*Planning Officers cannot take a developers previous conduct into account however the Enforcement team are aware of rogue developers and keep an eye on them. Residents are asked to contact the Police in cases of mud on the road as Planning Enforcement has no legal powers to enforce its removal, only the Police can do this.*

- Understanding that excessive mud on road is a matter for the Police, why do CBC Planning Enforcement not ensure that wheel washing facilities are installed and in use on sites from day 1 of development?

*Compliance Officers are building relationships with developers and sites. They are keeping an eye on Building Control start lists. They monitor new sites, check planning documents for pre-commencement conditions and discharge of conditions. The issue CBC have is that there are only 2 Compliance Officers covering 4000+ planning applications and therefore their focus is on developers with whom there may have been issues in the past or where there are a number of complaints. With regards to wheel washing, some planning permissions insist on wheel washing and onsite contractor parking. The problem with this is that legally CBC cannot make a site use wheel washing or stop site workers from parking on the highway. In these situations the role of enforcement is to manage expectations and negotiate a solution.*

- Why during development of a site as permitted by CBC is flooding/water run off caused by top soil removal not deemed a planning matter or enforcement issue?

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*The discharge of water onto another landowner's property is a Civil law matter. Aware of issues experienced in Meppershall the Compliance Officer if working with the CBC Flood Officer, contractors, highways etc in order to assist residents. An enforcement notice cannot be issued this is not a breach of planning permission and no criminal offence has been committed.*

- Why are wonderful trees being allowed to be cut down by developers when they should have been saved and why do the planning team do nothing after the event, especially when they are cut down during the consultation stage of planning applications? One example being the large Walnut tree on Fildyke Road and more recently magnificent healthy trees on Shefford Road. Does the Planning team have any legal powers to address these issues? *Again it is difficult to manage expectations whilst adhering to the law. Firstly it is a criminal offence to damage a tree with a Tree Protection Order (TPO). If a tree with a TPO is damaged then enforcement will insist on court action and a replacement tree. All trees within a conservation area benefit from the same protection as trees with TPO's. If a tree has no TPO and is not in a conservation area the developer can cut down the trees on site before submitting a planning application and nothing can be done about it. Once an application has been granted then trees of merit on site may have to be protected against damage. However please remember that if trees are felled during the nesting season then it is a criminal offence (Liz Anderson – CBC Ecology Officer will investigate wildlife crime). If pre-development conditions exist a developer can still cut down unprotected trees if development on site has not started e.g.: 1A Shefford Road. If residents and MPC want to protect trees of importance in the village then they should request TPO's are placed on them.*
- What powers do you exercise when a developer breaks or consistently ignores a planning condition? And clause 4.13 of Central Beds Council Planning Enforcement Plan states under "Exercising our rights" Exercising our Powers to carry out the work ourselves and to recover the costs. Does this fact happen or is an Enforcement notice just left to time expire with no further action taken? When was the last time CBC fined or recovered costs from a developer for not carrying out the requirements of an enforcement notice? *If an enforcement notice is not complied with then CBC can carry out the work themselves and recover the costs or prosecute the developer. The preferred route is to prosecute as this is quicker. The last time CBC prosecuted a developer was at the end of January 2021. The developer was taken to the Magistrates Court in Luton and fined. If the fine is not paid then CBC will go back to court and get a court injunction compelling the developer to take action or go to prison.*

The Chairman thanked Mr Proctor for taking the time out of his evening to attend the meeting and answer questions as this has been really helpful to all.

Ward Councillor Liddiard advised the meeting that:

- In the Emerging Local Plan Meppershall is listed as a 'small village'.
- COVID update
  - 10.8% drop in reported cases last week bringing total to 704 cases. This is still high and important that everyone stays safe.
  - The Vaccination Centre at Priory House opened last Thursday and this area is doing well in terms of vaccinations.
  - The Rapid Testing Centre at Flitwick Leisure Centre is open.

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- Information will be posted on the CBC website later this week regarding access to additional grants totalling £7m. Anything over this amount will be a burden on the local tax payers.
- Gritting teams have been out and information on gritting times for Shefford Road will be requested and reviewed (no point gritting if road sweepers in action after gritting).
- CBC has launched a new Community Safety Strategy that aims to disrupt county lines, drugs, cybercrime and domestic abuse.
- There are 2 consultations in progress at present that are worthwhile MPC responding to if they have not already done so; the home to school transport policy and the Schools for the Future SEND need.
- Local Plan – Inspectors are asking for minor policy changes and wording especially concerning RAF Henlow. Inspectors want this treated as ‘place making. Hopefully the plan is on its’ way to adoption by May / June of this year.

Standing orders were reinstated at 8.47pm

### 588. MINUTES

- a. To receive and approve distributed minutes of the Ordinary Meeting of Meppershall Parish Council held on Monday, 11<sup>th</sup> January 2021.

