

PADBURY PARISH COUNCIL
Minutes of a meeting of Padbury Parish Council held at Springfields Pavilion
on Tuesday 17th October 2017 at 7.30 p.m.

Present: Cllr. K. Roberts, Chairman; Cllr. S. Dickens, Vice- Chairman ; Cllr Morris, Cllr. M. Williamson, Cllr. V.Murray, Cllr Long, Cllr P. Burton joined at 8.15pm

Also present: Jo Bonney – Parish Clerk, 8 Members of the public

Meeting opened at 7.30pm

Period of Public Questions:

Resident Mark Ayres opened the comments by sharing concerns about the proposed conversion of the old Four & Twenty from a public house/ restaurant to a residential property. He and other residents are looking for support from the Parish Council to object to this planning application and to consider applying to make the building an Asset of Community Value. Mr Ayres and the other residents understand that if the Parish Council does not agree to take this forward, they are able to do so with a community interest group of 21 or more members.

Cllr Roberts explained that he feels there are three issues to be resolved, and that it was important that there was an understanding of the technicalities involved:

- 1) **Proposed Works.** These are compatible with the proposed change of use, and will have little impact on the exterior aspect of this listed building. Of course, once completed, they would be difficult (and expensive) to fit the building for other than domestic use.
- 2) **Proposed Change of Use.**
 - a. The large number of objections raised against this application means that it is highly likely to go to the Development Management Committee, given the level of local interest. This will give the PC and a few members of the public an opportunity to be represented. With that in mind the PC, the objectors and the supporters are likely to have some time to refine their arguments, and a meeting could be held closer to the DMC to discuss this.
 - b. In addition to the heartfelt reasons for objection already submitted by villagers, it was suggested that it would be useful to object on the grounds of reduction in Residential Amenity to the village, based on planning law and also on the lack of transparency of the sale of the premises:
 - i. **Planning Considerations.** The main potential breaches are against the National Planning Policy Framework (NPPF), which is the overarching authority for planning:
 1. *NPPF Para 28*..... To promote a strong rural economy, local and neighbourhood plans should: promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.
 2. *NPPF Para 70*..... To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:..... guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs..... ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community;
 3. In addition, *Policy GP32* of the old Aylesbury Vale Development Local Plan (AVDLP) is still a 'retained policy' so this must also be considered by the Case Officer.
 4. *AVDLP GP.32* The Council will resist proposals for the change of use of shops, post offices and public houses for which there is a demonstrable local need. In considering applications for alternative development or uses the Council will have regard to the viability of the existing use, the presence of alternative local facilities and the community benefits of the proposed

use. Where permission includes building conversions, conditions will be imposed so as not to exclude later resumption of the existing use

5. Given that Planning Permission (under 15/03744/AOP) has now been granted to develop up to 40 homes on the site adjacent to Winslow Road, we should argue that more social/community resources, rather than less, should be provided under the sustainability test of NPPF.

ii. **Lack of Transparency.** Our understanding is that a Local Authority must take the following into consideration when assessing a Change of Use Application:

1. Viability of the business.
2. Marketing of the premises.
3. Alternative community use.
4. Nearby public houses.

Clearly, we have no visibility of the books and accounts from the previous business, so viability/non-viability may be difficult to prove. The reasons behind the apparent failure of the business are conjecture, and not a valid planning matter.

Similarly, could the pub be retained if another community facility was combined with the pub use, or would the entire building suit an alternative community use? There clearly is a licensed pub nearby, albeit that currently it has limited opening hours.

However, Cllr Roberts believed we have a good case to object on the lack of open marketing of the premises as a licensed business. The kitchen equipment was stripped out soon after closure, as reported Mr Ayres. There was no 'For Sale' board erected after closure, nor any open local advertising it for sale as a licensed business. Our understanding is that it was advertised on RightMove for a short period. In our opinion there was inadequate and incomplete promotion to enable a transfer of business to be successful.

3) **Listing as an Asset of Community Value.** This is possible, but it is important that the process involved is fully understood:

