

Hartest Parish Council

Minutes of the Meeting of the Parish Council held in the School Hall on Tuesday 5 November 2013 at 7pm.

Present: Cllrs Chris Browning (Chair), Howard Hirst, Jo Pask, Scilla Turner and Anna Warren-Thomas

In Attendance: Ms C Thurlow – BDC Corporate Manager Development Management, Ms L Bacon – BDC Development Management Officer, Co Cllr R Kemp, Dist Cllr J Long, Mr & Mrs R Carpenter and Mrs P M Lamb (Parish Clerk)

ACTION

- 13/084 Apologies for absence: Cllr D Turner and PCSO H Partington
- 13/085 Approval of Minutes: The minutes of the meeting held on the 3 October were approved and signed.
- 13/086 Matters Arising: None
- 13/087 Declarations of interest: None
- 13/088 Dispensation Requests re Declarations of Interest: None
- 13/089 Public Forum: Cllr Browning welcomed Christine Thurlow and Lynda Bacon to discuss the ongoing problems re the social house at Banham's Yard and how it would appear to be "slipping away". Ms Bacon ran through the planning history of the site from 2003, when the first application was lodged, through to 2007 when permission was granted for four dwellings with a s106 agreement securing one as an affordable house ("AH"). (The affordable unit had to be transferred to a registered provider for rental.) Later in 2007 permission was granted for three dwellings, again securing the provision of one affordable dwelling via a s106 agreement. In 2008 a further planning permission was granted for four dwellings also subject to a s106 agreement requiring one dwelling to be transferred to a Registered Provider ("RP") before more than one open market dwelling is occupied. The 2008 permission is the development that has been "built out". By the end of 2011/ early 2012 the then developer was no longer in business and the site was transferred to the developers bank who sold one of the houses before selling the remainder of the site to the current developer. After the sale of the first property, the new developer was aware that there was an urgent need to transfer the AH to a Registered Provider ("RP") because the terms of the s106 agreement required the transfer of the AH before either of the two remaining open market houses could be sold. In early 2012, the developer sought BDC's help to take on a Housing Association ("HA") after which it would be in a position to complete the development and release the remainder of the dwellings for sale on the open market. At that time no HA came forward. A change in the layout of the site, re the communal areas, meant that the resulting service charge on the AH would be outside that considered acceptable to a HA, particularly as not all dwellings within the development would be party to the S106 agreement (the first dwelling sold by the bank and another pre-existing dwelling at the site declined to contribute to the service charge). In the summer of 2012 Havebury Housing, which had previously expressed an interest, withdrew and none of the Registered Providers ("RP") known to BDC were interested. Lengthy discussions were held re the possibility of a Community Land Trust ("CLT") taking on responsibility for the AH in lieu of an

RP. However, for this to be possible under the terms of the s106, consideration was needed to be given to the possible variation of the s106 agreement attached to the 2008 application. In May 2013, BDC amended the s106 by completing a 'Deed of Variation', this amendment established a sequential approach to providing the AH as follows;

1. Transfer to a CLT for rented housing,
2. Transfer to a RP for intermediate Tenure Housing,
3. Pay a commuted sum towards off-site provision of £82,600.

If the CLT failed to complete at step 1, or if it failed within a period of eight weeks, it would be offered to other providers as defined in step 2, after notice had been served on BDC and this was duly received. Under step 2 the AH was marketed as a shared ownership AH and the property is still being marketed as a shared ownership property. Mrs Bacon advised that we are still at that stage. BDC has yet to be served a notice by the developer to move to stage 3. Confirmation is awaited from Hastoe Housing as to whether they are still interested. The property is currently being advertised, on the open market on a shared ownership basis, at £159k. If BDC were happy with the steps taken, then the developer would be instructed to provide an £82.6k commuted sum to BDC.