*Proposed Cllr Chapman/Seconded Cllr Karslake. Resolved that the minutes of the Ordinary Meeting of Meppershall Parish Council held on Monday 11<sup>th</sup> January 2021 are an accurate record of the proceedings and that they be signed by the Chairman of this meeting (at the first opportunity). Carried*

### 589. CLERKS REPORT AND MATTERS ARISING

- a. To request clarification on matters arising and items within the Clerks report.
- i. Tollers reduced their invoice to £500+VAT. As agreed with MPC on 11<sup>th</sup> January 2021 the invoice has been paid prior to this meeting.
  - ii. Cllr Standbridge has created a new Meppershall.org website that the Clerk needs to review. They are planning to spend time on this.
  - iii. The new logo design is currently with Cllr Standbridge.

### 590. PROCEDURES

- a. To approve MPC Protocol for Marking the Death of a Senior National Figure and ensuing actions.

Councillors discussed the content of the Protocol and the need to revise the protocol depending upon feedback from the Village Hall Trustees regarding a flag pole and access to the Village Hall for signing a book condolence.

*Proposed Cllr Chapman/Seconded Cllr Seaman. Resolved to approve MPC Protocol for Marking the Death of a Senior National Figure (pending any changes required after consultation with MVHT regarding access to Village Hall and flag pole). Carried*  
*Proposed Cllr Chapman/Seconded Cllr Seaman. Resolved to approve purchase of items required for marking the death of a national figure up to £200+VAT. Carried*

- b. To consider the implications of holding Parish Council meetings in person (rather than remote) from 7<sup>th</sup> May 2021 and any ensuing actions.

Deferred to 8<sup>th</sup> March 2021 meeting

- c. To consider finance training as offered by BATPC.

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*Proposed Cllr Chapman/Seconded Cllr Seaman. Resolved to approve Internal Controls finance training for Clerk at a cost of £30. Carried*

### 591. FINANCE

- a. Document approval** – To approve journal entries, bank reconciliations and bank statements.

*Proposed Cllr Chapman/Seconded Cllr Morgan. Resolved to approve Bank Statements and Reconciliations numbered 015 savings account and 137 current account, and that they be signed electronically by Cllrs Morgan and Karlake. Carried.*

- b. Orders for the payment of money**

*Proposed Cllr Chapman/Seconded Cllr Thompson. Resolved that the schedule of payments as presented be approved and authorised for payment. Carried.*

Payment No:	Payee	Purpose	Amount
<b>Payments made prior to meeting date</b>			
BACS544	Tollers Solicitors	Invoice 20096578	£600.00
FA01-0221	P Carne	Salary	
<b>Payment requests received before agenda published</b>			
BACS543	Greyhound Leisure Limited	Removal of guard rail fencing	£360.00

### 592. PLANNING AND HOUSING

- a. Applications since last Council meeting for consideration**

- i. CB/21/00053/FULL - 1 Shefford Road, SG17 5LJ - Retention of existing three bedroom bungalow, demolition of the existing attached side garage. Formation of a new access road. Erection of five residential chalet bungalows (1.5 storey) and associated garages. *Proposed Cllr Chapman/Seconded Cllr Karlake. Resolved to that the Council objects to planning application 21/00053 and that the Clerk and Planning Working group meet to finalise the objection letter. Carried.*
- ii. CB/21/00191/FULL – 4 Taylors Close, SG17 5NH - Re-submission of CB/20/04600/FULL - Two storey side extension. *Proposed Cllr Chapman/Seconded Cllr Karlake. Resolved that the Council has no comments on 21/00191. Carried.*
- iii. CB/21/00132/FULL - The Airman Hotel, SG17 5JF - Addition of a new conservatory on the existing seating area. *Proposed Cllr Thompson/Seconded Cllr Chapman. Resolved that the Council has no comments on 21/00132. Carried.*

*Note: For planning applications that are submitted between meetings and for which an extension to the comment's deadline date is not given, powers have been delegated to the Clerk (with a proposed response circulated to the Council) to submit comments to CBC Planning.*

- b. Other Planning Matters for consideration**

- i. To consider response and participation in planning appeal APP/P0240/W/20/3249265 - CB/19/02039/OUT - Land to the rear of 40 Shefford Road Meppershall – to be determined by a Hearing (date unknown). *Proposed Cllr Chapman/Seconded Cllr Karlake. Resolved that the Clerk with assistance from the Planning Working Group prepare and submit a response to the planning appeal for 19/02039. Carried.*

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- ii. To consider updating MPC 'capital projects' and 'leisure strategy'.  
*Item deferred to next meeting. Councillors were asked to send any ideas or requests to the Clerk by the end of February.*
- iii. To consider entering into formal discussions and agreement on the handover of Public Open Space (POS) on the Stocken House development with Davidsons Homes.  
The Clerk reported that subsequent to an exploratory meeting with Davidson Homes, Davidsons are happy in principal for MPC to adopt the Public Open Space (POS) at the rear of the development. The POS will link up to the ROW footpath on Polehanger land. There will be a 300mm wide ransom strip around the POS from Nunswood to the Western boundary retained by current owner Cousins. There is a legal obligation (covenant on land title) that comes with land retained by owner Cousins. There are 2 corridors / track ways that go over the POS. This land must be free of development (planting and hedging allowed but no physical construction). Davidsons will provide land registry searches they have obtained. There are some swales at the front end of the POS to allow drainage of the field and residential front plots. They will require maintenance (mowing of grass and debris cleared, possibly jetting). Davidsons will provide the maintenance schedule. Around 75 Shefford Road there will be a filter drain sitting 400mm below ground and covered in stones. Davidsons to provide POS mowing area. Timescales for adoption will be circa 3 – 4 years-time. Play area will be inspected prior to handover and MPC can give input to supplier.  
*Proposed Cllr Chapman/Seconded Cllr Thompson. Resolved that the Council should enter into formal discussions and agreement on the handover of Public Open Space (POS) on the Stocken House development with Davidsons Homes. Carried.*

