

**Minutes of a meeting of the Ashwell Parish Council held on Wednesday 2<sup>nd</sup> October 2013 in the Parish Room at 8.00pm**

**Present:** Councillors Martin Hoffman (Chairman), Mike Berry, Jane Buxton, Graham Lee, Peter Long, Bridget Macey, Daniel Mathews, Jane Smith, Mark White.

The Clerk was also in attendance. Members of the public: Fifty-six parishioners.

It was noted that the Vice-Chairman, Cllr Martin Hoffman, took the Chair as Cllr Peter Long had only returned from holiday that afternoon.

**55. APOLOGIES FOR ABSENCE** Cllr John Connolly (away on business).

**56. MINUTES OF COUNCIL MEETING 4<sup>th</sup> September 2013**

It was *resolved* that these be approved and signed.

**57. MATTERS OF REPORT FROM PREVIOUS MEETINGS**

**57.1** (September Council 2013, 46.1) Review of Standing Orders. It was noted that details of the proposed changes had been distributed in accordance with the requirement for one month's notice.

It was *resolved* that the proposals be accepted.

**Clerk**

**57.2** (September Council 2013, 46.2) Ashwell Village Trust. Damage to Cottage Garden fence and that of neighbour by Veolia refuse vehicle. It was reported that a response from Veolia had been received; action was pending a site visit by their insurance assessor.

**Clerk**

**57.3** (September Council 2013, 54.6) Post Office. Response to a parishioner's request for an update on the closure threat. Cllr Graham Lee reported his understanding that the official response from the Post Office authorities was they were 'proceeding to identify options'. Cllr Peter Long confirmed this was also his understanding. He noted that there had previously been communication with the personnel involved and he was reasonably satisfied that the matter was being progressed as required. The Parish Council had been given an undertaking that it would be kept informed. He agreed to supply Cllr Lee with contact details so that an update could be requested. He also reported that the Parish Council had written to Oliver Heald, MP, and had been assured of his support.

**WPL/GEL**

**58. OTHER CORRESPONDENCE RECEIVED**

**58.1** Email from the HCC Connected Counties Team. Announcement of which communities in Herts and Bucks will have access to fibre broadband. It was noted that this did not include Ashwell. Details at [www.connectedcounties.org](http://www.connectedcounties.org)

**58.2** Letter of thanks from PC Marina for the presentation at the Ashwell Show.

**58.3** Email from HAPTC with consultation re new proposals from HCC on its 20mph speed limit strategy. Cllr Mike Berry reported that he and Cllr Bridget Macey had met with County Councillor Tony Hunter earlier in the day (see also 58.5 and 60.2 below). County Councillor Hunter had explained that in the past HCC's interpretation of the regulations, and hence its policy, had adhered strictly to the letter of the law. Central government had now issued new guidelines that might allow a more flexible approach in certain circumstances. HCC was currently undertaking consultation with a view to revising its policy.

It was *resolved* that a response be made to the HAPTC consultation for support, in principle, of a policy that took account of the new guidelines.

**Clerk**

**58.4** Correspondence with NHDC Enforcement Officer re fly-tipping incident at the Cemetery. It was reported that the Clerk has completed the required witness statement that would permit the NHDC officer to pursue the case. The Clerk has disposed of the waste; this was a requirement as on private land.

**58.5** Various emails with Herts Highways re footway lighting- painting of columns, colour of light, part-night lighting and new units re 40 Kingsland Way development. Cllr White reported that he was continuing to pursue these issues. Cllr Berry reported that they had also been covered at the meeting with County Councillor Tony Hunter and his Highways Officer (see also 60.2 below).

**MNW**

**58.6** Email from parishioner with concerns re copyright request for the website photo competition. Cllr Daniel Mathews reported that the request to entrants to sign over copyright was so that images could be used in other Parish Council publications such as the Yearbook.

**59. REPORT RE PLANNING COMMITTEE**

**59.1** Consultations received (from NHDC as Planning Authority to Parish Council as a statutory consultee)

**59.1.1** Case Ref No: 13/02017/1 at Land adjacent to Walkdens, Ashwell Street. For Origin Housing Association. Full planning permission: Change of use of land from agricultural to residential and erection of 15 dwellings (comprising of 4 one bedroom flats, 8 two bedroom houses and 3 three bedroom houses), associated access roads, parking and landscaping.