Christine Thurlow stated that BDC had wanted to work through as many options as possible – ideally getting a unit on site; the commuted sum option is considered the last resort. Cllr Burr advised that the service charge, and the layout of the building, were the reasons why the CLT failed to proceed. Cllr Burr asked if this issue has been resolved. Lynda Bacon advised that the service charge had to be resolved outside the legal agreement. Christine Thurlow advised that, with such a development, a HA would normally be involved from the outset. Also, this case has been complicated by the initial developer losing the site (through bankruptcy) and the site reverting to the bank, which sold one unit (in breach of the planning permission). The legal agreement was altered to allow the sale of the second property (one could be sold under the terms of the legal agreement because the new developer would have lost the site, or the terms could be varied to allow the sale of a second unit). The remainder of the properties cannot be sold until the AH is sold.

General discussions followed on:

- Rural exception sites
- Local Plan policy requires 1 in 3 houses to be affordable (not dependant upon need)
- On the current housing register, 5 individuals are seeking affordable house in the village (only one has a local connection)
- Usual locations/siting of AH.

The requirements of BDC are summarised as follows:

- Where do we go from here,
- Can "the clock be turned back"?
- What BDC can do to review things.
- Ms Thurlow is to take legal advice re the s106 agreement and to liaise with the Affordable Housing team (including ascertaining why the legal agreement was signed).
- How can one house be varied without telling PC/Community?
- How is the commuted sum determined?
- Lynda Bacon understood that the CLT was working on behalf of the PC and that a Housing Officer was keeping in touch.
- CLT had no idea that an agreement was being entered into.
- Acceptable time frame.
- Contact person.
- What would be the arrangements if we reach Stage 3?
- If money is paid into BDC account – what arrangements would there be for its use; who would be consulted?
- In such a circumstance, it was recommended that the PC should

- endeavour to spend the money as reasonably quickly as possible.
- It is understood that such funds would be in the hands of our AH team; Christine Thurlow is to speak to Ian Tippet re this.
- Option to join with adjoining village and possible to use their nomination rights?
- Would BDC seek our advice, or just tell us.
- Rural Exception sites situated just outside the village boundary based on identifying need, whether there is potential to carryout a housing needs survey and whether there is an amenable landowner on an adjoining boundary which could be included
- Full explanation of legal situation and situation re money.
- CT is to discuss with her AH colleagues how to take forward a commuted sum. Christine added that she would be happy to ask her AH colleagues to attend the PC meeting with her.
- Communication has been a problem. We need a clear understanding that we will hear before any money is spent (and where it is going.)
- Christine Thurlow advised that she would return asap re the above.

13/090 Planning:

- (a) Decisions received: None
- (b) Withdrawn applications: None
- (c) New planning applications: None
- (d) New planning applications received since the date of this notice:
B/13/B/13/01249 - Bell House, The Row: Remove 2 No Leylandii trees; reduce height of 1 No. Leylandii tree; crown thin 1 No. Laburnum; 1 No. Yew, 1 no Maple and 1 No Sycamore Trees
B/13/01217/LBC - The Hatch: LB Application: Replace existing glass roof to slate tiles on rear conservatory and change existing kitchen patio door to a window.
Following consideration of these applications, Members agreed to support them.
- (e) Tree Preservation Order/Tree Conservation Area Application: None
- (f) Appeals: None
- (g) Other Planning Matters
Neighbourhood Plan: Cllr Burr talked in broad terms about the survey, which was undertaken. It was calculated that some 30% (69) of the villagers had responded. (Surveys had been delivered to every household.) Cllr Pask is to confirm number of surveys delivered. Responses are currently being analysed.
Cllr Hirst had attended the last meeting of this Group on the 6 October and is to circulate a summary.
Social Housing – Banham’s Yard: See Min 13/089 above.

Clerk

13/091 Police Report: No report available.

13/092 County Councillor’s Report: See attached.

13/093 District Councillor’s Report: Cllr Long advised that no Council meetings had been held since October’s PC meeting. Cllr Long hoped that, following this evening’s discussions re Banhams Yard, answers would be forthcoming and clarity achieved as to the way forward. On behalf of the PC, Cllr Browning thanked Cllr Long for arranging the attendance of his Officers.

