

**WYRE FOREST DISTRICT COUNCIL
CABINET**

**COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY, KIDDERMINSTER
22ND JULY 2014 (6.00PM)**

Present:

Councillors: M J Hart (Chairman), J-P Campion, N J Desmond, H E Dyke and A T Hingley.

Observers:

Councillors: C Brewer, A R Clent, E Davies, F M Oborski, J A Shaw, M J Stooke, P W Wooldridge and M J Wrench.

CAB.1 Apologies for Absence

There were no apologies for absence.

CAB.2 Declarations of Interests by Members

No declarations of interest were made.

CAB.3 Minutes

Decision: The minutes of the Cabinet meeting held on 13th May 2014 be confirmed as a correct record and signed by the Chairman.

CAB.4 Call Ins

No decisions had been called in since the last Cabinet meeting.

CAB.5 Items Requiring Urgent Attention

There were no items requiring urgent attention.

CAB.6 Leader's Announcements

There were no Leader's announcements.

CAB.7 Housing Allocation Policy

A report was considered from the Director of Economic Prosperity and Place which outlined the results from the consultation process and agree the new Allocations Policy. The recommendations from the Overview & Scrutiny Committee at its meeting on 3rd July 2014 were also considered.

Members were pleased to note that 650 responses had been received to the survey.

Members were informed that there was a debate at the Overview & Scrutiny Committee and a lot of issues had been discussed.

Decision: The new allocations policy, attached at appendix 2 of the report to Cabinet be adopted.

CAB.8 Affordable Housing Supplementary Planning Document - Adoption

A report was considered from the Director of Economic Prosperity and Place which informed Members of representations made in response to consultation on the Draft Affordable Housing SPD and seeks endorsement of the District Council's responses to these and also of the amended SPD for adoption. The recommendations from the Local Plans Review Panel at its meeting on 8th July 2014 were also considered.

The Chairman of the Local Plans Review Panel advised Cabinet that she felt it was important to adopt the policy and there had been several meetings to debate the subject. The Panel had felt that the policy was very fit for purpose.

Decision: The Affordable Housing SPD as set out at Appendix 1 of the report to Cabinet be adopted and the Consultation Statement set out at Appendix 2 of the report to Cabinet be endorsed for publication.

CAB.9 Chaddesley Corbett Neighbourhood Plan – Examiner's Report

A report was considered from the Director of Economic Prosperity and Place which provided Members with an update on the Chaddesley Corbett Neighbourhood Plan. The recommendations from the Local Plans Review Panel at its meeting on 8th July 2014 were also considered.

Members were informed that the Council were the only Worcestershire authority to have the planning agreement in place.

The Chairman of the Local Plans Review Panel advised Members that if the Council had not adopted the local plan, the Neighbourhood Plan would not be progressed. She also stated she was aware that Blakedown and Churchill Parish Councils could also be starting the process.

Members agreed that excellent work had been done on the plan.

Decision: The Decision Statement which forms Appendix Two of the report to Cabinet be approved and the Chaddesley Corbett Neighbourhood Plan proceeds to referendum on 11th September 2014.

CAB.10 Use of Compulsory Purchase Powers on land in Lower Mill Street, Kidderminster

A report was considered from the Director of Economic Prosperity and Place which sought authority for the Council to use its compulsory purchase powers.

A revised plan showing the extent of the proposed land subject to the CPO and comprising approximately 3.22 ha was tabled at the meeting. The plan corresponded with the boundary of the planning application for the redevelopment scheme.

Members were taken through the report and advised that it for Hendersons to engage with the owners and tenants of the properties in Lower Mill Street, Kidderminster.

Members debated the report and hoped that it would not become necessary to use the CPO powers and negotiations would be agreed with the owners and tenants. A Member asked if a timetable could be given to the owners and tenants so they could have some clear indication as to when things might happen, however, the Cabinet Member for Planning and Economic Regeneration replied that until they have given outline agreement, this could not happen.

Councillor F M Oborski left the meeting at this point, (6.30pm).