It was noted that, in view of the importance of this application to the village, an on-site meeting of the Planning Committee had been scheduled for Saturday 5<sup>th</sup> October, 8.30am.

**59.1.2 Case Ref No: 13/02095/1HH at 7 Swan Street.**

Full permission householder: Remove external plain tile hanging to front and render.

It was **resolved** that the expert view of the Conservation Officer be supported.

**59.1.3 Case Ref No: 13/02269/1HH at 9 John Sale Close**

Full Permission Householder: Single storey front conservatory.

It was noted that this was the second application for a conservatory; the previous had been refused by NHDC.

It was **resolved** that, as for the previous application, the expert view of the Conservation Officer be supported on the grounds that this was a very significant listed building and parish councillors did not feel adequately qualified to judge the proposals.

**59.1.4 Trees in Conservation Area.**

Case Ref No: 13/02154/1TCA at Land between Ducklake House and 19 Springhead

Remove 10 Sycamore trees, 2 Elder trees, 1 Apple tree and an area of saplings.

It was noted that the Parish Council was not a statutory consultee on tree applications. Cllr Jane Buxton expressed her view that if this was motivated by good woodland management she was supportive; she had a fear, however, that it was a precursor to an application for development.

**59.2 Notifications of decisions made by NHDC as Planning Authority.**

**59.2.1 Case Ref No: 13/01626/1DOC Land adjacent to 92 Ashwell Street For Mr Kane.**

Approved discharge of condition 6 –Archaeological Written Scheme of Investigation for application 12/02767/1 granted 28/5/2013.

Discharge granted by NHDC.

**59.2.2 Case Ref No: 13/01392/1HH 2 Claybush Road.**

Full Permission Householder - Renewal: Extension of time for previously approved planning application under ref. 10/01093/1HH granted 04/08/10 for two storey front and side extension with two side dormer windows and front porch following demolition of existing front and side additions.

Conditional permission granted by NHDC.

**59.3 Correspondence on planning matters.**

**59.3.1** (September Council 2013, 48.3.1) Land rear of 48 Ashwell Street (Case ref.11/02386/1). It was noted that a verbal report from a local resident had been received; they had a good relationship with the builder and any minor complaints were being addressed direct.

**59.3.2** (September Council 2013, 48.3.2) Proposal by the developer of 3 new houses at 40 Kingsland Way to be called Broadchalke Copse. It was reported that the NHDC Officer had informed that the consultation period had now timed-out and the developer had accepted his proposal of Broadchalke Close. This was now being progressed with relevant authorities.

**59.3.3** Development at Whitby Farm, Silver Street. An email had been received from one resident with concerns re on-street parking of contractors' vehicles. Contact details for the Planning Officer and the developer had been reiterated. A verbal report from another local resident was that a good relationship existed with the builder and any minor complaints were being addressed direct.

**59.3.4** (Planning Committee meeting 21<sup>st</sup> July 2013, item 21) Case Ref No: 13/01233/1.

Land rear of 39 - 57 Station Road. For Tingdene Developments Ltd.

Outline Planning Permission: Outline application: Residential development comprising of up to 15 affordable dwellings and associated access off Station Road (appearance, landscaping, layout and scale reserved).

It was noted that the Parish Council had recommended refusal; the application had been withdrawn by the applicant. The applicant had then contacted the Parish Council with a request for discussion 'on an informal basis, with the aim of developing a more acceptable scheme going forward'. Advice from the NHDC Area Planning Officer had been requested, 'Such a meeting (being informal) may give rise to a local perception that the matter has been pre-judged by the PC and this may create problems of local accountability, particularly as the matter is likely to remain controversial. A presentation to a public meeting of the PC may be an option which avoids any problems.'

The applicant had, however, reiterated his desire for an informal meeting.

