

Cabinet

Tuesday, 13th March, 2012
6.00 - 6.42 pm

Attendees	
Councillors:	Steve Jordan (Leader of the Council), John Rawson (Cabinet Member Built Environment), Klara Sudbury (Cabinet Member Housing and Safety), Andrew McKinlay (Cabinet Member Sport and Culture), John Webster (Cabinet Member Finance and Community Development), Roger Whyborn (Cabinet Member Sustainability) and Colin Hay (Cabinet Member Corporate Services)

Minutes

- 1. APOLOGIES**
None received.
- 2. DECLARATIONS OF INTEREST**
Councillor Hay declared a personal and prejudicial interest in agenda item 6 as a member of the board of Cheltenham Borough Homes and announced his intention to leave the room for this item.
- 3. MINUTES OF THE LAST MEETING**
RESOLVED that the minutes of the meeting held on 7 February 2012 be approved and signed as a correct record.
- 4. PUBLIC QUESTIONS AND PETITIONS**
No public questions or petitions were received.
- 5. CORPORATE STRATEGY - 2012-13 ACTION PLAN**
The Leader introduced the report as circulated with the agenda. He explained that Council had agreed the corporate strategy 2010-2015 in March 2010 which set out the five objectives and eleven outcomes which the council wanted to achieve by 2015. This report set out the 2012-13 action plan in support of the strategy. He explained that an updated report would be produced for Council including all the comments from the overview and scrutiny committees who had reviewed the plan at their last meeting.

The corporate strategy had been prepared in the context of constraints on budgets and resources and some scrutiny members had challenged the council's capacity to deliver the action plan. This year the resources needed to support the action plan had also been estimated and as a result the Leader was confident that the action plan could be delivered. He felt it was right that the action plan should be ambitious and challenging. He also highlighted the new

structures being introduced for partnerships and scrutiny. It was important not to duplicate the work that these new structures would be delivering and partnerships would continue to have their own role in addition to delivering the council actions. He asked Cabinet to support the action plan.

RESOLVED

To endorse the draft corporate strategy action plan for 2012-13 ahead of it going to Council for final approval (appendix A.)

6. CHELTENHAM BOROUGH HOMES DEVELOPMENT OPTIONS REVIEW

The Cabinet Member Housing and Safety introduced the report. The background to the report was that Council in February 2009 had approved a capital strategy which confirmed that Cheltenham Borough Homes (CBH) was its preferred development partner. In April 2009, Cabinet, in response to the capital strategy, agreed in principle to support the submission of grant funding bids to the Homes and Communities Agency (HCA). CBH had submitted a bid through a consortium with Bromford Housing to deliver affordable homes at a number of sites. Unfortunately the bid consequently submitted by the consortium was unsuccessful. Since then officers from CBH had been considering what alternative funding streams may be available to ensure that these sites can be delivered and working with council officers had considered a number of different options which were set out in this report. The options covered plans for moving forward with three of the priority development sites at St Pauls phase 2, Cakebridge Place and four garage sites in the town. Cabinet would need to ensure that any proposals they finally endorsed would provide value for money and whether they became CBH or CBC properties. As well as financial or viability matters, they would need to give due consideration to the social and environmental impacts of options available.

Cabinet Members felt this was very positive news for the town and represented a very significant development in meeting housing needs in the town. The Cabinet Member Finance and Community Development expressed concerns at the government's approach in encouraging applications for government funding on potential schemes, some of which may not be subsequently realised. The council may be in a position to benefit from this should they have schemes that are ready to be implemented.

RESOLVED THAT

1.1 CBH be approved to pursue the options as set out below, with a view to identifying a viable option for each site based on costs, designs, ownership and risks for approval by Cabinet.

- i) St. Pauls Phase 2 – options one, two, three and four**
- ii) Cakebridge Place - options one, two, three and four**
- iii) Garages – options one and two (with the addition of grant if reallocation by HCA secured).**

1.2. CBH be assisted in identifying the most viable option for each site, CBH be authorised to undertake any necessary procurement exercises to identify a suitable developer partner who will provide a developer grant

and/or capital as required, provided that no partner shall be selected until a report on the preferred developer partner(s) and the appropriate value for money tests is approved by Cabinet.