Decision:

- 1. Subject to entering into an indemnity agreement with Henderson UK Retail Warehouse Fund in respect of the total costs associated with the compulsory purchase and acquisition of the land, the Council makes a Compulsory Purchase Order (“CPO”) under section 226(i) (a) of the Town and Country Planning Act 1990 and section 13 of the Local Government (Miscellaneous Provisions) Act 1976 for the acquisition of the land and new rights within the areas shown edged on the Plan which was tabled at the meeting for the purpose of securing the comprehensive redevelopment of the land in accordance with Policy KCA.WG3 of the Adopted Kidderminster Central Area Action Plan Local Development Plan Document for retail purposes.**
- 2. The Director of Economic Prosperity and Place in consultation with the Solicitor to the Council be authorised to:**
 - 2.1 Take all necessary steps to secure the making, confirmation and implementation of the Compulsory Purchase Order, including the publication and service of all notices and the presentation of the Council’s case at any Public Inquiry.**

- 2.2 **Acquire interests in land and new rights within the Compulsory Purchase Order either by agreement or compulsorily.**
 - 2.3 **Approve agreements with land owners setting out the terms for the withdrawal of objections to the Order, including, where appropriate, seeking exclusion of land from the Order and/or making arrangements for relocation of occupiers.**
 - 2.4 **Enter into an Agreement with Henderson UK Retail Warehouse Fund for the acquisition of the properties to be purchased compulsorily (a 'back to back' Agreement) before any CPO is made.**
3. **Subject to the above referenced indemnity agreement being entered into, the Director of Economic Prosperity and Place to appoint consultants as required to act on behalf of the Council in progressing the Compulsory Purchase Order, including any negotiations for the purchase of any land.**

Recommend to Council:

4. **In the event that it becomes necessary to make a Compulsory Purchase Order, the Capital Programme be amended to include the acquisition of properties that are the subject of the order, while recognising that there will be no cost to the Council as a result of the indemnity agreement and "back-to-back" agreement as set out in recommendations 1 and 2.2 above**

CAB.11 Recommendations from Committees

Overview and Scrutiny Committee, 3rd July 2014

- **Climate Change Update**

The Climate Change Strategy and Action Plan 2014-15 as set out at Appendix 1 of the report to the Overview and Scrutiny Committee be approved.

CAB.12 Exclusion of Press and Public

Decision: "Under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting during the consideration of the following items of business on the grounds that they involve the likely disclosure of "exempt information" as defined in paragraph 3 of Part 1 of Schedule 12A to the Act.

CAB.13 Maximising the Value of Council Property Assets

A report was considered from the Director of Economic Prosperity and Place which asked Cabinet to agree the business case set out through the Medium Term Financial Strategy for the development of some of the Council's property assets to support housing growth and economic regeneration. The recommendations from the Overview & Scrutiny Committee at its meeting on 10th July 2014 were also considered.

Decision:

- 1. Delegated authority be granted to the Director of Economic Prosperity & Place, in consultation with the Cabinet Member for Planning & Economic Regeneration to continue to progress the business case(s) for disposal of, or investment in, the list of land and properties set out in Appendix 1 to the confidential report to Cabinet, including the appropriate vehicle to deliver the desired outcomes.**
- 2. The capital receipts from the sale of the land and buildings be utilised as set out at Appendix 1 of the confidential report to Cabinet (with the exception of the property mentioned in the report) and any future land and buildings that may be considered appropriate as an 'evergreen' fund to support future investment opportunities in developments that deliver further receipts for disposal or return on investment.**
- 3. To further develop the business case(s) for the renewable resources income generating options and delegated authority be granted to the Director of Economic Prosperity & Place, in consultation with the Cabinet Member for Planning & Economic Regeneration, for the implementation of those proposals which produce a positive rate of return over an acceptable payback period.**

Recommend to Council:

- 4. The allocation of capital receipts from the sale of the land and buildings identified at paragraph 2 in the confidential report to Cabinet be agreed, to create an 'evergreen' fund to support future investment opportunities in developments that deliver further receipts for disposal or return on investment; that delegated approval be given to Cabinet to agree the appropriate investments upon which to spend such investment fund monies; and that delegation be granted to Cabinet to decide to add any future capital receipts to the evergreen investment fund as they deem appropriate.**

CAB.14 Disposal of Land

A report was considered from the Director of Economic Prosperity and Place which asked Cabinet to agree the disposal of land in Kidderminster.

Decision: Delegated authority be granted to the Director of Economic Prosperity & Place, in consultation with the Cabinet Members for Planning & Economic Regeneration and Operational Services to:

- 1. Agree terms for and dispose of land at the named site in the confidential report to Cabinet on such terms as are considered the most economically advantageous to the Council including disposal of the freehold, granting of a lease and/or such other terms in respect of capital or revenue receipts as may be appropriate.**
- 2. Take the other consequential steps identified in paragraph 2.2 of the confidential report to Cabinet.**

CAB.15 Disposal of Land

A report was considered from the Director of Economic Prosperity and Place which asked Cabinet to agree the disposal of land in Kidderminster.

Members were advised that the sale of this land made good business sense.

Decision: To proceed with the sale to the leaseholder of the freehold of the land identified in the confidential report to Cabinet.

The meeting closed at 18.54 pm.