

and Waste Management which (a) sought approval to enter into a Section 106 Agreement in respect of a number of highway obligations relating to the proposed development, and (b) drew attention to a recent petition presented by Prof. M.E. Preston, CC on behalf of the residents of Queniborough. A copy of the report marked 'B' is filed with these minutes.

Mr. R. Jenkins, CC attended the meeting for this item and spoke against the contents of the proposed Section 106 Agreement which he pointed out had also been rejected by Barkby and Queniborough Parish Councils and Syston Town Council.

Prof. M.E. Preston, CC attended the meeting for this item and expressed concern that although the Regulatory Board at Charnwood Borough Council had agreed to consult the parishes concerned prior to seeking the views of the County Council on the proposed provisions of the Agreement, no such consultations had actually taken place.

RESOLVED:

- (a) That Charnwood Borough Council be advised that:
 - (i) the proposed package of transportation measures will not, in the County Council's view, resolve the transport problems created by the development;
 - (ii) given the previous decisions taken by the Planning Inspector and the Borough Council, the County Council has concluded that it has no alternative but to accept the proposals;
 - (iii) but the Cabinet notes with concern information from local members that Charnwood Borough Council did not consult fully with the parish and town councils and asks the Borough Council for clarification of their position and confirmation that the views of the parish and town councils will be properly taken into account before a final decision on the planning application is taken.
- (b) That the County Solicitor be authorised to complete an Agreement under Section 106 of the Town and Country Planning Act 1990 on the basis of the heads of terms set out in Appendix A of the report;
- (c) That the concerns of the petitioners be noted and appropriate improvements at the Queniborough Crossroads be developed.

REASON FOR DECISION:

The developer's offer is set out in Appendix A of the report. This will not fully resolve the transport problems created by the development. However, in light of the case law, the consideration given to this issue at the Local Plan Inquiry and the Inspector's conclusions in respect of it, the County Council would be faced with a very difficult situation if it should decline to co-operate with the developer by refusing to enter into a Section 278 agreement relating to the implementation of any deemed improvements.

866. De-Trunking A47 (Leicester to Rutland), A6 (Leicester to A14) and A6 (Leicester to M1)

The Cabinet considered a report of the Director of Highways, Transportation and Waste Management which sought approval to remove the objections to de-trunking the A47 (Leicester to Rutland) and the A6 (Leicester to A14) and A6 (Leicester to M1). A copy of the report marked 'C' is filed with these minutes.

Comments from Dr. R.K.A. Feltham CC, Mr. R. Mason CC and Mr. S.J. Galton CC supporting the proposals were tabled at the meeting, copies of which are filed with these minutes.

RESOLVED:

That the present objections to de-trunking be removed in respect of the A47 (Leicester to Rutland), the A6 (Leicester to A14) and A6 (Leicester to M1).

(KEY DECISION)

REASON FOR DECISION:

Discussions with the Highways Agency have successfully overcome the various objections.

The Secretary of State has now announced proposals to include the M1 Corridor Improvements between Junctions 21 and 30 in the Government's Targeted Programme of Improvements and also to include the A6 Kegworth Bypass within these proposals.

867. East Midlands Airport - Proposed Changes to Flight Paths

The Cabinet considered a report of the Director of Highways, Transportation and Waste Management which set out the results of work undertaken to assess the implications of the new flight paths proposed by East Midlands Airport. A copy of the report marked 'D' is filed with these minutes.

Comments from Dr. R.K.A. Feltham, CC and Mr. S.J. Galton, CC which set out suggested amendments to the recommendations set out in the report were tabled at the meeting, copies of which are filed with these minutes.

RESOLVED:

That the Civil Aviation Authority be advised in response to its consultations on the East Midlands Airport proposals, that the airport's claim that the changes will minimise overall noise nuisance for Leicestershire residents be noted, but that:

- (a) The imposition of more and more night flights on the people of Leicestershire is not acceptable and the County Council will therefore campaign for statutory controls on night flying to and from East Midlands Airport

- (b) The imposition of any extra aircraft noise on Leicestershire residents is to be seriously regretted;
- (c) The Council intends to take whatever steps it can to try to ensure a more reasonable balance between the economic benefits brought by the airport and the environmental disbenefits caused by the present lack of control over night flying.

