

Executive

Thursday, 16 November 2023

Decisions

Set out below is a summary of the decisions taken at the Executive meeting held on Thursday, 16 November 2023. The wording used does not necessarily reflect the actual wording that will appear in the minutes.

Members are reminded that, should they wish to call in a decision, notice must be given to Democracy Services no later than 4pm on the Monday 20 November 2023.

If you have any queries about any matters referred to in this decision sheet please contact .

10. Castle Gateway Update

Resolved:

17- 21 Piccadilly

- i. Approved the granting of a further head lease to Spark York of the 17- 21 Piccadilly site for a further 2-year period from and including: 1st November 2024 until and including 31st October 2026;
- ii. Delegated to the Director of Housing, Economy, and Regeneration (and their delegated officers), in consultation with the Director of Governance (and their delegated officers), authority to negotiate the terms of and the entry into of such further lease of the 17-21 Piccadilly site to Spark York.

Reason: To enable the current use to continue in the short term and provide a continued income to the Council, whilst allowing Spark York the opportunity to identify an alternative location in the city.

Castle Mills

- iii. Confirmed that further work on developing the Castle Mills site is paused and ask officers to investigate appropriate meanwhile use options in parallel with exploring longer term opportunities for the future delivery of 100% affordable housing on this Council owned site;
- iv. Delegated authority to the Director of Housing, Economy and Regeneration (and their delegated officers) in consultation with both the Director Governance and the Chief Finance Officer (and their respective delegated officers) to commission any necessary professional advice required for said work in compliance with the Public Contract Regulations 2015 ('the Procurement Regs') and the Council's Contract Procedure Rules under Appendix 11 of the Council's Constitution ('Council's CPRs'), and to draft, negotiate, and conclude any contractual arrangements and/or legal documentation required for said work.

Reason: To seek an active use for this City Centre site and to progress the Council's objective of 100% affordable housing being delivered on Council owned sites.

- v. Instructed Officers to progress work to secure delivery of the pedestrian/cycle bridge, sustainable travel links, subject to confirmation of funding with West Yorkshire Combined Authority ("WYCA"); updated delivery costings; and all necessary approvals, planning, highways, and bridge agreement.
- vi. Delegated authority to the Director of Housing, Economy and Regeneration (and their delegated officers) in consultation with both the Director Governance and the Chief Finance Officer (and their respective delegated officers) to commission any necessary contractors and/or consultants required for said works in compliance with the Procurement Regs and the Council's CPRs, and to draft, negotiate, and conclude any and all such contractual arrangements and/or legal documentation required for said works (including any and all planning agreements and/or highways agreements required; however for the sake

of clarity this delegation is not for any requirements of either the Local Planning and/or Highways Authority).

- vii. Delegated authority to the Director of Housing, Economy, and Regeneration and the Director of Environment, Transport and Planning (and their delegated officers) in consultation with both the Director Governance (and their delegated officers) to draft, negotiate, and conclude with WYCA any and all such contractual arrangements and/or legal documentation relating to the funding for the proposed works.

Reason: To maximise use of external funding, previously allocated by WYCA, to deliver city centre connectivity in accordance with the sustainable travel principles of the Local Transport Strategy, with delivery progressed in advance of development of the Castle Mills site, achieving the wider aims of the Castle Gateway masterplan.

St George's Field Car Park

Resolved:

- viii. Confirmed that the Council will not proceed with the building of a Multi-story car park (MSCP) on St George's Car Park and that officers are to develop proposals which balance: improved parking capacity; pedestrian and cycle connectivity; and coach drop off facilities within a surface level layout. This decision acknowledges that there will be an in-year revenue impact to the Council of up to £1m;
- ix. Delegated authority to the Director of Housing, Economy and Regeneration and the Director of Environment, Transport and Planning (and their delegated officers) in consultation with both the Director Governance and the Chief Finance Officer (and their respective delegated officers) to commission any necessary professional advice required for said work in compliance with the Procurement Regs and the Council's CPRs, and to draft, negotiate, and conclude any contractual arrangements and/or legal documentation required for said work.

