

Your Community, Your Voice

Record of Meeting and Actions

6:30 pm, Wednesday, 22 August 2012

Held at: Main Hall, East West Community Project, 10 Wilberforce Road, Leicester LE3 0BG

Who was there:

Councillor Andy Connelly

Councillor Sarah Russell

13. WELCOME

Councillor Connelly welcomed everyone to the meeting.

The Ward Councillors and officers then introduced themselves.

14. ELECTION OF CHAIR

Councillor Connelly was elected as Chair for the meeting.

15. APOLOGIES FOR ABSENCE

Apologies for absence were received from Sue Bourton, Mohamed Jacoura (De Montfort University) and Val Smalley.

16. DECLARATIONS OF INTEREST

There were no declarations of interest.

17. GREEN SPACE IN THE WARD

This item and the following one, "Section 106 Funding" (below), were taken together.

The Acting Head of Planning explained that the Council tried to make provision for green space as development plans were made, but the level of need could be difficult to foresee. Larger scale developments were required to include some green space, but it was recognised that this was not always practical in smaller developments. Instead, "developer contributions" were obtained, (also known as Section 106 funding).

Section 106 contributions were payments towards something that had a relationship to the development and was appropriate in scale, (ie, in proportion to the increased demand that the development would generate). For example, if the planning application was for student accommodation, developer contributions would not be spent on children's play equipment.

Previously, the conditions of each planning application had specified where contributions arising out of that application had to be spent, so that they could relate to the development. This meant that further negotiations had to be held with the developer if the Council wanted to change where the money was spent. However, with the introduction of the Green Space Supplementary Planning Document (SPD) the Council now had guidance on where 106 funding could be spent.

A map was displayed at the meeting showing green space identified when the Green Space SPD was drawn up. From this, it could be seen that the main areas of green space in Westcotes Ward were in Bede Park and Great Central Way.

Details of developer contributions received in relation to Westcotes green space were circulated at the meeting and are attached at the end of these minutes for information.

The Acting Head of Planning advised that vacant and underused sites in the Ward had been identified. These included the following:-

- Land to the south of the Code building on Upperton Road. Only phases 1 and 2 of four phases of student accommodation had been completed.
- Land to the south of phases 3 and 4 of the Code building was owned by Railtrack. There was no other access to that land.
- Part of the CPH Thurmaston site. Depending on the development that took place on this site, it was possible that there could be an area left for green space, but it would not be very well located.

The meeting noted that the Barratts planning application was going to include various types of green space, but the developer had changed what was planned for the site. However, if Barratts completed the next phase of the development, (next to Mawby and King), more green space would be triggered.

It also was noted that the canal was owned by British Waterways. The Council looked after some of the banks, but British Waterways had not invested in the maintenance or development of the canal. The original application from Barratts had included a link from the canal path in to the site, but this had not been created.

The meeting was reminded that the land at the back of Tesco by Bede Park was still owned by the Everards brewery, as it had belonged to the pub that previously stood there. The land had been bought under the former City Challenge, so the Council had first option on buying it back. The Council had tried to negotiate its purchase, but the price required by Everards was high, as the brewery felt that the land was ideal for development. The meeting agreed that, if it could be bought for a reasonable price, this land would make a good addition to Bede Park.

It was noted that the derelict land opposite Albion Court had been sold to a developer and approval given to build 59 flats on the site.

A developer previously had addressed the Community Meeting about a planned development, (minute 43, "Possible Development of Viaduct and Adjoining Land on Bede Street", 20 March 2012 referred), but no formal planning application had been received to date.

The meeting was reminded that the proposal discussed at that meeting was for a small development of two and three bedroom houses and some flats. It was agreed that the site was not really big enough to include some green space in the development. The initial proposal was to have terraced housing on the site of the current garages and viaduct, with apartments on the corner of the site that had retail

space below them. It would be difficult to refuse an application such as this, as the site currently was derelict and there was a lack of three-bedroom properties in the Ward.

In reply to a question, the Acting Head of Planning advised that he was not aware of any authorities who had tried refusing planning applications because an area was at capacity. It could be considered that the Planning Policy Guidance 17 Open Space, Sport and Recreation Study gave an evidence base to demonstrate this, (for example, by showing that some parts of the City were more densely populated than others), but it was unclear whether this would be a sufficient argument to win any appeal made against refusal of a planning application.