- a. The process would need to be kicked off by a nomination either by us as a PC or by an unincorporated community interest group of at least 21 people who are on the electoral roll. A full justification needs to be submitted to establish community value by demonstrating:
 - i. A current or past use of the building or land (that is not an ancillary use) furthers the social well-being or social interest of the local community, and
 - ii. it is realistic to think that there can continue to be a non-ancillary use of the building or land which will further the social well-being or social interests of the local community
- b. Social interests include (a) cultural interests; (b) recreational interests; (c) sporting interests. Social well-being relates to social interaction and engagement. It is a sense of involvement with other people and their communities. The important point to note is that 'non-ancillary use' would need to be demonstrated, so for a pub/restaurant, these would not be activities normally associated with that sort of business, but rather its utility to the wider community and its activities. Evidence would need to be provided to support this.
- c. AVDC would consider the application, and would consult with the owner of the premises, who could provide their own evidence. AVDC would undoubtedly note the existence of the New Inn during these deliberations. They would also note that the Old Thatch (mentioned as being so successful in some of the objections raised) is only a relatively short distance away.
- d. Even if AVDC considered adding it to the Register, the owner could appeal (and that would be considered to be likely), mentioning the social focus of the village being the Hall (and quoting its website) and also the New Inn (if it's still open!). He would also probably state that (since the business failed), he has dismantled the kitchen equipment and is applying for the change of use to help him offset his losses. He could (if necessary) ask the decision to go to a Tribunal. There is no right of appeal by those nominating an asset, less maladministration.
- e. Assuming the nomination was successful, the provisions do not place any restriction on what an owner can do with their property, once listed, so long as it remains in their ownership. This is because it is planning policy that determines permitted uses for particular sites. However, the fact that the site is listed may affect planning decisions - it is open to the Local

Planning Authority to decide whether listing as an asset of community value is a material consideration if an application for change of use is submitted, considering all the circumstances of the case. Further, these provisions do not restrict in any way who the owner of a listed asset can sell their property to, or at what price. They also do not confer a right of first refusal to community interest groups. What listing DOES do is make an owner notify AVDC of an intention to sell, and a moratorium (up to 6 months) is then put in place to enable a community interest group to place a BID to buy (it has no RIGHT to buy). However, the owner is under no obligation to accept this bid.

- f. Should the nomination not be successful, re-nomination would not be possible for 5 years.
- g. Being placed on the register would only be the first step. If the community wanted to buy the premises (and presumably run it as a business) they would have to raise the money for purchase and then have a business plan to run it. However, there was no need for a business plan to be put in place at this stage.
- h. Anyone who would like to take this forward could possibly speak to the Crown at Granborough and the Pilgrim at North Marston as they are on the Register. It was suggested that there is already a buyer available for when the proposed work has been done.

Residents asked if the Parish Council would apply for registration as an Asset of Community Value. This was discussed during the formal Parish Council meeting, minute number 53.1.

Mrs Long suggested that a community meeting be held to inform the village of options and assess interest. Cllr Roberts agreed that the more people who are involved and informed the better, as people need to know what they are signing up for. However, such a meeting would only be a matter for the PC if it was agreed by members that we would lead on this issue. Based on the strength of feeling on the application objections, should be able to get at least 21 people

A resident asked if the building was for a sale when it was a going concern, and it was confirmed that it had been withdrawn from sale whilst the business was in operation.

It was also suggested that if the change of use was approved, the value of the building would probably increase.

A Resident complained about the overhanging Yew Tree obstructing the footpath on Main Street just before the junction with Old End. Cllr Roberts requested the Clerk to contact the owner and ask them to have it cut back.

The state of the footway by the war memorial was also raised. Cllr Roberts confirmed that we had raised this with Transport for Buckingham in the past and that it is on their Capital Program for repair, in due course. Clerk to raise the issue again.

A resident asked if a streetlight could be installed on or near the green at the bottom end of Main Street. Cllr Roberts reminded him that an attempt was made to do this during the Western Power improvement of the electricity supply to the village. They advised that this would need a new standard (the posts on and near the green are for BT use, and not for power). A power supply would then need to be identified (probably from a buried cable) and a connection made for the new standard. The PC were advised that this would be expensive and a relatively complicated job to carry out. Western Power would also not include it in their agreed scope of works to reinstate existing street-lighting. It was accepted by the PC that the priority was for this work to go ahead. Although the new lights were installed for free, they had to be purchased, and this did not leave sufficient funding to consider providing additional street lighting. That financial position had, regrettably, not changed.

Vernon Litchfield (a resident from Springfields) introduced himself to the residents and members, and has offered to restart the Speedwatch program. He has already spoken to Thames Valley Police to express an interest in borrowing the equipment and getting the necessary training, plus agreeing the sites that can be monitored. The new equipment is now all digital. He will be looking for anyone interested in helping.

A Resident asked if it was possible to create a pedestrian crossing by the New Inn. Cllr Roberts confirmed that this was requested as part of the Cycleway programme, but it had been turned down by TfB on grounds of cost, its close proximity to the junction with Main Street and a lack of evidence that any accidents had occurred here. **Afternote:** As part of the s106 agreement associated with the Bloor Homes development,

there is an intention for a controlled crossing across the A413, and that the position of this has yet to be confirmed. All agreed that the Red markings on the road that depict the path of the cycleway are very confusing, and some road users believe them to be a sign denoting a crossing with a right of way yielded to cyclists. This is not the case.