13/094 Finance & Administration:

- (a) Receipts: The final sum of money ex the Co-op Bank (£4,592.06) has been credited to the Barclays Savings Account
- (b) Payments: The following items were approved for payment:
Mrs P Lamb: Printer inks (2 x Black, 1 x Colours), Shorthand notepads: £97.94
SALC: 6 months’ payroll service to 30 September 2013: £16.80

Clerk

- (c) Possible PC Article in 'Contact': Following discussion on this matter, it was agreed that a quarterly bulletin of the PC's completed achievements would be provided along with the dates of the next PC meetings and a welcome to all residents to attend. This is to be carried over to the December meeting. (It was noted that any article for inclusion in the January issue of 'Contact' would be required by 13 December.)
- (d) Cllr Pask presented a letter from the Boxted and Hartest Institute Charity requesting a donation towards general maintenance and repairs. Cllr Pask withdrew for this item. Following discussion, it was decided to remind the Institute of the decision made at last year's November meeting; "*Discussions followed on how to increase income, how other villages are coping, possible fundraising events, the possible use of s106 monies and the possible siting of a bottle bank in the car park (although the resulting wear and tear was a concern). The Institute members are to consider the above, and report to the PC for further discussion next month.*" No report, nor accounts, had subsequently been presented in this regard. It was acknowledged that the Institute is an invaluable asset to the village. Perhaps a grant towards a capital project might be helpful.

Clerk

13/095 Green, Cemetery and Churchyard

- (a) Cemetery
 Environmental Management: Nothing to report.
 Cemetery Planting Scheme: Cllr Pask advised that the final cost, including tree guards as approved at last month's meeting, is £834.90
 Due to time constraints, it was agreed to carry over the following items to next month's meeting:
 - Remaining Plots (main Cemetery)
 - Layout of Cemetery Extension
 - Purchase of (Memorial?) Trees
 Please refer to the minutes of 3.10.13
- (b) The Green
 Trees: Nothing to report.
 Ditch near The Crown PH: Cllr Browning acknowledged, with thanks, the information provided by Cllrs Hirst and Turner.
 Hedge from Somerton Road to The Row: As this had recently been trimmed by a resident and Paul Gant of SCC had acknowledged SCC's responsibility in this regard in his email, dated 1 November, it was agreed to thank JMS Gardening for their recent quotation re this.

All

Clerk

13/096 Highways and Footpaths

- (a) Traffic Management
 Speed Signs: Cllr Burr recommended that the PC speaks to SCC again in this regard, as traffic issues are a problem frequently cited by parishioners; he believed the PC should purchase its own mobile sign. (The VAS sign currently at Pear Tree Farm is considered most effective.) It was agreed to place this matter on next month's agenda and seek Cllr Kemp's input.
- (b) Hartest Hill and Bridge: In his email of 1.11.13, Paul Gant had recommended two measures be adopted; a solid edge white line across the bridge on both sides of the road (to guide motorists into the centre of the road) and the addition of a 'Road Narrows' sign with a 'Single File Traffic' sub plate in advance of the bridge coming down the hill. It was agreed to advise Paul Gant that such measures would be welcome and to proceed in that regard. However Members still consider that the 30 mph sign is too near the village.
- (c) Tourist Sign on the Green: Paul Gant had received a request from Giffords Hall for such a sign to be placed on the Green and

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sought the PC's reaction. Members agreed that this would set a precedent re other commercial properties in the village and would advise Mr Gant accordingly.

Clerk

13/097 Correspondence: Letter from BDC re reduction in Precept grant? Members are to review this letter.

All

13/098 Matters of report only: None

13/099 Matters for consideration at the next meeting: Budget and precept requirements for 2014/15.

All

13/100 The meeting closed at 9.15 p.m.

Date of next Meeting:
Wednesday 4 December at 7 p.m. in the Institute.

Approved at the Parish Council Meeting held on 4 December 2013