

To: All Members of the EXECUTIVE

(Other Members for information in
advance of consideration by
Council)

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Date: 16 April 2012

Membership of the Executive

Cllr Robert Knowles (Chairman)
Cllr Mike Band (Vice-Chairman)
Cllr Carole King
Cllr Bryn Morgan
Cllr David Munro

Cllr Stephen O'Grady
Cllr Julia Potts
Cllr Stefan Reynolds
Cllr Adam Taylor-Smith
Cllr Keith Webster

Dear Councillor

A Special Meeting of the EXECUTIVE will be held as follows:-

DATE: TUESDAY, 24 APRIL 2012

TIME: 7.00 P.M.

PLACE: COUNCIL CHAMBER, COUNCIL OFFICES, THE BURYS,
GODALMING

Yours sincerely

MARY ORTON

Chief Executive

*This meeting will be webcast and can be viewed by visiting
<http://www.waverley.gov.uk>

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NOTE FOR MEMBERS

Contact Officers are shown at the end of each report and members are welcome to raise questions, make observations etc. in advance of the meeting with the appropriate officer.

AGENDA

1. **APOLOGIES FOR ABSENCE**

To advise the Executive of any apologies for absence.

2. **DISCLOSURE OF INTERESTS**

To receive from members, declarations of personal and prejudicial interests in relation to any items included on the agenda for this meeting, in accordance with the Waverley Code of Local Government Conduct.

3. **BRIGHTWELLS – RECTIFICATION OF DEED OF COVENANT**

[Portfolio Holder: Cllr Adam Taylor-Smith]

[Wards Affected: All Farnham Wards]

The purpose of the report at Appendix A is to seek authority for amendments to be made to the East Street Development Agreement and Deed of Covenant relating to the Brightwells open space provision.

Recommendation

That the Borough Solicitor, in consultation with the Chief Executive and East Street Portfolio Holder, be authorised to negotiate with Crest Nicholson in order to make the necessary amendments to the Development Agreement and Deed of Covenant relating to Brightwell Gardens and the former Bowling Green as outlined in the report, and enter into a Deed of Variation to the Development Agreement to that effect.

4. **APPROPRIATION OF LAND AT BRIGHTWELLS/EAST STREET AND RIVERSIDE**

[Portfolio Holder: Cllr Adam Taylor-Smith]

[Wards Affected: All Farnham Wards]

The purpose of the report at Appendix B is to consider objections to the appropriation and disposal of open space land within the Brightwells/East Street Development Site (referred to in the report as the Brightwells Site) and Riverside Development Site, and in light of these, to determine whether to approve the appropriation for planning purposes and disposal by way of lease of land owned by the Council at Brightwells and Riverside, Farnham.

Recommendation

The Executive is recommended to RECOMMEND to the COUNCIL that

1. pursuant to Section 122 of the Local Government Act 1972, the land shown on the Plans at Annexes 2, 3 and 6 at the East Street Development Site and Riverside Site be appropriated for planning purposes and the Chief Executive be authorised to execute a memorandum confirming this appropriation; and
 2. pursuant to Section 123 of the Local Government Act 1972, the intention to lease the land shown on the plans at Annexes 4 and 5 be reaffirmed, and that the detailed terms and conditions of the proposed lease to be granted to Crest Nicholson Sainsbury, including full specification of the terms of the covenants and restrictions that will protect and maintain the open space of Brightwell Gardens for public use and enjoyment, be presented for consideration by the Executive at the appropriate time, once the development agreement pre-conditions have been satisfied.
5. BRIGHTWELLS/EAST STREET DEVELOPMENT, FARNHAM – COMPULSORY PURCHASE
- [Portfolio Holder: Cllr Adam Taylor-Smith]
[Wards Affected: All Farnham Wards]

The purpose of the report at Appendix C is to authorise actions necessary to implement the Council's decision, resolved in November 2008 and first discussed in December 2005, for the making of a Compulsory Purchase Order (CPO) pursuant to Section 226(1)(a) and (3) of the Town and Country Planning Act 1990 (TCPA) to acquire the land and premises on which the former Regal Cinema was erected and the Marlborough Head Public House, Farnham and other land as shown in red on the plan at Annexe 1 ("the Sites"), in order to facilitate the carrying out of a scheme of development, re-development and improvement at East Street/Brightwells, Farnham ('the Brightwells Development').

Recommendation

It is recommended that the Executive recommends to Council that:

1. it confirms that it is satisfied that it is necessary to acquire the sites by compulsory purchase as part of the required redevelopment site, in order to carry out the Brightwells Development as proposed and achieve the social economic and environmental benefits outlined in this report;
2. it reaffirms its previous decision for the Council to make a CPO under Section 226 (1) (a) and (3) of the Town and Country Planning Act 1990 for the acquisition of land shown on the plan (attached as Annexe 1) in order to facilitate the carrying out of a scheme of development, redevelopment and improvement at Brightwells/East Street, Farnham ('the Brightwells Development');

3. **it resolves to exercise its powers under Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 for the creation of new rights required for the purpose of carrying out the Brightwells Development;**
4. **it resolves to exercise its powers under Sections 236, 237, 271 and 272 of the Town and Country Planning Act 1990 as appropriate in order to extinguish the specific rights in connection with the CPO;**
5. **it resolves to request the Secretary of State to exercise his powers under Sections 251 and (if necessary) 254(1)(b) of the TCPA in accordance with regulation 15 of the Town and Country Planning General Regulations 1992, to authorise the requisite extinguishment of public rights of way over the lands at Brightwells to be acquired or appropriated for the purposes of the Brightwells Development, as described in paragraph 16 of the report;**
6. **the Chief Executive be authorised to take all necessary steps to secure the making, confirmation and implementation of the Compulsory Purchase Order including, but not limited to, finalising the terms of the Statement of Reasons, CPO Order and Schedule of Interests; service of notices and dealing with all other relevant documentation; dealing with valuations; presenting the Council's case at public inquiry; negotiating and entering into agreements or undertakings with landowners; acquisition of third party interests by private treaty and payment of compensation; references to the Lands Chamber of the Upper Tribunal or Court for determination; dealing with any other relevant claims or orders; and**
7. **the Chief Executive, in consultation with the Portfolio Holder, be authorised to incur the Council's share of the necessary expenditure in obtaining the sites by compulsory purchase and undertaking the CPO procedure to be financed from the 2012/13 Capital Programme pending the receipt of the capital premium.**

6. **EXCLUSION OF PRESS AND PUBLIC**

To consider the following recommendation on the motion of the Chairman:-

Recommendation

That, pursuant to Procedure Rule 20, and in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during these items, there would be disclosure to them of exempt information (as defined by Section 100I of the Act) of the description specified in the appropriate paragraph(s) of the revised Part I of Schedule 12A to the Act (to be identified at the meeting, as appropriate).

7. ANY OTHER ISSUES TO BE CONSIDERED IN EXEMPT SESSION

To consider matters (if any) relating to aspects of any reports on this agenda which, it is felt, may need to be considered in Exempt session.

**For further information or assistance, please telephone Robin Pellow,
Head of Democratic and Legal Services, on 01483 523222.**