All members of the public left at 8.30 pm

49.0 Apologies - members noted the apology for late arrival from Cllr Burton

50.0 Declarations of Interest - None

51.0 Minutes - **RESOLVED** to receive the minutes and confirm the recommendations therein of the meeting of the Parish Council held on:

Tuesday 19th Sept 2017 - PPC/4/1718

52.0 Sports field, Play Area and Woodland

The football club has raised an issue with the evenness of the grass cutting on the sportsfield. Henry has suggested that it would be helpful to sharpen the gang mower blades as they have not been done for 3-4 years, but it may be time to replace the mowers completely. The other issue is that the field is not mowed often enough, but this is down to time and cost. All **RESOLVED** that we should look at replacing the mowers. Cllr Dickens and Cllr Morris to make enquiries into best options and costs. Clerk to speak to Henry Paxton about mowing the fields more often in the meantime and we accept that there will be additional costs involved.

53.0 Planning

53.1 New Applications:

- **17/03709/ALB – Four & 20 Main Street.** Change of use from a restaurant to a single dwelling with internal and minor external alterations
- **17/03387/APP – Four & 20 Main Street.** Change of use from a restaurant to a single dwelling with internal and minor external alterations

The proposed works are to facilitate the change of use. At this point in time it was confirmed that the Heritage Officer had not commented on the applications.

All **RESOLVED** that there are NO Comments for the proposed works.

In respect of Change of Use – All **RESOLVED** to oppose this application on the following grounds:

- Reduction of residential amenity, under National Planning Policy Framework paras 28 and 70.
- Lack of transparent marketing of the premises.

In respect of registering the property as an asset of community value, all **RESOLVED** to encourage community leadership with full Parish Council support. The Parish Council will not lead as it lacks the resources to provide full management of this issue and its implications, especially if it eventually proceeds to raising funding for a Community Right to Bid in due course, and especially if that bid is successful, resulting in the running of a business on the premises.

- **17/03773/APP – The Robin Hood PH, Main Street.** Demolition of single storey attached outbuilding and construction of one and half storey extension to house. The TPO is still in place.

All **RESOLVED** to offer No Comment on this application.

- **17/03739/APP – Stratfords, Lower Way.** Change of roof material.

All agreed that this change will not be visible from the front of the premises. **RESOLVED** to offer Support this application, as it will improve the property and protect an important listed building for the village. The quality of the heritage support statement was noted.

53.2 Decisions made by AVDC : None

53.3 Other Planning issues:

- **17/03324/APP - Construction of new dwelling (retrospective) and outbuilding - Old Oak House 23B Old End.** No response from the AVDC Planning Enforcement Officer following a request for clarification of the status of this APP.

54.0 Finance**54.1 Account Balances:**

RESOLVED to note that the balances for the Bank accounts are as follows:

Barclays Community Current a/c xxx959	£16817.82	(as at 12 th Oct 2017)
Barclays Reserve savings a/c xxx909	£8012.59	(as at 12 th Oct 2017)
Barclays Play Area a/c xxx970	£10331.55	(as at 12 th Oct 2017)
Barclays Millennium Wood a/c xxx198	£4925.00	(as at 12 th Oct 2017)

54.2 Paid Between meetings:

Anglian Water - Pavilion - £86.46 – DD

Npower – Unmetered Street Lighting Sept 2016 adjustment- £7.34 – DD

54.3 RESOLVED to make the following payments:

Henry Paxton – Chq 101878 - Sportsfield Mowing July and Sept - £186.25

J Bonney –£300.45 - Chq 101879 - Clerks Wages (Sept) and Expenses £63.11 (Data Protection Course)

Bob Gough – Chq 101880 - £40.50 - Pavilion Maintenance - September

Lynch Garden Service – Chq 101881 £520.00 – Devolved Services £400.00; Play Area £120.00

54.4 Resolved to note the following income:

£252 – Advertising from the Padbury Pump (6/10/17)

£9250 – 2nd Precept Payment

£700 – Millennium Wood Fund – April – October 2017

54.5 Income and Expenditure reports:

RESOLVED to accept the income and expenditure reports of 12/10/17 and bank reconciliations as submitted together with all worksheets in the accounting workbook.

