

## Ordinary Council – 11 December 2013

### 15. WILLIAM HUNTER WAY – Final Supplementary Report

**Report of:** *Managing Director*

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#### 1 Executive Summary

- 1.1 This report provides the current status of the scheme to develop the William Hunter Way site and highlights events that have occurred since the Ordinary Council meeting 23<sup>rd</sup> October 2013.
- 1.2 In considering this report, Members are asked to note that the Development Agreement (DA) is still in force. Whilst the revised longstop date for the DA, 7th December 2013, has passed, the agreement remains in force until either party terminates it. Of significance is that discussions still continue with the developer and it is the intention to provide a verbal update at the Council meeting of the outcome of these.
- 1.3 As at the date of this report, the items that we consider resolved are as follows:-
  - a) Stockland Halladale (UK) Limited (Stockland), have confirmed that the financial appraisal provided by them in late October 2013, is their final financial appraisal. Since the October 2013 report to Ordinary Council, Stockland have improved the financial return to the Council. This has been achieved by increasing the minimum guaranteed rental on a per annum basis, from £209,000 to £225,000. This was the result of an increase in the Council share of net rents from 10% to 10.77%.
  - b) Of the Nine Conditions Precedent (CPs) the following are resolved
    - I. The Title condition (with the exception of the Barclays Condition and indemnity Insurance - see 5.7.1 below)
    - II. The planning condition (note the S106 is due to be signed next week)
    - III. The Lettings condition – subject to the Council agreeing to the variation to the Development Agreement relating to the car park.
    - IV. The Highways condition
    - V. The Site Investigation condition
  - c) Confirmation from the guarantor of the developer that they have approved the transaction and are committed to the deal between Stockland and the Council.

- d) Confirmation that the guarantor of the developer has allocated funds, or has an arrangement in place, to meet the requirements to build the scheme to complete by September 2015.
- e) A detailed project plan to allow us to understand the underlying milestones of the construction plan.

- 1.4 As at the date of this report, the items that we consider unresolved of the Nine Conditions Precedent (CPs) are as follows (for details please see section 6):
- I. The waiver from Stockland for the Appropriation condition (this will be granted subject to the Barclays condition being resolved see section 6.9). Subject to the Barclays condition being resolved this is not seen as a major issue.
  - II. The waiver from Stockland in relation to the Developers Land condition. This is not seen as a major issue.
  - III. The Barclays condition
  - IV. The Sainsbury's condition

- 1.5 The report also provides a comparison with the original proposal for the scheme agreed by Members in May 2007.

- 1.6 It is clear that any recommendation must reference the risk associated with approving the scheme. A summary of the risks can be found in section 11 but the major risks mainly relate to:

- a) The deliverability of the scheme by the developer.
  - b) The resolution of all Conditions Precedent.
  - c) The lack of clearly defined damages/ penalties within the original development agreement should construction work either not start on time or finish on time.
- 1.7 It is in order to mitigate these risks and protect the public purse, that the Council have requested from the Developer that Stockland agree to amendments to the Development Agreement to mitigate risk.
- a. To reflect the introduction of penalties should building work not commence by September 2014.
  - b. To reflect the introduction of penalties should building work not complete by the end of December 2015.
  - c. The option to terminate the agreement should building work not commence by September 2014.

- d. A new Heads of Terms be agreed relating to the introduction of the penalties for late starting/finishing and clearer definitions of “start on site”. All terms to be concluded by end of January 2014.
- 1.8 Discussions with the Developer relating to the application of penalties are on-going and despite best efforts on both sides have not concluded.

## 2 Recommendations

### 2.1 The recommendations of this report are as follows:

2.1.1 That authority is delegated to the Council’s Managing Director, in consultation with the Leader of the Council and the Cross Party Working Group to negotiate to conclude the transaction with Stockland and finalise the Development Agreement and Conditions Precedent. This Delegated Authority will cover inter alia:

- a) Agreement of the penalty clauses and the associated quantum (outlined in 1.7 above)
- b) Agreement to proposed variations to the Development Agreement (in line with those either being negotiated in (a) above and those already tabled by Stockland).
- c) Should the proposed share transfer of Stockland proceed, to enter into necessary documentation including a formal deed of release and a new guarantee with the replacement guarantor.
- d) That these negotiations be concluded by the end of January 2014.

2.1.2 As a consequence of a positive outcome of the negotiations outlined in 2.1.1 above for the Council, the Development Agreement will not be terminated.

2.1.3 Should the negotiations with the Developer referred to in 2.1.1 above not be agreed, officers will not proceed with making the DA unconditional and delegated authority is to be given to the Council’s Managing Director in consultation with the Leader of the Council and the Cross party Working Group to serve notice in accordance with the terms of the Development Agreement to terminate the Development Agreement.