The Acting Head of Planning reminded the meeting that the City Council had stated in the Student Housing SPD that it would prepare an Article 4 Direction, which would control the conversion of houses to shared accommodation for up to 6 people. At present, planning permission was not required for this to take place. However, the implementation of an Article 4 Direction was a complicated process, as its introduction would take away landlords' right to make these conversions.

As a result of this, clear evidence that further conversions to shared housing would result in unacceptable problems was needed before the statutory process to adopt the Direction could formally begin. Once this evidence was available, public consultation could be held, after which a decision on whether to introduce the Direction would be made by the City Council. If the decision was to introduce it, this would need to be advertised and sent to the Secretary of State, who would decide if an Inquiry was needed. All properties within the affected area would then be notified. Once adopted, there would be a period of one year before the Article 4 took effect. This was to avoid any compensation claims from properties affected by the restrictions.

Information on the number of properties that currently were occupied by students as shared housing was currently only available at Ward level. Not all Wards had a large percentage of shared housing and there also were some parts of some wards that had much higher percentages of shared housing than other parts. However, it was hoped that new census information could be used to look at figures below ward level and to identify "hot spots".

In reply to a question about registration of Houses in Multiple Occupation (HMOs), it was noted that this usually only applied to three-storey buildings in which more than six people lived together. At present, the best information that the Council had about where HMOs were located was from Council Tax exemption records that identified shared student housing, but it was felt that some of the pressure on Bede Park was from non-student shared housing.

The following points were then made by residents:-

- Residents were setting up a Friends of Bede Park group. Anyone interested in joining was invited to do so;

- Information on the proposed use for the land next to the development on Upperton Road would be welcome. (It was noted that this land was owned by Railtrack);
- Would it be possible to open the field owned by Shaftesbury Community Junior School for community use, (for example, by putting up barriers to stop unauthorised vehicle access), and provide adventure play equipment?;
- A ball court should not be created on Bede Park;
- The provision of outdoor gym equipment would be welcome;
- It was queried whether section 106 funding had to be spent on Bede Park, or whether it could be used on neighbouring areas, such as Great Central Way;
- Social media, such as Facebook, should be used more. In addition to the existing Westcotes and Castle ward pages on Facebook, one would be set up for the Friends of Bede Park; and
- Consideration could be given to creating a “dogs only” area in Bede Park. For example, this could be a fenced area that could be used as a dog run.

Councillor Russell explained that the possibility of allowing community use of the field owned by Shaftesbury Community Junior School had been discussed with Education officers, who had advised that the decision to do this rested with the school’s governing body. Councillor Russell offered to raise this with the school.

It also was noted that:-

- Issues such as who would pay for the cleaning and maintenance of the field would need to be resolved;
- It needed to be clarified what legal provision there was for removing vehicles accessing a school field without authorisation when the field was available for public access;
- Previous shared use of school fields had ended when claims were made for injuries received there and for damage such as dog waste on clothing. Liability for such things therefore needed to be resolved before the field could be made available for public use;
- Section 106 funding could not be used for the maintenance of school fields that were available for public use;
- Land was available for use at the Manor House that was not attached to any school; and
- No section 106 funding in the Ward had been specifically allocated to projects for children, as contributions were focussed on Bede Park.

The Play and Youth Development Officer reported that outdoor gym equipment was already being used in various parks in the City. He felt that it could enhance Bede Park, but care would have to be taken in deciding where it would be sited. It also needed to be noted that it could increase use of the Park, so an alternative could be to put some along Great Central Way. For example, it could be put in clusters at various points along the route where the grass was mown back further than at present. Suggestions for this could be drawn up and brought to a future meeting.

The following points were noted:-

- There were different types of equipment and the prices of these varied, but the cost for one piece to be installed, including the surround, would be approximately £3,500;
- If designed carefully, people would move through the pieces of equipment, rather than congregating at them, but it was possible that groups could gather if they were used when other people were not around, (for example, at night);
- Part of the Great Central Way was covered by CCTV, so the equipment could be put in that part and signs put up saying that it was covered by CCTV;
- Consideration previously had been given to putting picnic tables along Great Central Way, but this had not been pursued due to concerns that they would be vandalised and would encourage anti-social behaviour; and
- A suggestion was made that interpretation panels could be put up opposite the Code building on Upperton Road, to give information on the Local Wildlife Site.

