

CABINET

1 SEPTEMBER 2008

Present :- Councillor Anne Turrell (Chairman)
Councillors Lyn Barton, Tina Dopson, Theresa Higgins,
Martin Hunt, Beverley Oxford, Paul Smith and
Tim Young

18. Minutes

The minutes of the meeting on 9 July 2008 were confirmed as a correct record.

19. Have Your Say!

Vicky Lissimore addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2). She explained why her family enjoyed their allotment and the benefits keeping an allotment brought to them. She was concerned that the increase in rents for allotments that had recently been introduced might mean that they would no longer be able to afford to maintain an allotment. Councillor T. Higgins, Portfolio Holder for Culture, Tourism and Diversity responded to the points made and explained that the rental for allotments remained subsidised and was still less than £2 per week.

Andy Hamilton addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2). He had spoken at the recent meeting of the Finance and Audit Scrutiny Panel and had requested that the accounts be corrected. He noted that this had not been done. He expressed concern about the way that the Council had treated requests for information on the accounts. He would raise these concerns with the auditor. He believed that public services were suffering as a result of the expenditure on the Visual Arts Facility.

Councillor Theresa Higgins and Councillor Anne Turrell (in respect of membership of Essex County Council) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Tim Young (in respect of spouse's membership of Essex County Council) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

20. Queen Street Cultural Quarter - Approval of Heads of Terms for Disposal

The Head of Strategic Policy and Regeneration submitted a report a copy of which had

been circulated to each Member and a copy of which appears as Appendix A to these minutes in the Minute Book, together with a background paper from NPS Property Consultants, a copy of which appears as Appendix B to these minutes.

Peter Kay, on behalf of Colchester Bus Users Group, addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2). The Council needed to improve the way it handled information about the bus station. Since the announcement in May there had been very little information provided. The Bus Users Group had tried to work constructively with the Council and had tried to arrange a meeting but without success.

Paula Whitney addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2). She stressed that Queen Street was the only viable location for a bus station. This had been demonstrated by the Transport Forum which had examined all the options several years ago and had concluded that Queen Street was the most suitable site. In order to help combat climate change it was essential to reduce traffic and a strong public transport network, with a viable bus station, was instrumental to this. When the planning application for the Visual Arts Facility had been considered there had been many objections to moving the location of the bus station. Surveys had shown that the bus station was used by 5-6000 passengers daily.

Tim Oxtan addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2). He believed that the recent change of administration in Colchester was due to public dissatisfaction about the construction of the Visual Arts Facility on part of the bus station site. To allow the rest of the site to be used for the Cultural Quarter seemed to be repeating this mistake and would also be very unpopular. The bus station should remain in its present location and if it had to be relocated, it should be as large as the current facility and in a central location. He objected to the title of "cultural quarter" as the development was commercial rather than cultural in nature.

Bob Russell MP addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2). There had been massive opposition expressed previously about the closure of the bus station and a consultation exercise he was currently undertaking showed that this opposition remained. The public wished the bus station to remain in its current location. However, he understood that the previous administration had signed a land use agreement which would prevent this. The Heads of Terms were open ended and time limits should be put in place. There was no evidence that hotel chains and shops were committed to the development. He also objected to the title "cultural quarter", as the area around the Mercury Theatre and Arts Centre was Colchester's real cultural quarter.

Peter Lynn addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2). He emphasised the importance of public transport for residents and for the vitality of the town centre. A satisfactory replacement bus station needed to be in place before the existing one was closed. He asked the Cabinet to consider whether the provisions in the Heads of Terms about the sustainability of the development, particularly regarding the minimum proportion of energy to be provided from renewable sources, were as stringent as those originally promised.

Mark Lee addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2). As Chair of St James Parochial Church Council, he asked Cabinet to exclude any provision for mobile phone masts to be erected as part of the development, as a school were concerned about the possible impact of such a mast. As a private individual he expressed concern about proceeding with the development before the situation regarding the Visual Arts Facility was resolved as the two projects were dependant on each other.

In response to the concerns raised by the public speakers about the impact of the scheme on the bus station, Councillor Turrell, Leader of the Council and Portfolio Holder for Strategy, explained that work on a site in the town centre for a bus station was ongoing but commercial considerations meant that details could not be given at this stage. The Council was committed to providing a twenty first century bus station in the town centre.

Councillor Lissimore attended and, with the consent of the Chairman, addressed the Cabinet to ask how much of the design shown in the public consultation remained in the scheme.

Councillor Lewis attended and, with the consent of the Chairman, addressed the Cabinet and asked the Cabinet to confirm the financial position the administration had inherited. Councillor Smith, Portfolio Holder for Resources and Business, responded.

Councillor Barton, Portfolio Holder for Regeneration and Planning, invited the Cabinet to support the proposals in the report. She stressed that the Heads of Terms were not a formal contract but a list of principles which would form the basis of the Development Agreement. The final terms of the Development Agreement would be referred back to Cabinet in due course. The number of flats in the scheme had been greatly reduced and a number of townhouses were now proposed. The bus station could not remain on its current temporary site due to a land use agreement which meant that from 2012 the Council would not have control of the site. It was therefore necessary to find an alternative site.

The decision outlined at 1.4 of the Head of Strategic Policy and Regeneration's report was no longer necessary.