55.0 Other Parish Council Business:

- Speedwatch programme – Clerk advised members that the additional insurance for the equipment would be £24.08. As this is such a small amount, Came and Co will defer the payment until next year to avoid paying a £25 admin charge. – All **RESOLVED** to agree to this payment in order for the Speedwatch program to proceed. **FURTHER RESOLVED** to support Vernon Litchfield in his efforts to reinstate the programme.

- Appoint a Data Protection Officer – All **RESOLVED** that the Clerk will become the Data Protection Officer, effective immediately, and looking towards the likely requirements imposed by the General Data Protection Regulations (GDPR) in 2018.

- AVDC Parish Newsletter –Public Space Protection Orders (PSPO). We enacted a Dog Control Order to prevent dogs entering the Main Street Play Area and the Springfields Sportsfield in 2013. The signs declaring these will need to be removed by 20th October, since PSPO cannot be made by Parish Councils. However, we can still post notices advising people not to allow access by dogs to these locations for health reasons, providing we make it clear that they have not been posted under any particular legislation. Dog-fouling continues to be an offence attracting a fine of up to £1 000. This is enforceable by AVDC. Cllr Burton has some old ‘no dog-fouling’ signs which we could use, especially as this is an ongoing problem throughout the village, including (as observed by Cllr Dickens) in St Mary’s churchyard. Clerk to ask Bob Gough to remove the existing PSPO sign at the Sportsfield.

- Stage update – following a meeting that Cllr Morris had with Mrs Duckworth at the school, it was established that sharing the stage was not possible. The school are not able to have the stage for the large blocks of time that they have requested as the village hall will need it over some weekends during Christmas, but are not able to get it from the school in the hours requested by Mrs Duckworth. There is no local keyholder for the school.

- Thank you to Cllr Burton who has completed repairs to the Bus Shelter between the Springfield junctions.

56.0 Aylesbury Vale District Council (AVDC):

VALP Seminar Update – Cllr Burton attended this event, and reported the following. The VALP is not aligned to a number of made Neighbourhood Plans, particularly those for Winslow and Buckingham.

It is thought that VALP will need to be reviewed as soon as it has been implemented. Cllr Long reported that North Bucks Parishes Planning Consortium (NBPPC) has suggested that there will be a need for additional housing allocations, and therefore the currently-identified HELAA sites will need to be reviewed. It was **RESOLVED** that Padbury PC would take part in the VALP public consultation between 2nd November and 14th December, and consider offering a submission. We should also contribute to the NBPPC position paper on VALP.

57.0 Buckinghamshire County Council (BCC)

Resilience Planning for Town and Parish Councils – Clarification has been sought regarding the scope of this training. Cllr Roberts reminded Cllrs that a key point is that this is NOT a statutory duty at PC level; it is however a statutory responsibility for both BCC and AVDC. The second point is that any plan of this nature needs to be coherent with the BCC and AVDC plans, and he had not been able to locate such a plan from either authority. Their own business continuity plans are, however, very comprehensive. Members were reminded that we had a major disagreement with BCC over winter preparedness planning in late December 2016. We also identified potential rest and reception centres in the village as part of the developing AVDC Plan, but have had no feedback, so we don't know if they have been taken up or not, so if we used them in a local plan we could be double accounting! Their guidance for a plan at our level is at https://www.buckscc.gov.uk/media/1406/community_emergency_plan_guidance_buckinghamshire.pdf. This is useful, but (unsurprisingly) very generic. It runs to 33 pages. Even if we completed this, it would have to be audited by BCC Resilience Officers! It was **RESOLVED** that a Cllr should attend this training to see what expectations really are for such a plan.

58.0 Correspondence circulated in between meetings via e-mail

- Police & Crime Commissioner's plan summary for the Thames Valley 2017-2021. Noted.
- HS2 Funding for local communities – Cllr Burton will follow this up, but Padbury is probably too far away from the HS2 route to qualify.
- Gawcott Solar Energy Advice Service – noted.
- AVALC AGM Invitation – Cllr Roberts will attend.
- BCC Chairman Reception Invitation – No one able to attend
- BMKALC AGM invitation 10th November – No one able to attend
- Locally-funded PCSOs – noted.

59.0 Highways – nothing to report

60.0 Any other Business

60.1 Clerk to contact BCC and Doughty Contractors to confirm that the daffodils will be reinstated, at Springfields, following the use of the green for the depot for the construction of the cycleway. This had not been done at the time, given that it would have been the wrong season to plant bulbs.

60.2 Cllr Roberts confirmed his intention to stand-down as Chairman at the November meeting, but that he would be content to remain as a Cllr into 2018.

61.0 Dates of next meetings

14th November, 9th January, 13th February

Meeting closed at 9.40pm

Signed.....Chairman Date.....