

HARBOROUGH DISTRICT COUNCIL  
MINUTES OF THE EXECUTIVE MEETING

held in the Council Chamber

23 April 2012

commencing at 6.30p.m.

Present:

Councillor Rook (Leader)  
Councillors: Mrs. Ackerley, Charlish, Dann,  
Pain, Spendlove-Mason

An apology for absence was received from Cllr Golding  
Also present Cllr Liquorish

Officers: Matthew Bills Anna Graves, Jim Holden, Beth Murgatroyd, Stephen Pointer Verina  
Wenham

581 PORTFOLIO HOLDER ACTIVITY REPORTS

i) Housing infrastructure and Planning

Cllr Ackerley reported that she had attended

- i) an Agents' forum with developers on 16 March 2012 which had been very useful
- ii) A5 member partnership meeting on 19 March 2012 of which there was more information on this agenda
- iii) Planning Training for Parishes on 27 March 20 parishes were represented
- iv) District Council Network meeting on 3 April in Stafford looking at Neighbourhood Plans

ii) Leader

Cllr Rook announced that he had attended:

- i) a meeting with Gazeley Properties Ltd on 15 March
- ii) a meeting of the LRP on 15 April
- iii) a Leicestershire Together Conference on 15 April
- iv) two meetings of the Transformation Board since the last meeting of the Executive

iii) Community safety and enforcement

Cllr Rook made the following announcement on behalf of Cllr Golding:

Cllr Golding had attended the following events:

- i) Leicestershire Safer Communities strategy board on 22 March
- ii) CSP Chairs pre Olympic Torch Relay meeting on 2 April
- iii) CDRP Chairs /LCC County Secretary Police and Crime Panel on 20 April

582 TOPICAL ISSUES

i) Councillor Golding wished the Executive to be informed that the issue of Dog Control Orders was currently the subject of a public consultation, details of which were on the Council's website. The consultation would end on 3 May 2012.

ii) Cllr Pain announced there would be a Locality Forum all day workshop on May 18<sup>th</sup> at Stanford Hall.

#### 583 MINUTES

RESOLVED that the minutes of the Executive meeting held on 12 March 2012 be approved and signed as a true record.

#### 584 DECLARATIONS OF MEMBERS' INTERESTS

Cllr Ackerley declared a personal interest in the item on 'Licence to use sports pitches at Dunley Way, Lutterworth. The nature of the interest was that her property backed onto the land in question

#### 585 DISPOSAL OF LAND AT GREAT BOWDEN TO MARKET HARBOROUGH TENNIS CLUB

Consideration was given to the request for a lease of land at Great Bowden Recreation Ground to Market Harborough Tennis Club. The land is currently used by the Market Harborough Tennis Club and has four tennis courts laid out for club use and a pavilion used for changing facilities

RESOLVED that:

- i) the content of the report and the request made by Market Harborough Tennis Club to lease the land at Great Bowden Recreation Ground be noted, and that approval be given in principle for the existing lease to be surrendered and a new fifty year lease to be issued subject to outcomes of the public consultation;
- ii) officers proceed with the consultation and notification process with residents and other stakeholders, to dispose of the land shown at Appendix A to the report – via a lease to Market Harborough Tennis Club, on the basis set out in the report;
- iii) the lease be treated as a business lease, protected by Part II of the Landlord and Tenant Act 1954, however the lease should exclude the provisions of the 1954 Act preventing the Club having automatic right to renew at the end of the 50 year period. (details in section 6 – Legal Issues)
- iv) the existing access through the recreation ground – shown at Appendix B to the report – will be maintained for use by the tennis club;
- v) the proposed consultation with residents, site users and local Ward Members on the lease of the land for the tennis club be endorsed, and it be agreed that this takes account of the observations made by members about the previous disposal of other facilities .
- vi) details of the consultation be reported to the Executive, and, taking account of the results of the consultation process, a decision sought whether or not to dispose of the land to Market Harborough Tennis Club via a long lease.

#### Summary of Reasons

In January 2012 Harborough District Council officers were approached by members of Market Harborough Tennis Club (MHTC) to consider a new lease for use of the tennis courts at Great Bowden Recreation Ground by MHTC.

There is a requirement to notify the public of the District Councils intention to dispose of the land at the recreation ground by issuing a long lease for the club to operate.

The exemption from Part II of the Landlord and Tenant Act ensures that the Council maintains control of the asset in the long term.

The tennis club will need to maintain access through the recreation ground as the site is currently land locked by District Council owned land.

The Executive has responsibility for determining whether a lease should be issued to the tennis club

#### 586 LICENCE TO USE SPORTS PITCHES AT DUNLEY WAY LUTTERWORTH

The Executive considered a request from Lutterworth Town Football club to use the pitch and changing facilities only at Dunley Way Sports Ground

RESOLVED that:

i) the content of the report and the request made by Lutterworth Town Football Club to licence the land at Dunley Way be noted, and approval be given for a five year licence with conditions on use and maintenance included;

ii) the existing access through the ground – shown at Appendix B to the report – will be maintained as a public access and the public will have access to the ground at all times, except the pitch when football is played;

#### Summary of Reasons

In 2011 Harborough District Council officers were approached by members of Lutterworth Town Football Club (LTFC) to consider a licence for use of the pitch and changing facilities only at Dunley Way Sports Ground.