### 3 Background

- 3.1 In order to strengthen Brentwood's town centre retail and visitor offer, the Council has long held an aspiration to achieve the redevelopment of this surface car park for a high quality, mixed use scheme. The intention has been to provide a cinema, further large retail units and a new multi storey car park, supported by a strong pedestrian link between the new development and the High Street.
- 3.2 The Council will retain the Freehold of the land and the duration of the lease will be for 150 years.
- 3.3 The Council entered a Development Agreement ("DA") with Stockland Halladale (UK) Limited (Stockland), in 2007 to develop the William Hunter Way car park site in Brentwood. The DA contains nine conditions precedent (CP's) which were originally to be satisfied by the longstop date of 7th December 2013. The responsibility for achieving the CP's is between the Council and Stockland.
- 3.4 The original plan was to provide for:
- a) 6 screen Cinema
  - b) Foodstore
  - c) Retail/Restaurants
  - d) 18 one bedroom flats
  - e) Decked car park with 661 spaces

The plan was to have this open in November 2009. (CBRE presentation 27<sup>th</sup> June 2007)

- 3.5 The latest proposal achieves the aims of the original proposal with the exception of one area – the financial return to the Council. This has reduced by approximately £100,000 due to the downturn in the economy and the negative growth in the retail rental market. The independent CBRE report comments upon the return from the scheme and the change in the Council share of the projected rental income.
- 3.6 This report includes or refers to the following :-
1. Details of the final financial appraisal. See para (4) below.
  2. The current status on each of the nine Conditions Precedent.
  3. A review of the final appraisal by CBRE, see para (5) below.
  4. Proposed Stockland share transfer, see para (7) below.
  5. Timeline for Scheme Commencement– see Appendix (1)
  6. Retail Rental Value Growth between 2000 and 2012 – See Appendix (2)
  7. A timeline of Council decisions on William Hunter Way – see Appendix (3)
  8. Visuals of the proposed William Hunter Way scheme – see Appendix (4)

## 4 Financial Appraisal

- 4.1 The Developer (Stockland) has provided their final financial viability appraisal of the project. In producing this, they report that due to the current economic climate, there is a gap between the rental levels and capital values anticipated in 2007 as compared to those available at the time they concluded lease terms with proposed tenants. The final financial package includes a revised management option for the car park, referred to in section (6.8.1c)
- 4.2 The final financial assessment for the scheme is shown at summary level below. This includes a comparison with the original estimate produced in 2007 and that provided to the Ordinary Council 23rd October 2013 (the middle column in the table below).

<i>Figures shown are on a per annum basis</i>	Original Proposal (May 2007)	Proposal (Aug 2013) (as per last report)	Final Proposal (Oct 2013)
% of rent returned to BBC	13.75%	10.0%	10.77%
Rental Income to BBC			
Lettings			
Retail & Cinema	£210,875	£158,998	£171,242
Car Park	£103,157	£50,000	£53,850
<b>Total</b>	<b>£314,032</b>	<b>£208,998</b>	<b>£225,092</b>
Minimum Guaranteed Rent to BBC	£325,000	£209,000	£225,000
Add			
Net benefit of increased Business Rates*	£176,000	£176,000	£176,000
New Homes Bonus**	£25,902	£25,902	£25,902
Net annual income to BBC	<b>£526,902</b>	<b>£410,902</b>	<b>£427,804</b>

\* The business rates quoted are net of the business rates received from the existing car park

\*\* The current proposed changes to the New Homes Bonus (NHB) would effectively see a 35% reduction in the grant to fund Local Enterprise Partnerships. If this goes ahead it will dilute the strength of NHB Grant to support the overall budget. The impact of this has not been evaluated. The NHB is currently only paid for the first 6 years.

a. The Council's consultants CBRE advice on the final financial appraisal, is be included as appendix 5 of this report. The District Valuer has also confirmed the appraisal as follows:

.....is what I would expect for a mixed development accounting for the local market and current economic conditions.....

*(NB we are waiting for the full version of this report)*

b. Stockland have provided detailed and summary financial appraisals that compare their final appraisal with the original appraisal.

c. This appraisal also incorporates the impact of the New Homes Bonus Grant and the Localisation of Business Rates.

4.3 The lease agreement with Stockland will be renegotiated after 25 years. The agreement allows for the minimum guaranteed rental to be increased on an annual basis.

## **5 Review of the final appraisal by CBRE**

5.1 The full CBRE report is included as Appendix 5– as this is provided as “commercial in confidence”. As such this appendix is classified as exempt, under Paragraph 4 of Schedule 12A of the Local Government Act 1972 and thus will not be available for public viewing.

