

Taunton Deane Borough Council

At a meeting of Taunton Deane Borough Council held in the John Meikle Room, The Deane House, Belvedere Road, Taunton on 4 August 2016 at 7.45 p.m.

Present The Mayor (Councillor Mrs Stock-Williams)
 The Deputy Mayor (Councillor Prior-Sankey)
 Councillors M Adkins, Aldridge, Beale, Berry, Mrs Blatchford, Booth,
 Bowrah, Brown, Cavill, Coombes, Davies, D Durdan, Miss Durdan,
 Mrs Edwards, Edwards, Farbahi, Gage, Gaines, Habgood, Hall,
 Mrs Herbert, Mrs Hill, Hunt, James, R Lees, Morrell, Parrish,
 Mrs Reed, Miss Smith, Mrs Smith, Townsend, Mrs Tucker, Watson and
 Wren

Mrs A Elder – Chairman of the Standards Advisory Committee

1. **Apologies**

Councillors Mrs Adkins, Coles, Mrs Gunner, Horsley, Mrs Lees, Ms Lisgo, Nicholls, Ross, Ryan, Sully, Mrs Warmington, Ms Webber and Williams.

2. **Declaration of Interests**

Councillors M Adkins, Hunt and Prior-Sankey declared personal interests as Members of Somerset County Council. Councillor Mrs Herbert declared a personal interest as an employee of the Department of Work and Pensions. Councillor Wren declared a personal interest as Clerk to Milverton Parish Council. Councillor Gage declared a prejudicial interests as a Tone Leisure Board representative. Councillor Beale declared personal interests as a Board Member and Director of Tone FM and as a Governor of the South West Ambulance NHS Trust. Councillor Edwards declared a personal interest as the Chairman of the Governors of Queens College. Councillor Farbahi declared a personal interest as the owner of land in Taunton Deane. Councillor Hall declared a personal interest as a Director of Southwest One. Councillor Coombes declared a personal interest as a Stoke St Mary Parish Councillor and as the owner of land at Haydon. Councillor Parrish declared a personal interest as the District Council's representative on the Somerset Pensions Committee. Councillor Mrs Hill declared personal interests as a representative on the Board of Directors of Apple FM, as a Trustee of Hestercombe House and Gardens and the Somerset Building Preservation Trust. Councillor Miss Smith declared a personal interest as Chairperson of Refugee Aid from Taunton.

3. **Exclusion of the Press and Public**

Resolved that the press and public be excluded from the meeting for the following item because of the likelihood that exempt information would otherwise be disclosed relating to Clause 3 of Schedule 12A to the Local Government Act, 1972 and the public interest in withholding the information outweighed the public interest in disclosing the information to the public.

4. **Land at Creedwell Orchard Housing Estate, Milverton**

Considered report which was circulated at the meeting, concerning a further variation of an Option Agreement with S Notaro Limited (SNL) for the purchase of land at Creedwell Orchard Housing Estate, Milverton.

An Option Agreement was entered into with SNL in February 2014 for a period of 10 years following Executive approval in respect of Council owned land at Creedwell Orchard. The land was to be used to provide access to land owned by SNL that had the benefit of an extant planning permission for residential development.

The current Option Agreement provided that the "Base Price" for the Council's land, should be determined by the "Base Sum" figure (subject to indexation up or down) that had been determined by the District Valuer. In the event of the Index falling between certain dates, the Agreement provided that the "Minimum Price" should be a particular percentage of the "Base Sum".

Since the completion of the Option Agreement, it had come to light that the formula for the sale price of the land had been based upon an incorrect valuation as a result of incorrect information on floor areas being provided to the Council.

In order to address this issue, the District Valuer had again been engaged to advise further on the value of the Council's land based upon the correct extant planning permission floor areas with a view to agreeing a revised "Base Sum" figure on behalf of the Council.

Further reported that a revised "Base Sum" had been provisionally agreed and this amount had been certified by the District Valuer as representing best consideration for the Council. The "Minimum Price" would also need revising and to ensure consistency with the terms of the existing option, remained at the particular percentage of the new "Base Sum".

The Option Agreement also contained a number of provisions for Overage Payments to be made to the Council should the developer obtain planning consent(s) for a higher value alternative development.

Reported that at the meeting of Full Council on 12 April 2016 it was resolved that the "Trigger Date" within the Option Agreement should be amended to provide that the option to purchase the Council's land must be exercised within 120 days of 12 October 2016. Once the Council and SNL had completed the deed of variation this would be contractually binding.

The amendment of the "Trigger Date" was intended to set a timetable for negotiations to be completed and a revised sale price formula based upon the correct extant planning permission floor areas to be agreed. This would, therefore, remove the link between the planning process and deriving the capital receipt and then enable SNL to exercise the option.

Noted that there was a live appeal against a planning decision made on 15 October 2015, which had been acknowledged by The Planning Inspectorate and an Inquiry if progressed would take place sometime after 12 October

2016. However, the Council would obtain a capital receipt irrespective of what the outcome of the appeal was, assuming the Option Agreement was exercised by SNL.

Resolved that the amendment of the “Base Sum” within the Option Agreement (detailed in the report) be approved and the “Minimum Price” (also detailed in the report) be amended by way of a Deed of Variation.

(The meeting ended at 8.26 p.m.)