It was **resolved** that the advice of the Area Planning Officer be adhered to, ie the Parish Council would welcome the applicant to a Parish Council meeting to give a short presentation but would not agree to an informal meeting. **Clerk**

**59.3.5** Email from North Herts Association of Parish, Town and Community Councils re concerns previously raised with NHDC re the new paperless planning system. An arrangement had been negotiated with a Stevenage print supplier to routinely print and send all plans/details to parish councils; this would be at a parish council's cost.

**59.3.6** (September Council, 48.2.6) Case Ref No: 13/00748/1CAC and 13/00571/1 30 West End. It was noted that the Parish Council had recommended refusal but the Planning Officer had been in favour. Concern was expressed that the application had not been called in by the District Councillor and thus considered by a meeting of the NHDC Planning Control Committee at which the Parish Council's view could have been put. It was reported that, in future, the Planning Officer would routinely inform the Parish Council if there was a difference of views; the Parish Council could then lobby the elected member to call-in an application.

**60. REPORT FROM STREETS & ENVIRONMENT COMMITTEE** (Chairman Mike Berry)

(draft minutes meeting 11<sup>th</sup> Sept available; next meeting scheduled for Wednesday 13<sup>th</sup> November)

**60.1** (September Council 2013, 47.4) HCC Highways issues in Silver Street. Cllr Mike Berry reported that he and Cllr Bridget Macey had attended a site meeting with two residents and County Councillor Tony Hunter and his Highways Officer. County Councillor Hunter had agreed to consider whether proposals could be funded from his highways budget. He would also pursue the issue of the verge adjacent to the Whitby Farm development.

**60.2** HCC Highways issues. Cllr Mike Berry reported that he and Cllr Bridget Macey had attended a meeting with County Councillor Tony Hunter and his Highways Officer. Previous action points had been reviewed (Streets & Environment Committee minutes, appendix 2, 22 May 2013), progress updates given and new actions agreed. The Chairman commended the committee on the number of issues that it was pursuing.

**61. REPORT FROM RECREATION & FACILITIES COMMITTEE** (Chairman Jane Buxton)

(draft minutes meeting Monday 2<sup>nd</sup> September available; next meeting date to be agreed)

**61.1** Parish Church Clock/update on noise complaints.

Further correspondence from parishioners and previous parishioners was noted.

Cllr Martin Hoffman stated that the Parish Council must make a decision. He reported that he had met with the NHDC officers who had responsibility for environmental health. He had undertaken this as Vice-Chairman, covering for the Chairman who had been away on holiday. The NHDC officers had withheld a Noise Abatement Notice (NAN) for a lengthy period of time in the hope that a local solution could be achieved. His understanding was that if this had not been achieved by the end of October a NAN would be served on the Parish Council. He and the Chairman, Peter Long, had held a meeting with two representatives of the complainants group, the Ashwell Advocates. Their representatives had stated that the group remained of the view that the quarterly chimes should be silenced at night but would be prepared to tolerate keeping the hourly strike. He understood that the 'Save the Chimes' group wished to keep the chimes as they were and, if necessary, fight for this through the courts.

Cllr Hoffman then summarised the situation as it was now.

He reported that the NHDC officers had provided information on the noise levels recorded and how the data had been gathered. He had no reason to believe that this could be challenged on technical grounds. He noted that this had been the case at Cranfield in Bedfordshire where a key point had been the failure to ensure that the data had been obtained correctly, and the resulting abatement order thus being incorrectly presented.

The Ashwell data held by NHDC had initially been taken at two locations. Inside readings had been 64 and 61 decibels versus the WHO guideline of 45 decibels; outside readings had been 76 decibels versus the WHO guideline of 60 decibels. The readings had been repeated and extended to cover five locations. All the readings achieved had been consistent and 'quite a lot' over the WHO limits. Cllr Hoffman noted that challenge of the data collected would be difficult. However, he wished it to be noted that the absolute levels were not the only criteria, other factors such as suddenness of the sound had to be considered.

With regard to whether there might be grounds for appeal against the claim that noise above the WHO guidelines was prejudicial to public health, Cllr Hoffman also felt that this would be very difficult in that

Ashwell would have to prove that the WHO limits were wrong and **not** prejudicial to health rather than the server of the abatement order to prove they were correct.