## **6 Conditions Precedent - current status**

6.1 The DA was signed with the developer on 7th December 2007, fixing the principles of the scheme in a binding legal contract. The DA is conditional on the satisfaction of a number of matters which would need to be resolved before any development could commence. The inclusion of CP's is very common with major development schemes and provides both parties the security of a contractual relationship and a defined process against which to justify the time and expenditure (particularly by the developer) on taking forward the detailed planning and design work necessary for implementation.

6.2 The William Hunter Way agreement contains nine CP's. Stockland and the Council have endeavored to satisfy their respective CP's since 2007 and while some have been quickly satisfied, others have taken additional time. Stockland estimates that it has spent over £2million so far on reaching this stage. The Council expenditure is in the region of £270,000, some of which is recoverable from Stockland under the terms of the agreement. The Council figure does not include any allowance for officer time.

6.3 Under the terms of the DA the Council and Stockland are obliged to use all reasonable endeavors to satisfy the remaining CP's and carry out its responsibilities under the DA until the final Longstop Date of 7th December 2013.

6.4 Once all of the CP's have been met, the DA becomes unconditional and Stockland can commence development at the site, subject to compliance with the planning permission, the pre-commencement conditions contained in the Development Agreement and the Section 106 Agreement. The developer will need to satisfy all such agreements before any physical start on site can be made.

6.5 One of the pre-commencement conditions is that prior to start on site, proposals must be finalised for temporary parking to replace the spaces lost at William Hunter Way to the satisfaction of the council and making payments to Essex County Council for transport/ highway works.

6.6 Set out below is an overview of the conditions and whether they have been resolved. Where unresolved, further update is provided in the following paragraphs. Where in the following sections an item is marked as "Unresolved" it means that the Council is not in possession of evidence to verify any verbal statements from the developer or negotiations have yet to be concluded.

No:	Heading	Summary	Status as at 23 <sup>rd</sup> October	Status as at report production
1	Title	<p><b>Council</b> to secure ownership of the entire development site.</p> <p>See full update at paragraph</p>	Unresolved (Negotiations ongoing)	Resolved (But see the Barclays condition – 6.9 below)
		<p><b>Stockland</b> to secure indemnity Insurance.</p> <p>See full update at paragraph [6.7 ]</p>	Unresolved (Awaiting Evidence)	Unresolved
2	Lettings	<p><b>Stockland</b> to secure occupation lettings for a cinema, 55,000 square feet of retail space and a car park.</p> <p>See full update at paragraph [ 6.8 ]</p>	Unresolved (Awaiting Evidence of commitment to the scheme)	Resolved-subject to the Council agreeing to the alternative proposed for the Car Park. (see 6.8.1 c below)

No:	Heading	Summary	Status as at 23 <sup>rd</sup> October	Status as at report production
3	Barclays	<p><b>Council</b> to acquire land owned by Barclays Bank in the Development Site</p> <p>See full update at paragraph [ 6.9 ]</p>	<p>Unresolved</p> <p>(This is subject to ongoing discussions)</p>	<p>Unresolved</p> <p>(This is subject to ongoing discussions)</p>
4	Sainsbury's	<p><b>Council</b> to secure a certificate from Sainsbury's regarding possible overage payments.</p> <p>See full update at paragraph [ 6.10]</p>	<p>Unresolved</p> <p>(This is subject to ongoing discussions)</p>	<p>Unresolved</p> <p>(This is subject to ongoing discussions)</p>
5	Planning	<p><b>Stockland</b> to obtain satisfactory planning permission that must be extant at the time that the other conditions precedents are satisfied.</p>	<p>Resolved – subject to S106 agreement</p>	<p>Resolved – subject to S106 signings</p>
6	Appropriation	<p><b>The Council</b> to provide evidence of Appropriation and/or acquisition for a planning purpose. This can be waived by Stockland and is likely to be waived.</p> <p>See full update at paragraph [ 6.11 ]</p>	<p>Unresolved</p> <p>(Awaiting confirmation that Stockland intend to waive this condition)</p>	<p>Unresolved</p> <p>(Awaiting confirmation that Stockland intend to waive this condition – this is not seen as a major issue)</p>
7	Developers Land	<p><b>Stockland</b> to obtain freehold ownerships of the freehold land in the area. Stockland may waive this condition</p> <p>See full update at paragraph [ 6.12 ]</p>	<p>Unresolved</p> <p>(Awaiting confirmation that Stockland intend to waive this condition)</p>	<p>Unresolved</p> <p>(Awaiting confirmation that Stockland intend to waive this condition – this is not seen as a major issue)</p>
8	Highways	<p><b>Stockland</b> to obtain a stopping up order for land relevant to the scheme</p>	<p>Resolved</p>	<p>Resolved</p>
9	Site Investigation	<p><b>Stockland</b> to obtain satisfactory site investigation reports</p>	<p>Resolved</p>	<p>Resolved</p>



## **6.7 The Title Condition**

6.7.1 The only element remaining unresolved in the Title Condition, except that relating to Barclays (see 6.9 below) relates to the Developers indemnity insurance. Stockland have a preliminary quote for indemnity insurance and have advised that this will be moved on in line with due process and do not see a difficulty in resolving this condition.

