

City of Durham

At a Meeting of the **CABINET** held in the Gala Theatre, Durham, on Tuesday, 23rd October, 2007, at 1.00 p.m.

Present: Councillor Reynolds (in the Chair)
and Councillors Bell, Jackson, Pitts, Rae, Southwell, Thomson and Woods.

Also Present: Councillors Colledge, Cowper, Howarth, Kellett, Marsden, Mitchell, Robinson, Stoddart, Turnbull, Wilkinson and Wolstenholme.

305. DECLARATIONS OF INTEREST

Councillors Southwell and Thomson declared a personal interest in Minute 308 relating to Flourishing Communities and remained in the Meeting during consideration thereof.

Councillors Bell, Reynolds and Southwell and the Chief Executive declared a personal interest in Minutes 311 and 312 relating to the transfer of the Council's sites that may have development potential to Durham Villages Regeneration Company, and remained in the Meeting during consideration thereof.

Councillor Southwell declared a personal interest in Minutes 313 and 314 relating to the Secretary of State for Communities and Local Government's decision to impose unitary local government in Durham County and remained in the Meeting during consideration thereof.

306. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Dickie and van Zwanenberg.

307. MINUTES

The Minutes of the Meeting held on 17th October, 2007, were confirmed as a correct record and signed by the Chairman.

Portfolio Member Recommendations or Items Requiring a Cabinet Decision

The Chairman had agreed to accept, as a matter of urgency and due to the time factor involved, the Supplementary Report of the Director of Strategic Services and Head of Community Services in relation to Flourishing Communities.

308. FLOURISHING COMMUNITIES

The Leader of the Council, Director of Strategic Services and Head of Community Services submitted a comprehensive report to consider the recommendations of the Flourishing Communities Executive Board.

Resolved: That the recommendations of the Flourishing Communities Executive Board be endorsed and that a grant of £25,004 be awarded to Belmont Parish Council.

309. LEADER'S BUSINESS

The Leader of the Council reported that Durham Villages Regeneration Limited had been awarded the Best Practice Award 2007 by the British Urban Regeneration Association.

The Award was to be presented on 29th November, 2007, and the Leader wished to place on record his thanks to all those people who had been involved.

COUNCILLOR REYNOLDS VACATED THE CHAIR**COUNCILLOR WOODS IN THE CHAIR****310. IN PRIVATE****Portfolio Member Recommendations or Items Requiring a Cabinet Decision****311. TRANSFER OF THE COUNCIL'S SITES THAT MAY HAVE DEVELOPMENT POTENTIAL TO DURHAM VILLAGES REGENERATION COMPANY**

The Deputy Leader of the Council and Director of Strategic Services submitted a comprehensive report seeking approval to enter into a contract with Durham Villages Regeneration Limited to transfer land and property as detailed on the list which had been circulated. (See Report File).

Resolved: (i) That the freehold sites, as detailed on the circulated list, be transferred to Durham Villages Regeneration Company.

(ii) That a further report be considered by Cabinet as a matter of urgency, identifying possible land transfers in other suitable locations.

312. DISPOSAL OF LAND AT HORTON CRESCENT, BOWBURN, TO DURHAM VILLAGES REGENERATION LIMITED

The Leader of the Council and Director of Strategic Services submitted a comprehensive report to consider terms provisionally agreed by the Council Valuer to dispose of a site comprising approximately 14,760 square metres of land at Horton Crescent, Bowburn to Durham Villages Regeneration Limited for housing development. (See Report File).

Resolved: That the disposal to Durham Villages Regeneration Limited of a site at Horton Crescent, Bowburn, in accordance with terms as provisionally agreed by the Council Valuer, be approved.

COUNCILLOR REYNOLDS IN THE CHAIR

The Chairman had agreed to accept, as a matter of urgency and due to the time factor involved, the Supplementary Report of the Chief Executive in relation to Progress of Council's legal challenge against decision of Secretary of State for Communities and Local Government to impose a unitary Council in Durham County, and Whether to contribute to the appeal being conducted by Congleton Borough Council and Shrewsbury and Atcham Borough Council against the decision of Secretary of State for Communities and Local Government to impose unitary government in Cheshire and Shropshire.

313. PROGRESS OF COUNCILS LEGAL CHALLENGE AGAINST DECISION OF SECRETARY OF STATE FOR COMMUNITIES AND LOCAL GOVERNMENT TO IMPOSE A UNITARY COUNCIL IN DURHAM COUNTY

The Leader of the Council and Chief Executive submitted a comprehensive report to advise Cabinet in respect of the appeal by Shrewsbury and Atcham Borough Council and Congleton Borough Council against the judgement of Mr Justice Underhill in relation to the Secretary of State for Communities and Local Government's decision to impose unitary authorities following successful bids by 9 local authorities.

Resolved: To not withdraw as a Claimant in the Durham Challenge against the Secretary of State's decision to impose unitary government within Durham County.