The Police advised that anti-social behaviour already occurred in Bede Park. Better fencing could be needed if more equipment was to be installed there, but the Play and Youth Development Officer confirmed that such fencing would probably have to be six feet high and would not be attractive.

It also was considered that, if the facilities in the Park were removed, it would not necessarily reduce anti-social behaviour in the area, as those doing it could move on to other parts of the Ward. One way to reduce it at night time would be to block off the slide, but if people still tried to use it and, for example, injured themselves, the Council could face a claim for compensation.

The possibility of moving existing play equipment to a different part of the Park was discussed, but it was noted that it would cost more to move the tower and slide than the Council had in developer contributions and replacing it with a similar slide would cost approximately £150,000. It also was felt that it would be disappointing to move the slide, as it was a landmark structure for the Park. However, the slide was the main draw to the Park for people misusing the equipment. One possibility could be to install equipment that was designed in such a way that only children could use it.

The meeting noted that a slide the size of that in Bede Park would be expected to last for a minimum of approximately 15 – 20 years. However, as the platforms had been replaced, it was reasonable to expect to get another 15 years' use.

It was recognised that there currently was nothing in the Park specifically designed for older children / teenagers, but installing more equipment would reduce the green area available for general use.

The Ward Members noted that, in warm weather, De Montfort University was very good at getting students to clean up the Park, but it was noticeable that outside of university term times the Park was not over-used and there was not the same problem with rubbish being left.

The meeting suggested that supermarkets could be asked help to clear rubbish in the same way that companies such as McDonalds did. The Ward Members explained that Tesco, Sainsbury's and the Co-op had been approached under the same legislation used for take-away food establishments to clean up the area around their premises, but they could only be required to clear a certain area around their premises and Bede Park fell outside this area. Instead, consideration was being given to whether the double rubbish bins could be replaced with open rubbish bins, as the double bins were too small to put full carrier bags in.

The Play and Youth Development Officer reminded the meeting that the Maypole equipment in Bede Park currently was broken. It had not been replaced, at the request of local residents, and the Council was considering replacing it with something more appropriate.

Another thing that had been considered for the Park was the installation of a barrier at the bottom of the slide. However, as this was a retrospective modification and it needed to meet European standards, it was not possible to install one without creating a hazard. If the Council installed a barrier itself it would compromise the equipment and could be problematic if any claims were made by users of the slide.

The Ward Members reminded the meeting that the use of barbecues in the Park was illegal, but happened regularly. Some parks had designated areas where they could be used and it was suggested that such an area could be created in Bede Park, (for example, by creating a concrete area on the land still owned by Everards). It was noted that signs were being made to put up in the Park to say that barbecues could not be used.

It was queried whether any funds could be available to develop the rear of the Manor House Neighbourhood Centre. There was an area next to St Mary's Fields Infants School that was suitable for play equipment which was safer now that it had been fenced off. It was agreed that the Play and Youth Development Officer would contact the Centre to discuss this further.

AGREED:

- 1) That possible options for using section 106 funding for enhancing Bede Park be considered and reported to a future meeting;

- 2) That suggestions for the location of outdoor gym equipment along Great Central Way be drawn up and reported to a future meeting;
- 3) That enquiries be made about whether Railtrack will donate the currently unused land next to the development on Upperton Road to the Council for use as green space;
- 4) That Councillor Russell be asked to liaise with Shaftesbury Community Junior School to see if it is possible to open its school field for community use;
- 5) That the Play and Youth Development Officer be asked to report back to the Community Meeting on options for equipment for use by children only that could replace the Maypole in Bede Park;
- 6) That the Play and Youth Development Officer be asked to provide information on the advantages and disadvantages of removing the slide from Bede Park and the potential cost of removing it; and
- 7) That the Play and Youth Development Officer be asked to liaise with the Manor House Neighbourhood Centre to identify assistance that may be available to develop the area to the rear of the Centre.

18. SECTION 106 FUNDING

This item was taken together with the “Green Space in the Ward” item, (above).

19. CLOSE OF MEETING

The Chair thanked those present for attending and for their contributions to the discussion.

He then closed the meeting at 8.28 pm.