## **6.8 Letting Condition**

6.8.1 In order to satisfy this condition Stockland must secure lettings for a cinema, 55,000 square feet of retail space and a Car Park operator. The present position is as follows:

- a. Cinema – The Council is now in possession of evidence that the lease agreement between Stockland and the Odeon Cinema has now been signed by both parties.
- b. Retail – agreement for leases are in place for lettings to TK Maxx and Marks and Spencer (M&S). Please note that since the last report Stockland have provided evidence that M&S are still committed to the scheme.
- c. Car Park - There has been limited interest in the Car Park. Stockland are now proposing the alternative solution for the car park where there would be a management arrangement for the running of it. This would mean that the owners of the development would run the car park. CBRE have reviewed the revised car parking proposals and have provided comments on the proposal and potential yield from this revised operation and these can be found in Appendices that were issued with the 23rd October report to Ordinary Council.. Revised terms will require an amendment to the DA. It is important to note that the current management proposal from Stockland does not satisfy the CP for lettings.

## **6.9 Barclays Relocation Condition**

6.9.1 In order to satisfy this condition, the Council must acquire land in the development site from Barclays.

6.9.2 Although unresolved, this CP is nearing completion. Heads of terms are agreed and legal documentation is being finalised between solicitors for Brentwood Borough Council and Barclays.

- 6.9.3 A District Valuer's report has confirmed that the arrangements with Barclays are satisfactory and has already been provided to Members. Copies of this will be made available if Members require this. The receipt of the DV report satisfies the requirements of the Delegated Authority allowing the Managing Director to conclude this arrangement.
- 6.9.4 Council officers are making reasonable endeavours to ensure that the transaction is concluded as quickly as possible. Barclays have briefed their Solicitors and are progressing the associated legal documentation. Barclays agents have confirmed that they are not aware of any issues that might prevent Barclays from completing the documentation.
- 6.9.5 It should be emphasised that the comments contained in the report relate to the commercial transaction currently negotiated with Barclays in relation to the land owned by Barclays and as such the DV report can be viewed as being independent of the terms of DA with Stockland.

#### 6.10 Sainsbury's Condition

6.10.1 In order to satisfy this CP, The Council must obtain a certificate from Sainsbury's in relation to the overage which affects the site.

6.10.2 When the Council acquired the site in 1990, the agreement contained overage provisions which entitle Sainsbury's to a top up payment, should the total consideration received for all transactions (not just the development under the DA) on the site exceed £7,000,000. The latest Stockland Financial Appraisal indicates that the scheme is worth considerably less than this. We instructed the District Valuer to verify this figure and they have commented as follows:

***.....I can confirm that Mayforth assessed land value is what I would expect for a mixed development accounting for the local market and current economic conditions. ....  
(Mayforth are acting as agents on behalf of Stockland)***

6.10.3 The Council are using all reasonable endeavors to progress this matter with Sainsbury's in order to satisfy this condition. Officers have now met with key Sainsbury's stakeholders to brief them on the proposed transaction and ascertain details of Sainsbury's solicitors and the process and timescales to agree the relevant terms and documentation.

## **6.11 Appropriation Condition**

- 6.11.1 In order to satisfy this CP, if Stockland require, the Council must provide evidence that the development site has been appropriated for planning purposes.
- 6.11.2 This condition requires that the Council provide evidence of Appropriation and/or acquisition for a planning purpose within the meaning of section 232 Planning Act of the whole of the Property
- 6.11.3 Whilst this is unresolved, it is understood that Stockland are unlikely to require appropriation.
- 6.11.4 Stockland have been asked to confirm that they wish to exercise their right to waive this condition and the Council is waiting upon their response.

## **6.12 Developers Land Condition**

- 6.12.1 In order for the Developers Land Condition to be satisfied, Stockland must secure ownership of property in Brentwood. It is possible for Stockland to waive this condition and therefore it may not require resolution before the longstop date.
- 6.12.2 This condition requires the Developer to obtain freehold ownerships of the freehold land known as 73, 73a and 73b High Street, Brentwood and registered at the Land Registry with freehold title absolute with the Developer's Title Number.
- 6.12.3 Stockland have been asked to confirm that they wish to exercise their right to waive this condition and the Council is waiting upon their response.