LTFC intend to only use the pitch and changing facilities, not the club room or other facilities in the pavilion, and have indicated to officers that a licence to use will be sufficient for their needs as a club.

There is a not a requirement to notify the public of the District Council's intention to issue a five year licence as it is not considered a disposal of land under the Local Government Act 1974.

#### 587 A STRATEGY FOR THE A5 2011-2026

The Executive considered the adoption of the A5 Strategy and the Council's representation on the A5 Joint Member Partnership Group ,the purpose of which is to oversee the delivery of the Strategy and Action Plans and to review as necessary

RESOLVED that:

i) the Strategy and accompanying Action Plan be adopted, as a formal evidence base to underpin and inform the development of Local Development Frameworks and Local Transport Plans and Policy, to inform negotiations with developments and to support any potential bids for infrastructure funding.

ii) the Portfolio Holder (Planning, Housing and Infrastructure) be appointed to represent the Council on the A5 Joint Member Transport Partnership,

#### Summary of Reasons for the Recommendations

The A5 provides a long distance strategic route between London and Holyhead, which travels through large parts of southern and central England via this District. The corridor provides a key artery of movement which supports and provides access to economic activity and growth.

In recent years, there has been growing concern from Local Planning Authorities in the East and West Midlands regarding the performance and future role of the A5. This has led to the establishment of the A5 Transport Partnership Group with representation drawn from Local Government and the Highway Agency covering 15 Local Authority areas.

The Strategy covers a 62 mile section of the A5 from Gailey in Staffordshire to Weedon in Northamptonshire, via Leicestershire and Warwickshire. Existing traffic levels along certain parts of the route are heavy throughout the day, particularly around Cannock, Lichfield, Tamworth, Nuneaton/Hinckley and Magna Park. Without suitable investment, planned housing and employment growth along this section of the A5 will exacerbate these conditions, as well as create new pressure points

### 588 SMALL HOUSING SITES AND AFFORDABLE HOUSING CONTRIBUTIONS

It was reported that the introduction of a contribution to affordable housing on all residential developments of one dwelling upwards came about as a result of the adoption of the Core Strategy in November 2011. Policy CS3 deals with affordable housing and makes it clear that for developments of 1 or 2 units provision for affordable housing will be by way of a commuted sum.

The inclusion of this policy in the core strategy was based on evidence from an Affordable Housing Viability Study. This concluded that matters of viability in general did not change for smaller developments and it was justified to apply our affordable housing policy to all housing developments.

Adoption of the strategy required a calculation to be made for smaller developments, the initial calculation was based on a standard based on development size which is the standard that the Council applies to larger developments, however when these principles are applied to smaller sites the principles of proportionality are compromised. Officers have now re examined the approach to contributions. The Scrutiny Panel Places examined the proposed calculation on 19 April 2012 and it had made some recommendations which were presented to the Executive

RESOLVED that the amended schedule of commuted sums for affordable housing be approved as an interim position, pending preparation of a Supplementary Planning Document on Affordable Housing and Developer Contributions which will follow consideration of a Community Infrastructure Levy and review of viability considerations.

#### Summary of Reasons

The introduction of a contribution to affordable housing on all residential developments of one dwelling upwards came about as a result of the adoption of the Core Strategy. This took place at a Full Council meeting in November 2011. Policy CS3 seeks the delivery of affordable housing on all housing sites at proportions of 30 or 40% depending on the area concerned. This policy was justified based on evidence of development viability. Normally affordable housing is provided on site, by means of a developer transferring properties into the control of a social landlord to rent or part rent/part buy arrangements as defined by national planning policy. For developments of 1 or 2 units provision cannot be on site and contribution to affordable housing is by way of a commuted sum.

Adoption of the Strategy required guidance being provided by the Housing Enabling Officer in respect of what was considered to form an appropriate contribution for smaller developments in order to assist in negotiations on development proposals.

An issue which has been raised by prospective applicants and builders is that the same level of contribution is being sought irrespective of dwelling size. It was always intended that the scale of expected contributions be proportional to the size of development. When considering individual or small developments this ought to be reflected in the size of the dwellings. There is no intention to unduly penalise modest development. Officers have therefore adjusted the schedule of expected commuted sums to introduce a 50% discount on the expected

contributions for dwellings which fall below 135 sqm in size and then increasing to 80% for dwellings of 30-60 sqm. . This is based on Homes and Communities Agency size standards for smaller development with a 30% factor applied. Following further discussion with members of the Local Planning Task Panel it is also proposed to apply a single commuted sum across the District irrespective of housing market location to create a simplified system. The proposed schedule is attached in Appendix A.