Leicester
City Council

Westcotes Area Green Space contributions applications 1/5/2005 - 1/8/2012

Ref	App no	Address	Developer	Where to spend	Amount Due	Received	Committed	Of received, Still to spend
A	20052165	76 WESTERN ROAD	GHAJ DEVELOPMENTS	enhance off-site open space at Bede Park	£12,831.00	£12,831.00		£12,831.00
B	20060052	64-70 EASTLEIGH ROAD	BLUE PYRAMID INVESTMENTS	enhancement of off site open space at Eastleigh Road play area and Westcotes Park	£21,132.00	£21,132.00	£ 8,427.00	£12,705.00
C	20061401	25-27 BEDE STREET	KINGSBURY SPECIAL VENTURES	provision or enhancement of works at bede park or castle gardens.	£15,909.00	£15,909.00		£15,909.00
D	20081786	52 BRAUNSTONE GATE	SEAN & CHRIS LANDER	provision or enhancement of adult/youth playing facilities at Bede Park	£4,646.00	£4,646.00		£4,646.00
E	20090485	14-16 BRITON STREET	BRADGATE ESTATES LTD	provision of children's play at Bede Park	£1,316.00	£1,316.00		£1,316.00
E	20090485	14-16 BRITON STREET	BRADGATE ESTATES LTD	provision or enhancement of adult and youth play at Bede Park	£1,276.00	£1,276.00		£1,276.00
F	20090933	4 SHAFTESBURY ROAD	MR M JAKHURA	provision or enhancement of adult and youth playing facilities at Bede Park	£1,142.00	£1,142.00		£1,142.00
F	20090933	4 SHAFTESBURY ROAD	MR M JAKHURA	enhancement of children's play at Bede Park	£810.00	£810.00		£810.00
G	20100377	40-42 WESTERN ROAD	JAMIE LEWIS RESIDENTIAL LETTINGS	adult and youth recreation at Bede Park	£13,860.00	£13,860.00		£13,860.00
H	20110177	6-12 HINCKLEY ROAD AND 1A NARBOROUGH ROAD	Mr S KULLAR	enhancement of existing youth/play within Westcotes ward	£3,438.00	£3,438.00		£3,438.00
I	20101644	UPPERTON ROAD	JAMIE LEWIS RESIDENTIAL	£202.00 per room for adult and youth play before anything occupied. Bede park.	£96,758.00	£15,756.00		£15,756.00
J	20110539	40-46 WESTERN ROAD	JAMIE LEWIS RESIDENTIAL LETTINGS	£202.00 per bedroom for enhancement of Green Space in westcotes ward	£117,362.00	£0.00		£0.00
K	20120099	9 WESTLEIGH ROAD	MR & MRS JOHN CRUTCHLEY	enhancement of open space and play provision in the area	£2,875.00	£2,875.00		£2,875.00
L	20110366	48 LATIMER STREET	BLUE PYRAMID INVESTMENTS	improvement of local informal parks and gardens, outdoor sports facilities, and natural green space.	£2,831.54	£2,831.54		£2,831.54
				Sum	£296,186.54	£97,822.54	£ 8,427.00	£89,395.54

Castle Area between Ring Road and western ward boundary

Ref	App no	Address	Developer	Where to spend	Amount Due	Received	Committed	Of received, Still to spend
M	20091121	EASTERN BOULEVARD, CORNER RYDAL STREET	MR JAMIE LEWIS	£14,746 towards youth/adult play provision in the area.	£ 14,746.00	14,746.00		£14,746.00
N	20100417	NEWARKE STREET, CORNER OF UPPER BROWN STREET, CROWN BUILDING	LAUNCH PADZ DEVELOPMENTS LTD	enhancement of off site open space	£ 7,530.00	7,530.00		7,530.00
O	20071281	EASTERN BOULEVARD, JARROM STREET CORNER OF (FORMER BREWIN SITE)	MEGACLOSE LTD	£70,902.00 for improvements to Bede Park and Thirlmere Gardens	£ 70,902.00	£0.00		£0.00
P	20111746	134 CLARENDON STREET	J O'GORMAN BUILDING CONTRACTORS LTD	On occupation of the First dwelling: Informal Green Space £239.00 Equipped Children and Young Peoples Space £292.00 Outdoor Sports facilities £1114.00.	£ 1,645.00	£0.00		£0.00
				SUM	£ 94,823.00	£22,276.00	£ -	£22,276.00

Amounts received and expected August 2012

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