## **7 Proposed Stockland share transfer**

- 7.1 Stockland have advised the Council that that they have been approached to sell their shares in Stockland Halladale (UK) Limited. The company responsible for delivery of the scheme will remain unchanged although the shareholders of the company will be different.
- 7.2 Stockland have approached the Council for consent to release Stockland (UK) Limited as guarantor under the DA and replace Stockland with a new entity. Due diligence on the new proposed Guarantor has been performed and this has not

highlighted any reasons for the Council to oppose the transaction. Stockland will continue to be a guarantor for the DA until formally released by the Council

## 8 Legal Review

8.1 As part of the due diligence being undertaken by the Council, legal views have been requested on key areas and recommendations have been made in recognition of this advice.

## 9 Timeline for Scheme Commencement

9.1 The developer believes that it may be possible to achieve a start on site in July 2014 with completion of the project scheduled for September 2015.

9.2 The latest schedule provided by Stockland can be viewed as Appendix 1.

## 10 Risk Analysis

10.1 The major risks with potential mitigating action are shown below

(red in the last column in the table below represents a significant/major risk; green a low risk and amber a medium risk)

Description	Action / Remedy	Status
The deliverability of the scheme by the developer	<ol style="list-style-type: none"> <li>1) Obtain evidence from the guarantor of the developer that they have approved the transaction and are committed to the deal between Stockland and the Council.</li> <li>2) Obtain evidence that the guarantor of the developer has allocated funds, or has an arrangement in place, to meet the requirements to build the scheme to complete by September 2015</li> <li>3) Stockland to provide detailed project plan showing clear milestones relating to the build</li> </ol>	Green
The resolution of all Conditions Precedent	If Stockland waive the Developers Land and Appropriation conditions and the Cinema agreement is signed 9 <sup>th</sup> December 2013, then the only major conditions precedent that are still unresolved will be those that are the	Amber

	responsibility of the Council (Barclays and Sainsbury's). Of these, Sainsbury's is considered a low risk. The Barclays condition then becomes key and is dependant upon internal governance arrangements of Barclays. Officers continue to press for conclusion to this.	
The lack of clearly defined damages/ penalties within the original development agreement should construction work either not start on time or finish on time.	To mitigate this risk we have asked Stockland to amend the DA to reflect penalty clauses associated with: <ul style="list-style-type: none"> <li>1) Not commencing the build by September 2014</li> <li>2) Not completing the build by December 2015</li> <li>3) The option of terminating the agreement should building work not commence by September 2014.</li> </ul>	<b>Red</b>

## 11 Conclusions

The council must do its utmost to mitigate any risk of increased/ unnecessary expenditure to the public purse.

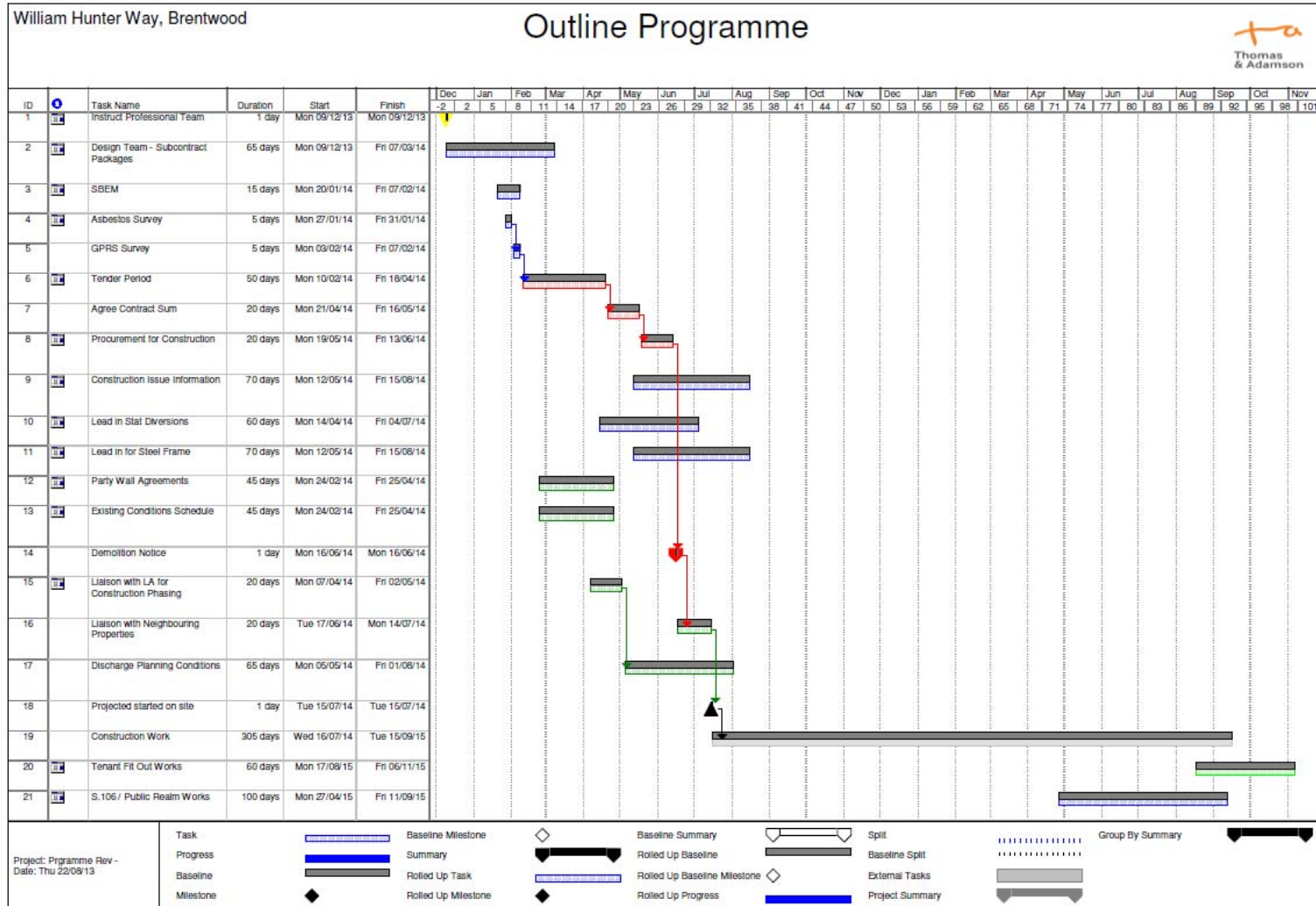
It is for this reason that officers are negotiating with Stockland the penalties relating to a delayed start, (not commencing the build by September 2014) together with a penalty for not completing the build by the end of December 2015.