If a NAN was served by NHDC and the Parish Council appealed it would then go to court. This might take several months to go through the legal process and the loser would pay the fees. Cllr Hoffman was informed that in a case elsewhere the costs were some £1100 per day for the barrister alone. If the Parish Council allowed the chimes to continue after a NAN it could be fined a fixed sum for every breach. This would be every time the clock struck, ie forty times per hour.

The NHDC officers had supplied a graph showing the overall noise data for Ashwell. This illustrated the peaks of noise from the hourly strike and the quarterly chimes through the night from about 11pm to 5.30am. However it also showed that if the chimes were muffled or baffled to below the WHO limits they would 'disappear' in the levels of daytime noise, which commenced about 5.30am, and would be inaudible to many.

Someone had suggested that a solution could be achieved by installing a system of double hammers, one louder for day and one quieter for night with an appropriate timing device to operate them. Cllr Hoffman stated he did not know of any location where such a system had successfully been installed.

Cllr Hoffman also wished it to be noted that any installation or alteration to the fabric of the Church would require a Faculty, ie permission from the Diocese.

It was noted that at the September Council meeting it had been agreed to set up a Parish Council working group led by Cllr Graham Lee.

Cllr Graham Lee reported

(i) Background. The Parish Council was fully aware that the majority of residents who had expressed a view were in favour of preserving the clock chimes unchanged and that it must take this into account.

(ii) Legal matters. Expert advice has been received. Environmental health officers have to take account of noise levels and have a legal obligation to protect health. However, there are other factors that they are obliged to take into account such as duration, intrusiveness, purpose, history, societal norms etc. Complainants' history and the number of complaints are also factors. Individual sensitivity should not form the basis of a view but rather the effect on the ordinary person. The Parish Council had to surmise that the NHDC officers would have taken all this into account. Grounds for appeal would seem to be either that the NAN was wrongly served or that the view of the community was that there is no noise nuisance. Also, that the restrictions are too onerous in terms of cost, practicality or timescale. If the Parish Council was to appeal to a NAN, cost would be a significant factor. Legal representation would be in the order of £250 per hour but it would not be possible to obtain an accurate estimate of overall costs. Individual lawyer's views would differ as would any grounds for appeal; these were by no means clear.

(iii) Noise levels following the clock renovation. Investigation has suggested that nothing was done that could explain any increase in volume. The expert contractor had assured that the repairs and refurbishment did not affect the hammers, springs or the bells. The supplier who has regularly serviced the clock could give no reason why the annual maintenance would cause this either.

Cllr Lee concluded by reiterating that the full cost implication of professional legal advice was unknown. The financial implications for any appeal and the responsibility for the Parish Council were considerable. He suggested that perhaps the village should be consulted on this cost so that the Parish Council might have a mandate to proceed.

Cllr Jane Buxton expressed her view that 'the law is the law' and the Parish Council would have to obey it. She appreciated that a parish council was elected to represent the best interests of its parish. She felt that if there was any possibility of a compromise it should be taken. The antagonism and ill-feeling that this matter had caused would be felt for years to come. More important items had been neglected because of it.

Cllr Mark White expressed his view that he was here to represent the majority of the village. Any compromise would have to be acceptable to the majority.

Cllr Peter Long accepted that the chimes were louder than the WHO guidelines but failed to understand why they were a danger to public health. This apparently had not been a problem for the previous 117 years. However, if 'we are stuck with the WHO guidelines', they would have to be turned off. He was of the view that if this was the law we might not like it but we would have to obey it. He was also of the view that the risk of litigation was a key factor. He expressed his confusion over the noise levels of the hourly strike and the quarterly chimes, both above the WHO limits. How could one be a danger to public health and not the other; he felt this was a 'fudge'.

Cllr Mike Berry expressed his annoyance at those who blamed the Parish Council for the current situation. Documents had been distributed that had contained glaring errors and big distortions of the truth. He felt that this was unacceptable. This view was supported by Cllr Bridget Macey who noted that many parishioners had found the personal threats made a very disappointing reflection on the village. She appreciated that parish councillors were elected to represent but they also had to uphold the law of the land whether they liked it or not.