314. WHETHER TO CONTRIBUTE TO THE APPEAL BEING CONDUCTED BY CONGLETON BOROUGH COUNCIL AND SHREWSBURY AND ATCHAM BOROUGH COUNCIL AGAINST THE DECISION OF SECRETARY OF STATE FOR COMMUNITIES AND LOCAL GOVERNMENT TO IMPOSE UNITARY GOVERNMENT IN CHESHIRE AND SHROPSHIRE

The Leader of the Council and Chief Executive submitted a comprehensive report to advise Cabinet in respect of the appeal by Shrewsbury and Atcham Borough Council and Congleton Borough Council against the judgement of Mr Justice Underhill in relation to the Secretary of State for Communities and Local Government's decision to impose unitary authorities following successful bids by 9 local authorities.

Resolved: To contribute a maximum of £10,000 to the costs of the Appeal being pursued by the Claimants, provided that if the Claimants withdraw their appeal prior to a judgement being issued without consulting the Council, the contribution will not be paid.

Note: Councillor Bell requested that his opposition to this resolution be recorded in the Minutes.

The Meeting terminated at 1.25 p.m.

Chairman

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Agenda Item 5(a)

STATUS PUBLIC

Portfolio Member/Director/Head of Service Councillor Nigel Van Zwanenberg/Head of Planning Services	Portfolio Strategic Planning & Regeneration
Subject Design Brief & Former Ice Rink	Date 12 th November 2007
	Forward Plan No
Contact Officer David Thornborrow (Ext. 8701)	Previous Minutes None
Purpose of Report To endorse the principles and parameters for development of the site as outlined in the report of external consultants (EDAW) appointed jointly by One NE (funding partners for Durham City Vision) and the City of Durham as planning authority.	
Executive Summary The Brief sets out clear principles and parameters that are ultimately intended to influence redevelopment and therefore initially guide the preparation and delivery of an optimum development solution reflecting the highest possible quality of design and construction as well as maximising benefits for Durham's local communities and visitors. The Brief responds to key development influences (including the Local Plan, the 2020 Masterplan for Durham City, the Secretary of State's Report on the Public Inquiry relative to a previously refused application and the views of key stakeholders).	
Portfolio Member Recommendations or Items Requiring a Cabinet Decision <ul style="list-style-type: none"> • To endorse the approach and its objectives. • To acknowledge the site appraisal, the pertaining policy framework and the key issues and opportunities. • To accept the design principles and parameters set out in the draft brief. 	
Reasons for Recommendations The former ice rink is a key redevelopment opportunity as a prominent site in the sensitive surroundings of its City Centre setting. The Council is required to offer clear guidance to reconcile the difference aspirations for the site, reflect the development and design criteria that will lead to a successful application as such befits the expectations of interested parties. A stakeholder event held on 8 th October followed meetings with the MP, landowner interests and statutory consultees and resulted in a positive endorsement of the approach and the Brief has incorporated feedback from the event.	
Alternative Options To Be Considered Proposals submitted hereafter without adherence to an agreed design brief will be unlikely to be acceptable either to the local planning authority and statutory consultees or other parties	

with an interest in the scale, mass and quality of development. Alternative options include development proposals that are more likely to be speculative, of an inappropriate nature and design that compromise the aspirations of the City Centre Vision.

Consultation

Consultation has been carried out with key stakeholders and the Brief will be a public document that will be used as a basis for informing pre-application discussions and assessing future development proposals. Publicity and further consultation will accompany progress towards an emerging scheme.

Financial, Legal and Risk Implications

The preparation of the Brief has been financed by One NE as a result of mediation by the 2020 Vision for Durham City Centre.

The preparation of the Brief will reduce the risk of speculative development and links the aspirations of interested parties to a set of aims and objectives. A more successful outcome for a future development based upon the principles and parameters is likely to be achieved; this will also reduce the risk of confrontational positions of interested parties and abortive resources including a local public inquiry.

Resource Implications

A considerable level of pre-application discussion is involved in the preparation of proposals for such a prominent and sensitive site. The Brief will serve to eliminate weak or unsuccessful elements of any emerging proposals and ensure effective use of Council resources, as well as the commitment required by other stakeholders.

Timescale for Action

The brief is expected to lead to the selection of a developer by the landowning interests in the site. An application would then follow from pre-application discussions during 2008.

Associated Policies and Plans

The National, Regional and Local Policy frameworks as represented by Planning Policy Statements/Guidance, the Development Plan (Regional Spatial Strategy (NE), City of Durham Local Plan) and related good practice advice.

Supporting Documents

Design Brief (Draft) EDAW October - a copy will be available in the Members Room

Background Papers

2007/2020 Vision and Masterplan for Durham City Centre.
Emerging Local Development Framework. (Housing DPD and City Centre and Retailing DPD).
Public Inquiry and Secretary of State decision : Application for redevelopment of former Ice Rink by Kascada.