REASON FOR DECISION:

The proposals by EMA will have the affect of redistributing flight paths in such a way that some in the east of the County will suffer some additional noise whilst more people in the west will have a reduction in noise. At the margin this will be beneficial but the benefit will soon be undermined if night flying continues to increase in the way planned by the Airport. The control of night flying in total remains the most significant concern.

868. Behaviour Support Plan: Report on Consultation

The Cabinet considered a report of the Director of Education which set out the results of a consultation on the draft Behaviour Support Plan, and subsequent amendments to the draft. A copy of the report marked 'E' is filed with these minutes.

RESOLVED:

- (a) That the final version of the Plan be referred to Education Scrutiny Spokesmen for comment and that further consideration be given to the matter as necessary at the Cabinet meeting on 29 June in the light of their responses;
- (b) That subject to (a) above the County Council be recommended to approve the publication of the Behaviour Support Plan 2004-07 at its meeting on 14 July 2004.

(KEY DECISION)

REASON FOR DECISION:

The LEA is required to produce a revised Behaviour Support Plan by April 2004. The Department for Education and Skills approved an extension to allow the full local consultation on the Plan.

869. Services to Carers

The Cabinet considered a report of the Director of Social Services which set out proposals for the further development of services to carers in line with the County Council's Carers' Plan 2002-2005 and latest guidance from the Department of Health. A copy of the report marked 'F' is filed with these minutes.

RESOLVED:

That approval be given to the approach set out in the report in relation to providing services directly to carers.

REASON FOR DECISION:

The intention to review eligibility criteria for services to carers in their own right was set out in the Carers' Plan. This report sets out how this can be achieved.

870. Millennium Commission, Re:Discover Fund: Extraordinary! Gallery at Snibston Discovery Park

The Cabinet considered a report of the Director of Community Services concerning the Millennium Commission's offer of grant to the County Council to create a new science interactive gallery at Snibston Discovery Park. A copy of the report marked 'H' is filed with these minutes.

RESOLVED:

- (a) That the offer of a grant of £452,837 from the Millennium Commission be accepted;
- (b) That the contingent liability to repay grant in the circumstances set out in paragraph 7 of the report be noted;
- (c) That the Director of Community Services be authorised to initiate the project to create the EXTRAordinary! Gallery at Snibston Discovery Park by October 2005.

REASON FOR DECISION:

To ensure that the necessary authorities are in place, in compliance with the requirements of both the County Council and the Millennium Commission.

871. Consultation on Planning Application: Prime Life Ltd - Demolition of Existing Residential Units - Bradgate Park Nursing Home/Beacon Lodge, Brand Hill, Woodhouse Eaves (2004/0699/02)

The Cabinet considered a joint report of the Chief Executive and Director of Community Services concerning the Development Control and Regulatory Board's recommended response to a planning application on which the County Planning Authority had been consulted by Charnwood Borough Council. A copy of the report marked 'H' is filed with these minutes.

RESOLVED:

That Charnwood Borough Council be advised that the County Planning Authority objects to the proposal, in the context of National Policy Guidance, approved Structure Plan policies, the emerging Replacement Structure Plan (as proposed to be adopted), and the adopted Local Plan.

The proposal conflicts with the intentions of Strategy Policies 1, 2 and 3 of the approved Structure Plan, which seek to direct the majority of new residential development to urban areas, where it can benefit from opportunities for a

realistic choice of transport. These objectives are reiterated in the locational policies of the emerging Replacement Structure Plan for 1996-2016, which sets out the sequential priorities for new housing development within the County. This is a low priority location within the context of the latest national and strategic planning policies.

The proposal also conflicts with the intentions of Strategy Policy 4, which seeks to restrict new development in the area of particularly attractive countryside to essential rural activities. The thrust of this policy is reiterated in Strategy Policy 14 of the emerging Structure Plan, which relates to the Charnwood Forest area.