1.3 Authority be delegated to the S151 Officer in consultation with the Cabinet member Housing and Safety, Cabinet Member Finance and Community Development and Director Commissioning to approve any submission by CBH to be the registered provider for the development at North Place based on a nil subsidy approach which secures good value for money for the council and for CBH.

1.4 It be noted that CBH will continue to pursue potential unallocated grant for those garage sites which have planning permission, with a reduced subsidy requirement aimed at HRA funding and will liaise with the relevant cabinet members and Ward Councillors as schemes become viable.

1.5 CBH be approved to employ contractors to carry out reactive repairs to CBC's housing and authority be delegated to the Director of Commissioning in consultation with Cabinet Member Housing and Safety and the Borough Solicitor to amend the management agreement accordingly.

7. STROUD CORE STRATEGY - PREFERRED STRATEGY CONSULTATION

The Leader introduced the report explaining that Stroud District's Core Strategy, had been prepared by Stroud District Council to cover a 15 year period up to 2026. The Stroud District Core Strategy - Preferred Strategy consultation had been formally published and Cheltenham Borough Council had been invited to comment on the current proposals by 19 March 2012. The proposals in the document built on the work done to date by Stroud District, though this has been revisited in light of the revocation of the South West Regional Spatial Strategy through the provisions of the Localism Act. The version of the plan set out in the report was the 'preferred strategy' and set out the distribution of 3,200 new homes and the approach to providing 6,400 jobs. He referred members to the draft comments on the Core Strategy provided at appendix 2 of the report for approval by Cabinet.

He highlighted two particular issues. Firstly the proposed development at Hunts Grove, south of Gloucester, was realistically part of Gloucester rather than Stroud and hence it was of interest to the JCS. Secondly Stroud had prepared the strategy based on demographic projections from the DCLG whereas CBC had used the county figures. This needed to be borne in mind when making comparisons.

Councillor Walklett asked whether Stroud District Council had been invited to join CBC, Tewkesbury and Gloucester City in the Joint Core Strategy (JCS). The Leader said it was his understanding that discussions had taken place. Clearly the close proximity of the three towns made the JCS a sensible approach and it may have been considered too complicated to involve Stroud as well. However it had always been acknowledged that cross boundary discussions with Stroud were vital and hence the recommendation in the report.

RESOLVED THAT:

(i) The comments set out at Appendix 2 of this report for submission to the public consultation on the Stroud District Core Strategy be approved.

(ii) It be requested that Stroud District Council meet with the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Project Board to discuss cross boundary implications and for these discussions to be reported to the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Member Steering Group.

8. BRIEFING FROM CABINET MEMBERS

There were no briefings from Cabinet Members.

9. DEVELOPMENT OF LAND AT NORTH PLACE AND PORTLAND STREET

The Cabinet Member Built Environment introduced the report. Following the Cabinet decision on the 18 October 2011 which endorsed the recommendations of both the Development Task Force and full Council to appoint Augur Buchler as the preferred bidder for the sites there have been ongoing negotiations between Augur Buchler and the foodstore operator. Further financial work had confirmed that the offer from Augur Buchler was the best offer from those received and the valuers, GVA, were confident that it represented "best value" for the land at North Place and Portland Street.

Since the Cabinet decision the CBC team had been progressing the scheme on a number of fronts, which included the clarification of the agreed legal structure (the development agreement), dealing with planning issues through the pre-application process and collaboration on points of mutual interest particularly relating to neighbouring properties.

The negotiations between Augur Buchler and the foodstore operator had resulted in the need to provide additional car parking spaces for the food store operator if board approval was to be achieved. In addition the proposed hotel had been removed from the scheme as the operating requirements of the foodstore and hotel were not compatible.

The outcome of the scheme delivered all the mandatory requirements of public realm works, together with a long term-income stream and a very significant capital receipt.

In conclusion, the Cabinet Member said that the council was now close to delivery on the development which was a considerable achievement in the current economic climate and would deliver jobs and boost the local economy. The developer estimated 275 jobs in the long term a number of which were skilled. In considering the report, he advised that all members should have due regard to the financial and legal implications set out in the exempt appendices.