### 593. NEIGHBOURHOOD PLAN

#### a. Report from Cllr Thomason

The Clerk reported that the draft Neighbourhood Plan has been submitted to CBC for SEA screening and an update was pending. The Steering group are now in a position to start the Regulation 14 consultation.

### 594. HIGHWAYS AND TRANSPORT

#### a. Discussion on any highways issues if required

Cllr Seaman reported the following:

- An article on the traffic petition did not appear in the February Messenger but will be included in the March edition.
- There was a road accident on Shefford Road early on Saturday morning. No one was hurt.

### 595. ENVIRONMENT AND LEISURE

#### a. Centenary Field Parish Facilities – Update from Clerk and to consider / approve actions specific to Snagging list resolution and handover, specifically:

- i. To review snagging list  
No change from previous month
- ii. To approve if available proposal from Croudace Homes Ltd on the handover of Centenary Field to the Parish Council.

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The Clerk on behalf of the working group confirmed that in response to our letter sent to Croudace on 18<sup>th</sup> December a response had been received on 15<sup>th</sup> January. The working group reviewed the content of the letter and responded on 5<sup>th</sup> February. No response to our most recent letter has been received to date.

*Councillors agreed that the Working Group was doing all it could to obtain a response from Croudace and that an update would be expected for the next meeting.*

- b. To consider Gym Equipment proposal for purchase** – Cllr Austin to present  
Cllr Austin advised that after numerous meetings with suppliers and a review of potential equipment and quotations, he and the Clerk has presented to the Environment and Leisure working group their findings and proposed supplier and equipment choices. With the endorsement of the Environment and Leisure working group Cllr Austin proposed purchasing equipment from Fresh Air Fitness. He showed councillors details of their 'Big Rig' and 5 other independent pieces of equipment. Quotations included signage, grass matting and installation. The total cost would be circa £18k which seemed reasonable, competitive and value for money. The equipment is specifically for outside use and would require weekly check and annual checks / maintenance.

*Proposed Cllr Chapman/Seconded Cllr Merryweather. Resolved to approve purchase of gym equipment from Fresh Air Fitness as presented subject to sourcing of funds and handover of Centenary Field. Carried.*

- c. Allotments** – Update from Clerk.

The Clerk reported that she is still chasing outstanding rents and has visited Ickleford Community Larder who redistribute food that would normally go into landfill and use funds etc. to provide those in need with food staples, as many allotment plot holders have expressed an interest in providing extra / unused crops to a food bank or similar.

- d. Old Road Meadow** – Update from Clerk and to consider any actions including path inspection and safety, water ditch and green waste / bonfires.

The Clerk reported that:

- Community Orchard Pruning of Trees was completed on 5/2 by Mr Marabese and Cllr Thompson. All trees have been pruned but it was decided to leave the height pruning until next year. No dead trees identified.
- Letter regarding bonfires etc. at ORM hand delivered to residents of 14-17 Lyspitt Common and 39 Fildyke Road on 2/2. Letter received on 6/2 from resident who admitting to lighting of bonfires. Letter forwarded to Chair and Procedures WG for information and to agree on response.
- Paths potentially becoming a slip hazard in some parts of ORM causing a hazard. Ditch overflowing to rear of 17 Lyspitt Common and boundary ditch in corner near horse quadrant needs digging out. Both a hazard

*It was agreed that a Risk Assessment for Old Road Meadow should be carried out by the Clerk, Cllr Chapman and Mr Carne on 15<sup>th</sup> February at 10am.*

### 596. HEALTH & SAFETY AND RISK MANAGEMENT

- a. Community Safety** – To receive report from Cllr Seaman

Cllr Seaman reported:

- There will be a 'Safe and Well' article in the February Messenger.
- There will be a 'Home Safety' article in the March Messenger.
- Crime stats for the area are low.

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- b. MPC Risk Assessment** – To receive report for 2020-2021 Risk Assessment.  
Actions to be presented next month.

### 597. CLOSE OF THE MEETING

The Chairman reminded everyone that the next meeting would be the 8<sup>th</sup> March and declared the meeting closed at 22:00pm

Where no signature exists in this electronic version, a hard copy version is available for inspection from the Clerk.

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#### Glossary

- CBC = Central Bedfordshire Council
- MPC = Meppershall Parish Council
- CCOC = Constructors Code of Conduct
- ORM = Old Read Meadow Nature Reserve