There is no apparent overriding justification to grant permission contrary to the strong policy presumption against speculative housing development in this rural location. Sufficient land is already committed or allocated for such proposals within the Borough area to meet the likely needs for such development in the foreseeable future. Furthermore, no case has been established for an "exceptional" amount of affordable housing in the locality, but if it were established that there is a need for affordable housing it could give rise to further consideration of the proposals.

There is insufficient detail available within the submitted application to determine the likely impact on the character and appearance of the Conservation Area and this part of the Charnwood Forest area of particularly attractive Countryside.

If consent is granted, it could establish a precedent whereby it would be difficult to resist applications of a similar nature in the locality. Furthermore, approval would constitute an "ad hoc" decision, premature to the proper consideration of new housing requirements through the review of the Local Plan, taking into account the latest national and strategic policy guidance.

REASON FOR DECISION:

To comply with Regulations issued under the Local Government Act 2000. Reasons for the recommendation on this particular application are set out in the Appendix to the report.

872. Consultation on Planning Applications (I) David Wilson Estates and Messrs D.B. & J.F. Briggs - Residential Development and Associated Construction Works, Wistow Road/Warwick Road, Kibworth (2004/0319/03) (II) John Littlejohn Ltd - Residential Development Land at Stretton Road, Great Glen (2004/0120/03)

The Cabinet considered a joint report of the Chief Executive and Director of Community Services concerning the Development Control and Regulatory Board's recommended response to two planning applications on which the County Planning Authority had been consulted by Harborough District Council. A copy of the report marked 'I' is filed with these minutes.

RESOLVED:

That Harborough District Council be advised that the County Planning Authority

objects to the proposed development of land for residential purposes for the following reasons:

Although there would appear to be a forecast shortfall of 33 dwellings highlighted in the revised draft Supplementary Planning Guidance on the Monitoring of Housing Land prepared by Harborough District Council which the release of this land would resolve it is considered that:

- (a) The forecasts on which the SPG are based are not exact, and there is a margin of error, depending on the mythology and assumptions employed;
- (b) The Joint Structure Plan housing requirement is not exact, and the forecast shortfall of 33 dwellings does not raise any concerns;
- (c) Given the margin of error, and the small size of the shortfall, it is important that actions to address the shortfall are proportionate;
- (d) The figures are due to be updated to 2004 fairly soon. Because there is no urgency to address the shortfall, it would be prudent to wait for that updated information;
- (e) If the site at Kibworth were to be built, there would be no requirement for the District to find alternative sites that would be more consistent with the strategy of the Joint Structure Plan through the review of the Local Plan. This would compromise strategic guidance in the Joint Structure Plan;
- (f) If Kibworth were not to be released now, there is the opportunity under the proposed new planning system for the District Council to prepare a local development document to address housing in the CLPA as a priority, without having to prepare a whole plan;
- (g) Most of any new greenfield housing land identified in the LDF would need to be located on strategic sites adjoining the Leicester and Leicestershire Urban Area, and phased to the last five years of the Plan period, i.e. development could not take place at such sites before 2011 and only then if needed;
- (h) Meanwhile, the remaining smaller greenfield sites would not need to be phased, and would help to reduce the shortfall until the Strategic Site is developed.

If and when the site is ultimately released for housing development there would be a requirement under the developer contributions procedure for the developers of the site to provide various highway and transportation facilities to be identified separately by the Director of Highways, Transportation and Waste Management; a contribution to the improvement of appropriate primary and secondary schools in the district and to provide for improvements to the stock of books for the library service. (Kibworth).

If and when the site is ultimately released for housing development there would be a requirement under the developer contributions procedure for the

developers of the site to provide various highway and transportation facilities to be identified separately by the Director of Highways, Transportation and Waste Management and a contribution to the improvement of appropriate primary and secondary schools in the district. (Great Glen).