## 12 Summary of Appendices Issued with this Report

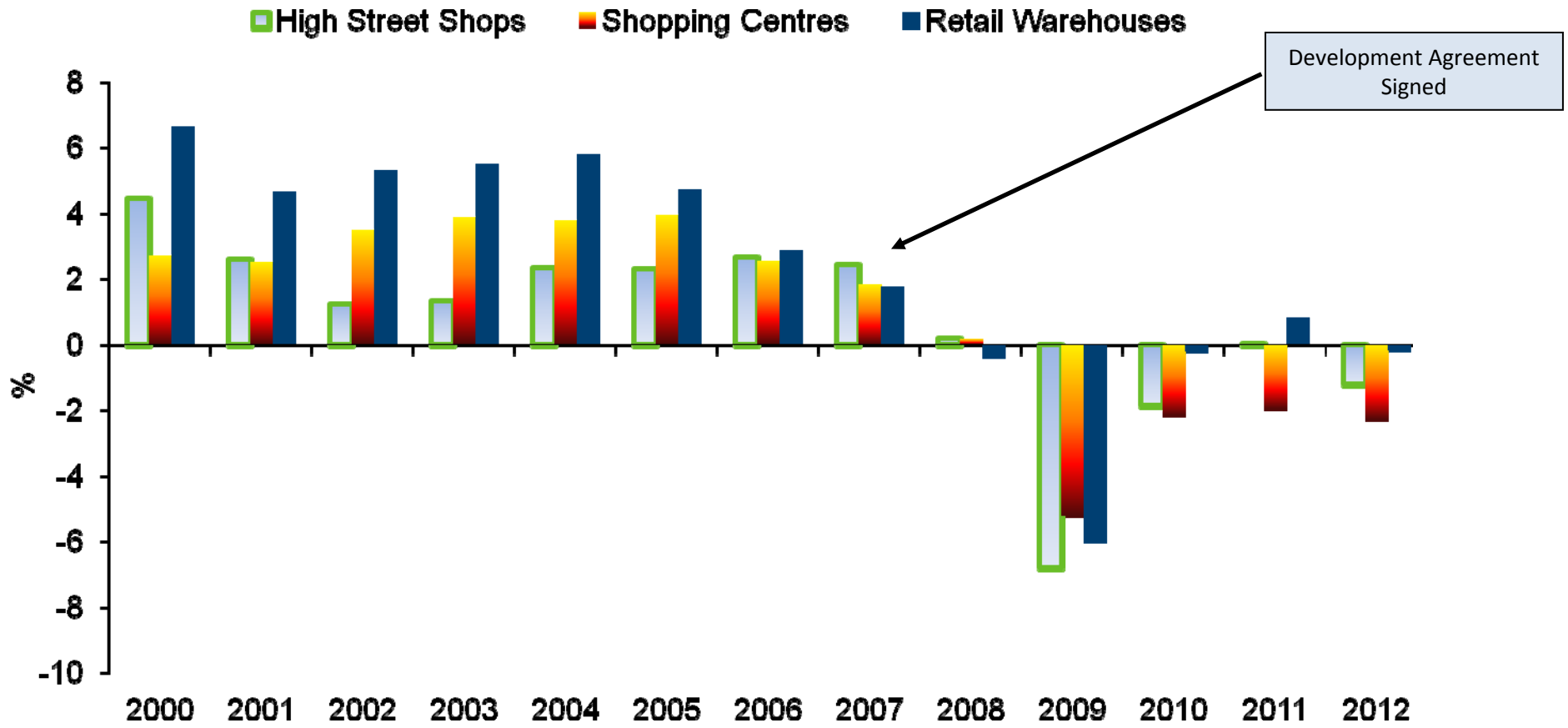
Appendix Number	Contains	Comment
1.	Stockland proposed timeline	Attached
2.	Retail Rental Value Growth	Attached
3.	Timeline of Council decisions'	Attached
4.	Visuals of the proposed scheme	Attached
5.	Independent review of latest financial evaluation from Stockland by CBRE and due diligence	Exempt from public viewing



