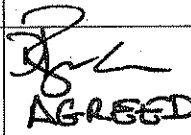
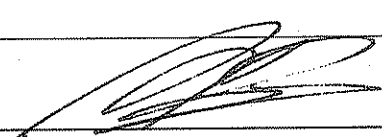


Record of Cabinet member decision

Local Government Act 2000 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Decision made by	Councillor Matthew Barber
Key decision?	Yes
Date of decision (same as date form signed)	
Name and job title of officer requesting the decision	Suzanne Malcolm Economic Development Manager
Officer contact details	Tel: 01235 547619 Email: suzanne.malcolm@southandvale.gov.uk
Decision	To extend the planning condition date and further consequential amendments in the Vale Council's contract with Doric Properties Ltd (date December 2012) and to delegate authority to the chief executive to negotiate and agree final terms and enter into the contract variation agreement.
Reasons for decision	<p>In December 2012, the Vale Council entered into a contract with Doric Properties Ltd in respect of an agreement for sale relating to the West Way Shopping Centre and other land at Botley.</p> <p>In December 2014, planning permission for the site was refused by the planning authority and Doric Properties Ltd lodged an appeal against the refusal.</p> <p>Since then a number of meetings have taken place between the Vale Council, Doric Properties Ltd (and Mace as the lead developer), West Way Concern (local community group), Cumnor Parish Council and North Hinksey Parish Council to discuss the way forward and how to involve the local community in any revised scheme.</p> <p>Subject to achieving financial viability, all parties recognise that a revised scheme is needed and are keen to work towards this outcome to ensure redevelopment is achieved.</p> <p>The development area will be reduced in scale and will specifically exclude Elms Parade, Sovereign Vale's Field House and the Vicarage of St Peter and St Paul Church.</p> <p>Pursuing an appeal on the original scheme is a long and costly process for both the developers and the opposing</p>

	<p>partners, along with the costs to the Vale Council in terms of defending the planning decision. There is also no guaranteed outcome.</p> <p>Doric Properties Ltd has agreed to withdraw the appeal subject to the Vale Council agreeing to extend the planning condition date in the original agreement to enable a substituted application to be submitted and duly considered. The Vale Council's external legal advisors are reviewing the existing contracts and the consequential changes required to incorporate a revised timescale. CPO conditions in the contract will be reviewed as part of the variation agreement with the intention of removing the CPO options relating to Elms Parade, Sovereign Vale's Field House and the Vicarage of St Peter and St Paul Church.</p>			
<p>Alternative options rejected</p>	<p>If the Vale Council chose not to extend the planning condition date it would be required to defend the planning appeal and this could be a long and costly process with no guaranteed outcome. If the appeal was successful, there is also no guarantee that Doric would pursue implementation of the planning permission, particularly given the local opposition to the original scheme. This would forgo the potential capital return to the Vale Council and also leave the future of the West Way shopping centre as uncertain.</p>			
<p>Legal implications</p>	<p>The Vale Council's external legal advisors (Pinsent Masons) have been instructed and are advising on the variations to the existing contract. It is anticipated that this can be done by means of a variation agreement. A new procurement deed of indemnity is to be provided with the deed of variation (to update the previous one from December 2012 and reflect the contractual changes/risk).</p>			
<p>Financial implications</p>	<p>It is anticipated that a revised scheme will still provide the Vale Council with a financial return in line with the original scheme.</p>			
<p>Other implications</p>	<p>None.</p>			
<p>Background papers considered</p>				
<p>Declarations/conflict of interest? Declaration of other councillor/officer consulted by the Cabinet member?</p>				
<p>List consultees</p>		<p>Name</p>	<p>Outcome</p>	<p>Date</p>
	<p>Ward councillors</p>			
	<p>Legal</p>	<p>Pat Connell</p>	<p>Approved</p>	<p>13/03/15</p>

	Finance			
	Human resources			
	Sustainability			
	Diversity and equality			
	Communications Corporate Strategy			
	Strategic Management Board	DAVID BUCKLE	 AGREED	13/3/15
Confidential decision? If so, under which exempt category?	No			
Call-in waived by Scrutiny Committee chairman?				
Cabinet member's signature To confirm the decision as set out in this notice.	Signature  Date 13.iii.MMKV			

ONCE SIGNED, THIS FORM MUST BE HANDED TO DEMOCRATIC SERVICES IMMEDIATELY.

For Democratic Services office use only		
Form received	Date: 13-3-15	Time: 12:00
Date published to Scrutiny Committee	Date: 13-3-15	
Call-in deadline	Date: 20-3-15	Time: 17:00