## 589 NEIGHBOURHOOD PLANS

Cllr Dann declared a personal and prejudicial interest in this item the nature of the interest was that he was a member of Broughton Astley Parish Council Cllr Dann left the room for consideration of this item as soon as he realised he had a personal and prejudicial interest Consideration was given to arrangements to assist Billesdon, Broughton Astley and Lubenham Parish Councils in preparing neighbourhood plans

Neighbourhood development plans have been introduced through the Localism Act and from 6 April Regulations are in place which provide for their creation and adoption. They will have the status of being part of the development plan. There is no obligation to create a neighbourhood development plan but where one has been created there will be two tiers of documents comprising the development plan, with the new neighbourhood development plans additional to the planning authority's Development Plan Documents (DPDs). Their contents must have regard to national policies and advice in guidance from the Secretary of State, and be in general conformity with strategic policies in the development plan for the area.

The local planning authority (LPA) will be the body which formally makes neighbourhood development plans and it has a role in checking that certain basic statutory requirements and regulations have been met by a proposed neighbourhood development plan. However as regards the content, it is the duty of an independent examiner to check that the proposed neighbourhood plan conforms with national policies and the strategic policies in the LPA's DPDs

There was likely to be additional work for the Planning Policy team as a consequence. The Council would need to set up the referenda and examination and may chose to charge parishes for this service

RESOLVED that:

- i) CLG Frontrunner funding be allocated by the Council to Lubenham, Billesdon and Broughton Astley Parish Councils to support the necessary preparation of the Plan primarily to obtain expert technical and professional assistance.
- ii) assistance is provided by the Planning Authority as set out in the draft advice note at no cost to all Parish Councils intending to commence preparation of a Neighbourhood Plan and resource implications beyond 2012/13 be considered through Service Re-design process
- iii) Lubenham, Broughton Astley and Billesdon and other Parish Councils which have expressed intent to prepare Neighbourhood Plans be informed that the Council may need in future to seek reimbursement of the costs of examination and referendum of Neighbourhood Plans and should therefore budget accordingly.
- iv) 'Front-runner' Parish Councils will receive the full amount of funding ( £20 000) awarded to the Council as Local Planning Authority by the Communities and Local Government Department

## Summary of Reasons

Bids made to the CLG Neighbourhood Plan Frontrunner Wave 5 Scheme on behalf of Lubenham, Broughton Astley and Billesdon have been successful and £60,000 has been received from CLG to provide £20,000 each to assist these communities in adopting a Neighbourhood Plan.

In addition, Foxton, Great Glen, Bitteswell, Scraftoft, Stoughton and North Kilworth have confirmed in writing that they wish to prepare a Plan for their Parish. Further information is now being sought from these communities about the scope and timetable for preparing these documents.

The Neighbourhood Plan Regulations have been laid before Parliament and came into force on 6 April. A draft advice note (attached) has been prepared based on current understanding of the Regulations and is being made available to communities requesting relevant information to help the Council plan its on going support.

There is no budget provision at present to support Council activity on neighbourhood planning but this has been firmly registered in the Service Re-design process currently being carried out. The Council has a duty to support and advise each community and it is not appropriate for this to be directly charged for. The paper attached provides a guide to the ways in which this duty is intended to be carried out. Officers in the planning policy team can only provide limited support at present so are encouraging for Parish Councils to appoint their own advisors to work specifically with them on the development and examination of the Plan.

#### 590 FORWARD PLAN OF KEY DECISIONS

RESOLVED that the forward plan of key decisions for the period of May 2012-August 2012 be approved for publication

#### Summary of Reasons

The Council is required by the Local Government Act 2000 and its own Constitution to publish regular Forward Plans of Key Decisions.

At its meeting on 29 August 2001, the Executive agreed that it should review each draft Forward Plan of Key Decisions, (minute 249(v)/2001 refers). It also was agreed that each Plan should cover a four-month period, with a monthly roll-forward of the Plan being effective on the first working day of each month.

#### 591 SECTION 100A LOCAL GOVERNMENT ACT 1972

RESOLVED that except for those members present not being members of this Executive the public and press be excluded from the remainder of the meeting on the grounds that the matters yet to be discussed involve the likely disclosure of exempt information as defined in paragraphs 3 and 5 of part 1 of Schedule 12 A to the Local Government Act 1972

#### 592 SEVEN LOCKS HOUSING LIMITED – LIFELINE AGREEMENT

(Cllrs Ackerley and Dann declared a personal interest in this item, the nature of the interest was that they had relatives who use the lifeline system. They remained in the meeting and took part in the debate and vote)

RESOLVED that:

- i) the termination of the existing contract with SLH be approved on the terms set out in paragraph 5.3 of the report and;
- ii) the Head of Legal and Democratic Services be authorised to enter into a separate agreement with SLH to provide “welfare” call services for an interim period to be agreed but not to exceed 31 December 2012.

#### Summary of Reasons

The Council has been made aware of the issues and the proposals set out in the report provide an acceptable resolution for all parties.

The meeting closed at 8.30pm