Councillor Smith, Portfolio Holder for Resources and Business, welcomed the proposals which would be good for business in Colchester. He proposed changing the definition of local businesses so that it included businesses in the Haven Gateway Partnership area.

Councillor T. Higgins, Portfolio Holder for Culture, Tourism and Diversity, welcomed the proposal that a hotel be the first part of the development, as more hotel space was needed in the town centre. She requested that this be time limited so that the hotel would be in operation before the 2012 Olympics. This would enable Colchester to take advantage of its proximity to the Olympic venues in east London.

RESOLVED that:-

(i) The significant progress made in the last nine months in respect of milestones contained within the Collaboration Agreement be noted.

(ii) The proposed Heads of Terms, which would form a basis for the Development Agreement be agreed in principle, subject to the definition of local business being amended to include businesses based in the Haven Gateway Partnership area and a time limit being imposed to secure the opening of a hotel before the 2012 Olympic Games.

(iii) The basis of the financial structure proposed for the Council in the context of the overall development within the St. Botolph's Regeneration area be accepted. It was also noted that during the course of negotiations in respect of the Development Agreement and planning application the structure may be subject to change, especially in the current economic climate and as a result of any phased development agreed. A report to be submitted to Cabinet at the appropriate time, seeking approval to the terms of the finalised Development Agreement, including confirmation that the best consideration, in the context of the Council's statutory requirements and Strategic Plan, had been met and including confirmation of any phased programme of development.

REASONS

The proposed Heads of Terms form the basis of the Development Agreement which would be the legal contract between the Council and Garbe Real Estate Limited. to build the Cultural Quarter scheme in St. Botolph's Quarter on land adjacent to firstsite. In accordance with the existing Collaboration Agreement the approval of the Heads of Terms enable each party to instruct legal representatives to commence the negotiations in respect of the Development Agreement.

The formal approval of the Heads of Terms signified the achievement of a significant milestone within the set timescale of the Collaboration Agreement, which reflected the parties' determination to progress the development in spite of the adverse economic climate.

ALTERNATIVE OPTIONS

The Council could refuse to accept that the proposed Heads of Terms offer the Council the best overall consideration for its landholding taking into account the delivery of key non financial objectives for the St. Botolph's Regeneration area and could sell it's landholding to the highest bidder on the open market for an alternative form of development. However an alternative form of development or use on the site would not necessarily complement or provide a suitable setting for the firstsite building and may not meet the objectives of the wider regeneration of this area as set down in the St. Botolph's Masterplan, adopted by the Council in 2005.

21. Hythe Station Improvements

The Head of Strategic Policy and Regeneration submitted a report a copy of which had been circulated to each Member and a copy of which appears as Appendix C to these

minutes in the Minute Book .

Peter Kay, on behalf of Colchester Bus Users Group, addressed the Cabinet pursuant to the provisions of Meetings General Procedure Rule 5(2). He expressed concerns about the de-staffing of the Hythe Station. If left unstaffed, the station would be vandalised and would not be seen as an attractive alternative for travel to London.

Councillor Barton, Portfolio Holder for Regeneration and Planning, Councillor T. Young, Portfolio Holder for Street and Waste Services, and Councillor T. Higgins, Portfolio Holder for Culture, Tourism and Diversity, spoke in support of the proposals.

RESOLVED that:-

(i) The implementation of a project to improve the entrance and passenger facilities at Hythe Station and Hythe Station Road be approved, for which a £600,000 grant had been earmarked within the Haven Gateway New Growth Point funds, and officers be authorised to seek tenders from suitable contractors for works to be undertaken by the Borough Council.

(ii) Authority be delegated to the Cabinet Portfolio Holder for Planning Regeneration to accept the most advantageous tender(s) for the various elements of the project to be undertaken by the Borough Council.

(iii) The recommendation that no viable future use could be made of the existing Hythe Station building be accepted and it be noted that this will be demolished and new facilities provided as part of the scheme.

REASONS

(i) To implement the recommendations of the feasibility study.

(ii) To ensure formal authority was given to the letting of a contract for completion of the works.

(iii) To implement a scheme for which grant aid was available.

(iv) To achieve the implementation of another key element of the Colne Harbour Master Plan.

ALTERNATIVE OPTIONS

Other options might include a “do nothing” scenario which would effectively leave the station as it was at present and relies upon Network Rail and National Express East Anglia to merely maintain a basic infrastructure with little passenger comfort and attraction. This would be likely to have a negative impact upon the benefits that the current £1 million platform extensions scheme was designed to bring.

Another option might be to pave from the road up to the building and install limited new infrastructure such as a new shelter on the down platform, cycle racks and CCTV, as well as implementing the proposals for the improvement of Hythe Station Road and

provision of bus shelters. Whilst this might improve the entrance to the station, the boarded-up building would still be unattractive and increasingly unsafe and may still impact upon the overall attractiveness of the Hythe station to prospective rail users with a similar negative impact to the “do nothing” scenario.

These options rely upon Network Rail not exercising their statutory right to remove the building which, in view of the fact that it was no longer required for the operation of the railway, they could decide to exercise at any time.

The retention of the building was not the responsibility of the Borough Council but was that of Network Rail and any potential developers, especially in terms of the cost and implementation of any renovation and its future use(s). (The feasibility study determined the renovation of the building not to be a commercially viable proposition and Network Rail have advised that they would not offer any long-term commercial lease on the building).