

RECORD OF EXECUTIVE DECISION

Tuesday, 18 September 2012

Decision No: (CAB 12/13 8932)

DECISION-MAKER:	CABINET
PORTFOLIO AREA:	LEADER OF THE COUNCIL
SUBJECT:	FACILITATING THE DEVELOPMENT OF VACANT LAND AT MAYFLOWER PLAZA, COMMERCIAL ROAD
AUTHOR:	Tim Levenson

THE DECISION

Having complied with Rule 15 of the Council's Access to Information Procedure Rules:

- (i) That subject to :-
 - a. The Senior Manager City Development being satisfied that reasonable attempts to reach appropriate agreement in respect of third party rights have failed,
 - b. The prior completion of an appropriate indemnity agreement covering payment of the Councils legal and professional fees and any compensation for the interference with third party rights under section 237 Town & Country Planning Act (TCPA.1990)
the acquisition of land by the Council known as Mayflower Plaza and shown edged red on the plan in Appendix 1 be authorised pursuant s.227 TCPA 1990 to facilitate the carrying out of redevelopment of the land in accordance with planning permission no 12/00675/FUL in order to improve the environmental, economic and social well being of the area in which the land is situated.
- (ii) That the Head of Legal, HR and Democratic Services be authorised to :-
 - a. enter into any necessary legal agreements or other legal documentation following consultation with the Senior Manager City Development, for the acquisition of the land shown edged red on the plan in Appendix 1.
 - b. to agree and enter into any legal documents to subsequently dispose of the land or grant any interest in the land pursuant to section 233 to the Town and Country Planning Act 1990 in order to secure the implementation of the planning permission no12/00675/FUL subject to having received the appropriate indemnities.
 - c. subsequently dispose of the land pursuant to section 233 to the Town and Country Planning Act 1990 subject to the transferee indemnifying the Council against claims made against the Council for compensation under section 237 Town and Country Planning Act 1990 resulting from the implementation of planning permission no12/00675/FUL.

REASONS FOR THE DECISION

1. This report is presented as a general exception item in accordance with Rule 15 of the Access to Information Procedure Rules of Part 4 of the Council's Constitution. Amendments to Regulations 5(2) and 9(2), 2012 require 28 days notice to be given to all Key Decisions comes into effect on 10th September 2012. It has not been possible to meet the requirement of 28 days notice.
2. The Council has been advised by the developer / owner that the private rights to light that are enjoyed by the owners and occupiers of premises on the north side of Commercial Road, Mayflower Theatre, BBC House and a number of flats at Wyndham Court over the site are a significant risk to stopping or impeding the redevelopment.
3. The acquisition of the land by the Council for planning purposes and its subsequent disposal will facilitate the redevelopment by enabling the rights of light in respect of the land to be converted into a claim for compensation, thus allowing the redevelopment to proceed without risk of injunction action.

DETAILS OF ANY ALTERNATIVE OPTIONS

1. To do nothing would not assist the development of this site which has been vacant for over fifteen years.
2. It would not be possible to cut back the scheme in order to remove the risks in order that the developer could maintain confidence in the required programme. This would require the developer to wholly redesign the development and in turn would require them to reopen negotiations with the University before making a revised planning application. The timescale would prevent a start this year to meet the Universities programme that would result in less accommodation being provided.

OTHER RELEVANT MATTERS CONCERNING THE DECISION

None.

CONFLICTS OF INTEREST

None.

CONFIRMED AS A TRUE RECORD

We certify that the decision this document records was made in accordance with the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 and is a true and accurate record of that decision.

Date: 18 September 2012

Decision Maker:
The Cabinet

Proper Officer:
Judy Cordell

SCRUTINY

Note: This decision will come in to force at the expiry of 5 working days from the date of publication subject to any review under the Council's Scrutiny "Call-In" provisions.

Call-In Period expires on

Date of Call-in *(if applicable) (this suspends implementation)*

Call-in Procedure completed *(if applicable)*

Call-in heard by *(if applicable)*

Results of Call-in *(if applicable)*