

POTTON TOWN COUNCIL  
Minutes of a Meeting of the Town Council held on  
Tuesday 17<sup>th</sup> January 2017, 7.10pm at the Community Centre.

**Present:** Councillors Mr D. Ellison Chairman item 4.3, Mr G. Emery, Mr A. Gibb, Mr R. Harris, Mr J. Hobbs, Mr L. Ivall, Mr P. Langridge, Mr J. Lean, Mr A. Leggatt, Mr J. Lewis, Mr A. Macdonald Chairman, Mr C. Temple, Mr R. Whitfield and Mr A. Zerny.

**Absent:** Councillor Mr R. Jordan.

**Also Present:** Approximately forty five members of the public and the Town Clerk.

**1 Apologies for absence**

Apologies for absence had been received from Councillor Mr R. Jordan.

**2 Declaration of Interest**

Councillors were reminded that they should declare an interest in any matter of personal or prejudicial interest to be discussed at this meeting. Information about this requirement had been on the table.

**3 Public Participation Session**

The Chairman advised he would suspend standing orders to allow members of the public to speak for item 4.3. Development Management – Mill Lane CB/16/04460/OUT.

The Chairman asked for any questions.

Question 1 – A planning application for 27 houses was submitted between the Causeway and Bury Hill and the applicant is appealing Central Bedfordshire Council's refusal decision to the Planning Inspectorate.

Cllr Zerny – Everyone who objected to the application will be written to, to see if they have any additional objections to the application.

Question 2 – Is it necessary to send in the complaint made to CBC to the Planning Inspectorate.

Cllr Zerny – It wouldn't do any harm in sending in the same objection to the Planning Inspectorate as previously sent to CBC.

Question 3 – What was the town council's objection to the planning application for 27 houses between the Causeway and Bury Hill.

Chairman – Explained why the town council objected to the planning application.

Question 4 – The section 106 agreement for Sandy Road has £42,000 going towards a 3G pitch in Biggleswade.

Chairman – CBC's Leisure Strategy identified a need for 3G pitch. The

Leisure Strategy also included a new skate park for Potton. Would be helpful to know what CBC strategies exist.

Question 5 – Has the Chairman had the meeting with Doctor’s surgery.

Chairman – Meeting is being arranged with the Doctor’s surgery.

Question 6 – Royal Oak Crossing is dangerous just on the bend.

Chairman – CBC ignored recommendations of the Town Council about crossing.

Cllr Zerny – Highways advise crossing is in the correct place.

Question 7 – Deepdale is now National Speed Limit, this must be a mistake.

Resident – Deepdale will be changed to 20mph.

The Chairman thanked members of the public for the questions.

#### **4 Development in Potton**

##### **4.1 Planning Application(s) outside the remit of the Planning Committee**

**Application No: CB/TCA/16/00531**

**Home Farm, Horne Lane, Potton, Sandy, SG19 2LS.**

Works to trees within a Conservation Area: Prune one Mulberry tree located to the north west of the House. Prune one Yew tree south west of the house.

It was **resolved** to support the application subject to the approval of the arboricultural officer.

Cllr Gibb arrived.

**Application No: CB/16/05759/FULL**

**27 Market Square, Potton, Sandy, SG19 2NP.**

Replacement windows, installation of flue, construction of cold store building and construction of a canopy (retrospective).

It was **resolved** no comment.

**Application No: CB/16/05760/LB**

**27 Market Square, Potton, Sandy, SG19 2NP.**

Replacement windows, installation of flue, construction of cold store building and construction of a canopy.

It was **resolved** no comment.

##### **4.2 Sandy Road Planning Application**

The Chairman asked Cllr Zerny to outline his written motion. Cllr Zerny advised that Matt Givertz incurred some costs gaining legal advice on the Sandy Road planning application and I request he is reimbursed subject to providing a receipt.

It was **resolved** that Mr Givertz requests a refund from the company he has paid for legal advice for Sandy Road Planning Application and asks for the company to invoice the town council.

The Chairman suspended standing orders to allow members of the public to speak.