Cabinet Members supported the view that this was very good news for the town and they wished to put on record their thanks to everybody involved over the last 10 years in getting the project to this stage and in particular the Cheltenham Development Task Force. As well as supporting the economic growth of the

town, the development also reflected well on the desirability of Cheltenham as a place to do business and would encourage further development.

Councillor Walklett was invited to speak by the Leader. As Ward Councillor for St Pauls, Councillor Walklett applauded the progress that had been made on the scheme but wished to highlight some concerns expressed by local residents adjacent to the development site. In his view there were two main issues that needed to be addressed via the forthcoming legal consultancy process. Firstly there was an expectation that a supermarket would generate extra traffic flow around the eastern edge of his ward. He would encourage detailed plans to incorporate sufficient roadworks, signage and perhaps pedestrian crossings to accommodate both the regular influx of large delivery vehicles and to preserve the safety of pedestrians crossing the already busy Swindon Road. The second issue related to an equally serious concern expressed by residents of Northfield Passage and Terrace whose properties back on to the northern edge of the development. He understood from the architectural drawings he had seen that there would be three storey buildings of a sufficient height to block sunlight from residents' windows. He wished to draw the council and developers attention to the Right of Light legislation under common law or by the Prescription Act of 1832. There were a number of residents who had legally acquired such rights having enjoyed 20 years of unobstructed daylight. These were overriding interests and were valid whether or not they were registered on any title deeds. He would therefore strongly urge both the CBC planning department and the developers to communicate directly with those residents affected as "a development may be prevented due to a Right of Light, even if Planning Permission has been granted by a Local Authority."

The Cabinet Member Built Environment thanked Councillor Walklett for his input. In response he said that the Cheltenham Development Task Force were working in partnership with traffic engineers at the County and acknowledged that traffic flow was an important issue which was already being studied with a pilot in St Mary's Road. The impact of the development on neighbouring houses was also an important issue and he hoped to be able to alleviate any concerns. The decision not to go ahead with the hotel could also reduce the mass of the building proposed.

Before moving to the vote the Leader asked members to confirm that they had fully studied the legal and financial implications in the exempt appendices.

With this confirmation, upon a vote it was

RESOLVED THAT

- 1. The variations to the scheme submitted by Augur Buchler and previously accepted by Cabinet at its meeting on 18 October 2011 be approved.**
- 2. The resolutions made on 18 October 2011 be confirmed so that the Head of Property and Asset Management in consultation with the Borough Solicitor continues to be authorised to:-**
 - a) conclude the documentation required to dispose of the Sites as necessary (noting that the sites may be disposed of in**

- parts by way of leasehold and freehold disposals and to more than one party);
- b) enter into an agreement for the purchase of land at Warwick Place from Gloucestershire County Council

10. LOCAL GOVERNMENT ACT 1972 - EXEMPT BUSINESS

Upon a vote it was unanimously

RESOLVED that in accordance with Section 100A(4) Local Government Act 1972 the public be excluded from the meeting for the remaining agenda items as it is likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if members of the public are present there will be disclosed to them exempt information as defined in paragraphs 2, 3 and 5, Part (1) Schedule (12A) Local Government Act 1972, namely:

Paragraph 2; Information which is likely to reveal the identity of an individual

Paragraph 3; Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Paragraph 5: Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings

11. EXEMPT MINUTES

RESOLVED that the exempt minutes of the meeting held on 7 February 2012 be approved and signed as a correct record.

12. CBH MANAGEMENT REVIEW

The Chief Executive informed members that he had agreed with the Chair that this update could be taken in open session.

The Chief Executive confirmed that he had carried out a management review of CBH as requested by Cabinet at their last meeting. He had concluded that the council and CBH would benefit from more two-way communication between the elected Members and the CBH Board. There was also a need for greater clarity on the role of council representative and observer on the CBH Board. The detail of these two conclusions would be picked up by the Director of Commissioning who would be producing a report for Cabinet in June regarding the governance arrangements for CBH.

Chairman