REASON FOR DECISION:

To comply with Regulations issued under the Local Government Act 2000. Reasons for the recommendation on this particular application are set out in the Appendix to the report.

873. Consultation on Planning Application - Tesco Stores Ltd. - Erection of Retail Foodstore, Petrol Filling Station and Associated Car Parking, Blaby Road, South Wigston (2001/0450/08)

The Cabinet considered a joint report of the Chief Executive and Director of Community Services concerning the Development Control and Regulatory Board's recommended response to a planning application on which the County Planning Authority had been consulted by Oadby and Wigston Borough Council. A copy of the report marked 'J' is filed with these minutes.

RESOLVED:

That Oadby and Wigston Borough Council be advised:-

- (a) That, on the basis of the information provided, it is recommended that no strategic planning objection be raised to the proposal in the context of the emerging Structure Plan Policy CASP3, Employment Policy 5 and Strategy Policy 12;
- (b) That in the event of planning permission being granted a contribution should be sought towards-
 - (i) The provision of facilities associated with the Leicestershire County Council's service provision in the South Wigston Area, and initiatives relating to BABS1 and the South Wigston Regeneration Master Plan;
 - (ii) Highway improvement works plus service improvements and Startrack facilities as separately specified by the Director of Highways, Transportation and Waste Management.

REASON FOR DECISION:

To comply with Regulations issued under the Local Government Act 2000. Reasons for the recommendation are on this particular application are set out in the Appendix to the report.

874. Code of Corporate Governance

The Cabinet considered a report of the County Solicitor which detailed how the County Council was complying with the Code of Corporate Governance approved by the Cabinet in May 2003 and changes planned for 2004/05. A

copy of the report marked 'K' is filed with these minutes.

Mrs. C.E. Brock, CC attended for this item and drew particular attention to the contents of paragraph 13 of the report.

RESOLVED:

- (a) That the contents of the report be noted;
- (b) That the Statement of Assurance set out in Appendix 2 of the report be approved.

REASON FOR DECISION:

To comply with guidance on Corporate Governance issued by CIPFA/SOLACE for use by authorities as a basis for best practice.

875. Items Referred from Overview and Scrutiny

There were no items.

876. Exclusion of the Public

RESOLVED:

That the public be excluded from the meeting during consideration of the following item of business in accordance with the provisions of Section 100(A)(4) of the Local Government Act 1972.

<u>Item</u>	<u>Exempt Under Paragraph</u>
Building Cleaning Services – Proposed Extension to Contracts	9

877. Building Cleaning Services - Proposed Extension to Contracts

The Cabinet considered a report of the Director of Resources which sought approval to exercise the option to extend the County Council's contracts with the cleaning of buildings. A copy of the report marked 'L' is filed with these minutes. The report was not for publication by virtue of paragraph 9 of Part 1 of Schedule 12(A) of the Local Government Act 1972.

RESOLVED:

- (a) That approval be given to a 12 month extension to the building cleaning contracts awarded to Sherwood Prestige Services, to enable the provision of services from 1 April 2005 to 31 March 2006;
- (b) That the Director of Resources be given authority to further extend the contracts, subject to satisfactory performance, by up to a further twenty-four months, to enable provision of services from 1 April 2006 to 31 March 2008.

REASON FOR DECISION:

The views of the building users have been sought, relating to the standards of cleaning, through a series of customer satisfaction surveys. The results of the surveys have been communicated to service departments and departmental views have been sought as to whether existing contracts should be extended. All departments have indicated general support for an extension to the contract period.

The contractor, Sherwood Prestige Services, has indicated, in writing, that it is prepared to continue providing the cleaning service on the same contract terms throughout any extended period. The company has also undertaken to invest any savings it makes by not incurring retendering costs into increased contract management resources.

Extension of the contract will result in the best value solution for the County Council and will provide a degree of cost certainty for departments. Limiting the extension granted at the present time to one year, with the potential for further extension later, will provide an incentive for the contractor to maintain service standards.

2.30 p.m. – 3.35 p.m.
01.06.04

CHAIRMAN