Mr Givertz agreed to request a refund from the company he has paid for legal advice and ask for the company to invoice the town council.

A cllr reminded the people present, that only the Responsible Financial Officer (Town Clerk) has the authority to order work, goods and services for the town council.

#### **4.3 Development Management – Mill Lane CB/16/04460/OUT**

The Chairman (Cllr A. Macdonald) explained he had a prejudicial interest in this application. The Chairman passed over the Chairmanship to the Vice-Chairman (Cllr D. Ellison).

The Chairman (DE) outlined the planning application. The Chairman (DE) asked Cllr Zerny to give a report.

Cllr Zerny advised he had asked the DCLG (Department for Communities and Local Government) to call in the planning application to the inspectorate, so that CBC (Central Bedfordshire Council) would then have to delay deciding on the application. The Government is about to publish a Housing White Paper and this may influence the DCLG decision.

Cllr Zerny then advised that once CBC has confirmed its decision, a judicial review could be called within six weeks of the decision.

Cllr Zerny continued to advise what was involved in a Judicial Review and a breakdown of the possible costs involved.

The Chairman (DE) suspended standing orders to allow members of the public to speak.

**Question.** If the application wasn't approved, could the applicant change the planning application?

**Cllr Zerny.** Yes, the applicant could change the planning application.

**Question.** As the road is a Bridleway are roadworks allowed. Can the work be undertaken legally?

**Chairman (DE).** CBC advised at the Development Management Meeting that the roadworks can be undertaken.

**Question.** What is the objection is it the bridleway access or is it the site?

A discussion took place, CBC Cllr Young's reasons given on the 4<sup>th</sup> January 2017 for the application to be approved were also discussed. Several people present indicated the objection is the bridleway access and the site.

**Statement.** Disappointed that none of the town cllrs attended the CBC Development Management meeting on the 4/1/17.

**Question.** If the application is delayed, the housing might not be needed to meet CBC's 5year supply of housing?

**Chairman (DE).** CBC's 5year supply of housing is a moving target and a figure is given after every three months.

**Statement.** Land Registry should be able determine ownership of the site, if it has been registered.

**Statement.** As the road is a Bridleway, can it be used as an access road to the site.

**Statement.** It was mentioned at the CBC Development Management Meeting that the Landscape Officer objected to the application.

**Cllr Zerny.** Need for additional housing out ways the loss of landscape.

**Statement.** Cost to carry out a Land Registry search on the bridleway would be very small.

**Statement.** Could the owners of properties who are next to the bridleway, have adverse possession rights?

**Cllr Gibb.** Adverse possession rights, require the area to be fenced off.

**Statement.** The Enclosure (Inclosure) Act, classifies it as Bridleway 6. Need to gain proof that they can drive over the Bridleway to access the site.

**Statement.** CBC were going to use the road closure as a diversion route for a road closure.

**Statement.** Potton Consolidated Charity must have deeds of access.

**Cllr Leggatt.** Advised he would check what legal documents the Charity has about access to the Pavilion along the bridleway.

**Chairman (DE).** Outlined the Town Council budget for this financial year and the next which starts in April 2017.

**Statement.** The owner of the Bridleway 9, Old Bedford is also not known.

A discussion about next options took place and four suggestions were put forward;

1. Obtain a cost to investigate ownership of Bridleway and access over.
2. Enquiry to obtain costs to undertake first part of Judicial Review.
3. Investigate about a Public Access Barrister.
4. Contact BRCC (Bedfordshire Rural Communities Charity).

It was **resolved** to investigate the four suggested options mentioned above.

The Chairman passed over the Chairmanship to the Chairman (Cllr A. Macdonald).

## **5 To Arrange Date of the Next Meeting**

The next meeting of the Town Council is scheduled for Tuesday 7<sup>th</sup> February 2017.

A discussion took place whether a further Extra-ordinary meeting of Potton Town Council may be necessary before the 7<sup>th</sup> February 2017.

The meeting closed at 8.05pm.

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

### Mission Statement

The aim of Potton Town Council is to serve the people of this town to the best of its ability.