# Stockland Proposed Timeline



### Retail Rental Value Growth



Source IPD



## Timeline of Council Decisions

Meeting	Resolution
29 June 2005 (Policy Board)	RESOLVED UNANIMOUSLY that a planning brief be prepared for the development of the William Hunter Way Car Park, to incorporate a mix of uses on the site and an increase in shoppers car parking.
12 October 2005 (Policy Board)	Resolved that the planning brief be approved.
30 November 2005 (Policy Board)	<p>RESOLVED UNANIMOUSLY:</p> <ol style="list-style-type: none"> <li>1. That Standing Orders (Contracts) be waived and negotiations commence as recommended by the District Valuer with Halladale Group Plc as a “special purchaser” in respect of the redevelopment of the William Hunter Way Car Park site, such negotiations to include the financial terms of any development.</li> <li>2. That all negotiations with Halladale Group Plc be based on the broad framework set out in the approved Planning Brief for the site.</li> <li>3. That the District Valuer and CBRE be appointed to assist the Council in its negotiations with Halladale Plc.</li> </ol>
21 June 2006 (Policy Board)	<p>RESOLVED UNANIMOUSLY:</p> <ol style="list-style-type: none"> <li>1. That following advice from the Council's advisers and the District Valuer, approval of the Heads of Terms be delegated to the Chief Executive and Town Clerk following consultation with a cross-party group of Members comprising the Leader and Deputy Leader of the Council, the Chairmen of the Environment and Community Panels and the Leaders of the two Opposition Groups on the Council.</li> <li>2. That the plan of the proposed development be reported to the next meeting of the Policy Board.</li> </ol>
25 September 2006 (Member Panel comprising the Leader Cllr Brandon Lewis and Deputy Leader (Cllr Phil Baker) of the Council, the Chairmen of the Environment (Cllr Tony Sleep) and Community Panels (Cllr Frank Kenny) and the Leaders of the two Opposition Groups on the Council) – Lib Dem Leader (Cllr Charles Myers and Lab Leader (Cllr David Minns).	Unanimous approval of the main financial negotiations for the project at a cross party Member Consultation Panel.
11 October 2006 (Policy Board)	RESOLVED to authorise such Compulsory Purchase action as necessary.

14 March 2007 (Policy Board)	<p>RESOLVED UNANIMOUSLY</p> <p>1. To delegate authority to the Chief Executive &amp; Town Clerk following consultation with the Chairman of the Policy Board, to take all necessary action to acquire the Barclays Bank Car Park site in William Hunter Way, including the provision of alternative car parking if necessary for Barclays. Any financial expenditure incurred by the Council to be first agreed by the District Valuer.</p> <p>2. That following advice from CBRE and the District Valuer, if necessary any amendment to the Heads of Terms and decision on the disposal of the site by way of a long lease to Halladale be delegated to the Chief Executive &amp; Town Clerk following consultation with a cross-party group of Members comprising of the Leader and Deputy Leader of the Council, the Chairmen of the Environment and Community Panels and the Leaders of the two Opposition Groups on the Council.</p> <p>3. To appropriate the whole of the William Hunter Way site for planning purposes under Section 232 of the Town and Country Planning Act 1990.</p>
27 June 2007 (Ordinary Council)	<p>RESOLVED that the Council approves the financial package associated with the development agreement for the proposed redevelopment of William Hunter Way and that the legal documentation be progressed to completion.</p>
26 September 2007 (Ordinary Council)	<p>RESOLVED UNANIMOUSLY that authority is delegated to the Deputy Town Clerk/Director of Legal Services, following consultation with the Chairman of the Policy Board, to agree the way forward in order that the Development Agreement may be completed.</p>