Reason: A MSCP does not represent value for money in terms of providing additional spaces, reconfiguring the surface level parking will provide improved facilities in accordance with the draft Local Transport Plan.

Castle & Eye of York

- x. Confirmed the re-purposing of the Castle car park to support the delivery of a revised Castle Gateway Masterplan, with retained Blue Badge parking; subject to an updated business case being brought back to Executive for full consideration, and where closure will only occur when a revised Scheme has been approved for delivery;
- xi. Delegated authority to the Director of Housing, Economy and Regeneration and the Director of Environment, Transport and Planning (and their delegated officers) in consultation with both the Director Governance and the Chief Finance Officer (and their respective delegated officers) to commission any necessary professional advice required for the updated business case in compliance with the Procurement Regs and the Council's CPRs, and to draft, negotiate, and conclude any contractual arrangements and/or legal documentation required for said work. A further report to the Executive will be required once the business case has been concluded as it will have a budget impact.

Reason: To enable the Council plan objectives, and Castle Gateway masterplan benefits, to be delivered with parking capacity and city centre traffic reduction prioritised in accordance with the draft Local Transport Plan.

- xii. Confirmed the re-design of the Castle and Eye of York Scheme, with a specific emphasis on the retention of blue badge parking numbers, flexible green space with children's play provision and a keen focus on reducing capital and management costs and the submission of revisions to the planning application;

- xiii. Delegated authority to the Director of Housing, Economy and Regeneration and the Director of Environment, Transport and Planning (and their delegated officers) in consultation with both the Director Governance and the Chief Finance Officer (and their respective delegated officers) to commission any necessary contractors and/or consultants required for said works in compliance with the Procurement Regs and the Council's CPRs, and to draft, negotiate, and conclude any and all such contractual arrangements and/or legal documentation required for said works (including any and all planning agreements and/or highways / bridge agreements as required; however for the sake of clarity this delegation is not for any requirements of either the Local Planning and/or Highways Authority).

Reason: To enable the existing planning application to be revised with a simpler, more affordable Scheme reflecting the more inclusive ambitions of new Council Plan.

Coppergate Centre

- xiv. Approved the granting to Mahavir Properties Ltd. of a new headlease for a period of 250 years [from and including the date of grant of such lease] in return for Mahavir: (i) carrying out improvement works to the shopping centre; (ii) transferring to the Council unencumbered ownership of an agreed area of land to the rear of the Coppergate Centre); and (iii) settlement of rent reconciliations on the basis set out in the report (paras 76-77). Upon the grant of the new lease, the existing lease shall be surrendered;
- xv. Delegated to the Director of Housing, Economy, and Regeneration (and their delegated officers), in consultation with the Director of Governance (and their delegated officers), authority to negotiate the terms of and the entry into of such surrender and replacement head lease of the Coppergate Centre site to Mahavir Properties Ltd. on the basis of the terms set out in this Report;
- xvi. Agreed to waive the requirements of Rules 11.1.3(iii) and 11.4 of the Council's CPRs in respect of any

proposed Leaseholder Development Agreement (“LDA”) at the Coppergate Centre site between the Council and Mahavir Properties Ltd., further to Rule 26.1 of the Council’s CPRs;

- xvii. Subject to paragraph 16 of this Report, agreed to delegated authority to the Director of Housing, Economy and Regeneration (and their delegated officers) in consultation with both the Director Governance and the Chief Finance Officer (and their respective delegated officers), authority to negotiate the terms of and the entry into a LDA at the Coppergate Centre site with Mahavir Properties Ltd. on the basis of the terms set out in this Report, in compliance with the Procurement Regs and the Council’s CPRs.

Reason: To facilitate investment into the shopping centre and provide land to the Council which will aid the plans for Castle Car Park.