Cllr Jane Smith reiterated the views of those who sought compromise. Rather than have the hourly strike and the quarterly chimes turned off completely, to keep the hours would be a compromise. Other ways of reducing the noise levels could continue to be looked into.

Cllr Peter Long proposed:

Ashwell Parish Council understands that the clock noise exceeds the WHO guidelines, although we do not understand how this makes them a danger to public health.

If the District Council were to issue a Noise Abatement Notice showing that the quarterly chimes are illegal but the hourly clock strike is acceptable, we would not appeal such an order.

It was **resolved** that the proposal be accepted.

**Clerk**

**61.2 Chapel of Rest at the Cemetery.** Cllr Martin Hoffman reported that the Recreation & Facilities Committee had supported a proposal that the building should be listed. The Hon Curator of the Museum, Peter Greener, had agreed to help progress this.

## **62. REPORT FROM CHARACTER AREAS COMMITTEE** (Chairman Martin Hoffman)

(draft minutes meeting 30<sup>th</sup> September available)

**62.1 The Springs.** Cllr Martin Hoffman reported that the committee had held a site meeting. The 'dogs must be kept on a lead' notices were still in situ following re-installation after their deliberate removal earlier in the year. Reports of incidents of dog-fouling seemed to be down. Extension and update of the byelaws was to be progressed.

## **63. REPORT FROM FINANCE COMMITTEE**

(draft minutes meeting 29<sup>th</sup> April available; next meeting scheduled for Monday 21<sup>st</sup> October)

**63.1** Proposal for a new three-year insurance agreement.

It was **resolved** that this be accepted.

**Clerk**

**63.2** The request from NHDC for the precept requirement 2014-15 was noted; NHDC had informed that information on the tax base was to follow.

**63.3** The application to the NHDC Rural Grant Fund was noted.

**63.4** Proposal for approval of October Accounts and Bills for Payment.

It was **resolved** that these be approved and paid.

**Clerk**

## **64. REPORTS FROM WORKING GROUPS**

**64.1 Neighbourhood Plan Group.** Group leader Cllr Daniel Mathews reported that parish councillors could track progress by logging on to the online system being used by the group.

**64.2 Website Group.** Group leader Cllr Daniel Mathews reported that parish councillors were shortly to be requested for updates to their personal profiles; these would include photographs. A detailed report on progress with the new site would follow.

**64.3 Yearbook Group.** Next meeting scheduled for Tuesday 8<sup>th</sup> October.

**64.4 Speed Watch Group.** Group leader Cllr Martin Hoffman reported that speed checks were on-going.

**64.5 Community Housing Group.** Group leader Cllr Jane Buxton noted that the application for an extension to Walkdens was to be considered by the next meeting of the Planning Committee.

**64.6 Aircraft Noise Group.** It was noted that an interim report had been received. A fuller report was to be made following a key meeting re Luton Airport scheduled for later this month.

## **65. PARISH AFFAIRS, REPORTS FROM OTHER BODIES AND OPEN FORUM**

It was **resolved** that Standing Orders be suspended for this item.

**65.1 Police matters.** Cllr Bridget Macey presented a report. The recent Neighbourhood Watch meeting had been attended by ten parishioners. PCSO Chris Braybrook had reported on crime statistics for the area that included Ashwell; he had noted that inclusion of the Radwell Services should be taken into account. Theft of horse tack, saddles etc, was of concern and he had requested residents to report any strange activity, vehicles etc. There had been two burglaries in the village. PC Nic Musto had reported on recent banking scams in his newsletter.

**65.2 Museum.** Cllr Martin Hoffman reported that new builders had been commissioned to progress the development of the entrance area.

**65.3** Cllr Daniel Mathews reported parishioners' concerns re fly-posting. It was noted that the policy of the Parish Council was to make no objections to publicity of village events and charity groups.

**Meeting closed at 9.40 pm**

#### **Appendix 1 – General material received**

##### **Items forwarded by email**

1. North Herts District Council weekly 'Members Information'
2. HAPTC Briefings and Bulletins.
3. *Rural News* from PC Nic Musto.

#### **Appendix 2**