<p>14 September 2011 (Policy , Performance and Resources Board)</p>	<p>The following amendments to the recommendation was MOVED and SECONDED:</p> <ul style="list-style-type: none"> <li>- To agree the contribution that the Town Hall carpark can make, <i>subject to consultation with the Town Hall Delivery Group</i>, to help ease the situation for local businesses.</li> <li>- To discuss with BT the possible use of their car park.</li> </ul> <p>The MOTION was CARRIED.</p> <p>RESOLVED UNANIMOUSLY that the Leader of the Council, in conjunction with the Chairman of the Business, Community and Culture Panel to meet with local traders, business organisations, town centre businesses and local residents to discuss the following proposals:</p> <ol style="list-style-type: none"> <li>1. To agree the contribution that the Town Hall carpark can make, subject to consultation with the Town Hall Delivery Group, to help ease the situation for local businesses.</li> <li>2. To conclude discussions with the developer in securing a minimum of 100 parking spaces at the Brentwood station car park for the duration of the redevelopment of William Hunter Way car park or until the replacement multi storey car park become operational.</li> <li>3. To change the operation of the Westbury Road car park from season ticket holders to pay and display, operating on the same tariff as the Chatham Way car park(or whatever standardised charging structure is agreed through the parking review) and to advise the existing season ticket holders accordingly.</li> <li>4. To advise the existing season ticket holders that currently use the town centre car parks of the new parking facility at the Brentwood Station and of the discount available and to assign 100 of those existing season ticket holders to the Brentwood Station car park.</li> <li>5. To modify the access arrangements to the Westbury Road car park, lighting and CCTV provision in accordance with the Section 106 agreement.</li> <li>6. To discuss with BT the possible use of their car park.</li> </ol> <p>Subject to discussions with users and representatives, the Leader of the Council be given delegated powers to authorise officers, to make the necessary changes to the off street parking places order and ensure appropriate signage and advertisement of the changes takes place.</p>
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<p>19 October 2011 (Ordinary Council)</p>	<p>RESOLVED that authority is delegated to the Council's Monitoring Officer, in consultation with the Mayor and the Leader to take appropriate decisions with regard to land in relation to the development of William Hunter Way. In addition that authority is given to extend the existing Development Agreement and Agreement for lease of the site as necessary by 12 months to allow for the resolution as necessary of any other matters prior to commencement of the development works.</p>
<p>12 February 2013 (Ordinary Council)</p>	<p>Resolved that</p> <ol style="list-style-type: none"> <li>1. The Council agrees that the William Hunter Way cross party working group comprises of three members of the Administration and a representative from each of the Opposition Groups on the Council, the Managing Director, the S151 Officer, the Head of Legal and Governance and other officers deemed necessary to inform the meeting.</li> <li>2. The Council agrees that the Local Development Plan Member Working Group be amended to include a Member from the Brentwood First political group.</li> </ol>
<p>11 September 2013 (Planning Committee)</p>	<p>Planning extension granted to 11/09/2015</p>
<p>23 October 2013 (Ordinary Council)</p>	<p>Resolved that the recommendations included in the report be approved. The recommendations were:</p> <ol style="list-style-type: none"> <li>2.1 Members are asked to agree that the current financial appraisal and the changes to the DA proposed by Stockland in support of it do not meet the requirements of the Council.</li> <li>2.2 Members are asked to agree that officers instruct Stockland to: <ol style="list-style-type: none"> <li>a. Provide a much improved financial appraisal</li> <li>b. Produce Stockland's funding proposals for the scheme</li> <li>c. Provide evidence of the terms of the preferred funder</li> <li>d. Provide evidence that the scheme is funded with details of the guarantor.</li> </ol> </li> </ol>

## Visuals of the Scheme



Perspective 01: Southeast corner of Building 'A'; looking along William Hunter Way



Perspective 02: Building 'C' (Link) in foreground with Building 'B' (Carpark) + Building 'A' behind; looking Northwards



Perspective 03: Southwest corner of Building 'A'; viewed from outside Link Building looking east up William Hunter Way



Perspective 04: East elevation of Building 'A' and Building 'B' (Carpark); looking Westwards along William Hunter Way



Perspective 05: Southeast corner of Building 'A' in foreground; looking towards Building 'C' (Link) in background  
Note: Building 'C' (Link) is subject to a separate planning application



Perspective 06: Residential Building 'D' in foreground with Building 'B' (Carpark) + Building 'A' behind; looking South along North Service Road



Perspective 07: Residential Building 'D'; looking Eastwards along Chestnut Grove