

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 11 July 2017 at 6.30 p.m.

Present The Mayor (Councillor Prior-Sankey)
 The Deputy Mayor (Councillor Mrs Herbert)
 Councillors M Adkins, Mrs Adkins, Aldridge, Beale, Berry,
 Mrs Blatchford, Booth, Cavill, Coombes, Davies, D Durdan,
 Ms K Durdan, Edwards, Mrs Floyd, Gage, Gaines, Govier, Mrs Gunner,
 Habgood, Hall, Henley, Mrs Hill, Horsley, Hunt, James, R Lees,
 Mrs Lees, Ms Lisgo, Martin-Scott, Morrell, Nicholls, Parrish, Mrs Reed,
 Ross, Ryan, Mrs Smith, Mrs Smith-Roberts, Sully, Townsend,
 Mrs Warmington, Watson, Wedderkopp and Williams

Mrs A Elder – Chairman of the Standards Advisory Committee

1. Minutes

The Minutes of the meeting of Taunton Deane Borough Council held on 11 April 2017 and of the Annual Meeting of the Council held on 11 May 2017, copies having been sent to each Member, were both signed by the Mayor.

2. Apologies

Councillors Bowrah, Farbahi, Stone, Mrs Tucker and Wren.

3. Communications

The Mayor drew the attention of Members to the following:-

- (i) Councillors were requested to note that between 9.30 a.m. and 4 p.m. each weekday, the Members' Room would be used as an additional meeting room. This was in connection with the forthcoming works to refurbish The Deane House. The PC's in the Members' Room would be relocated to the Democratic Services office for the use of Councillors. Further details were contained in an e-mail which had been sent to 'All Councillors' by the Democratic Services Manager earlier in the day.
- (ii) A further e-mail from the Democratic Services Manager had also been sent to Councillors about a special meeting of Full Council which had been arranged to further discuss the proposed sale of an area of land at Creedwell Orchard, Milverton. The date of this meeting was Monday, 24 July 2017 at 6.30 p.m.

Councillor Williams reported that he had received a letter from the Chief Executive of Somerset County Cricket Club, Mr Guy Lavender, following the England v South Africa T20 international match which was held at the County Ground on Friday, 23 June 2017.

Mr Lavender thanked the Council and its 'outstanding staff' for helping make the event so successful. All the feedback he had received had been positive for both the cricket club and the Town of Taunton.

Councillor Williams would be replying to Mr Lavender in due course.

4. **Declaration of Interests**

The Mayor (Councillor Prior-Sankey) declared a personal interest as someone who was on the St James Church's Electoral Roll. Councillor Townsend declared a personal interest in agenda item No. 9 as he occupied an office in Coal Orchard, Taunton. Councillor Edwards declared a personal interest as his wife worked in Coal Orchard. Councillor Cavill declared a personal interest as he was Taunton Deane's representative on The Brewhouse Theatre Board. Councillor Gaines also declared a personal interest as he helped organise the showing of films at The Brewhouse Theatre.

Councillors Govier, Hunt and Prior-Sankey declared personal interests as Members of Somerset County Council. Councillors Mrs Adkins, Cavill, Gaines, Govier, Henley, Hunt, James, Nicholls, Mrs Reed, Ross, Mrs Stock-Williams, Townsend, Mrs Warmington and Watson all declared personal interests as Members of Town or Parish Councils.

5. **Public Question Time**

- (a) Mr Roger House stated that at the Coal Orchard Planning meeting he had argued that a priority should be the setting up a touring coach turning area by widening St James Street in front of the Courtyard Building frontage and incorporating two short term parking bays facing the Ring of Bells Public House.

However, the recent public consultation on the proposed closure of roads such as St James Street and Hammet Street would bar coaches and would create difficulties for coaches to turn around meaning that future access to the town centre would become a 'roundabout tour' on congested roads.

Mr House went on to refer to a consultant's report undertaken last year on all matters relating to touring coaches in the City of Chester. They found from surveys that the current annual coach benefit was £3,430,000, but the potential benefit with more welcoming facilities and management might be in the region of £20,000,000.

The key problems identified by coach companies in Chester included poor quality pick up and drop off facilities, the lack of them at the railway station, new theatre and new shopping development, high parking charges, poor signage, the lack of driver facilities and poor access between the coach park and city centre.

Mr House pointed out that these same problems also affected Taunton and asked the Council to urgently commission a report on attracting more touring coaches and passengers to our historic town, through

better access and facilities.

In response, Councillor Habgood stated that he was very interested in what Mr House had had to say and the figures quoted. He would be happy to look at the issues with a view to taking these forward in conjunction with the Director for Growth and Development, Brendan Cleere, and the Economic Development Team.

- (b) Mr Nigel Power stated that the Council had approved work on a Taunton Garden Town Plan and other studies were underway to provide a Green Infrastructure Strategy.

The Council boasted that it currently offered the best of both worlds combining natural surroundings with a thriving town centre. It had further ambitions in creating green spaces and corridors to bring the country into town.

How did this all fit with the Highways England (HE) proposal to build a four lane Expressway cutting through countryside close to Stoke St. Mary, skirting ancient woodlands, culminating in a huge roundabout including 12 lanes of traffic and a junction with the M5 at Killams?

The intention of HE's design was to redirect huge volumes of traffic from the A303 from the South East and London in effect importing pollution into the region and Taunton in particular. Surely this was diametrically opposed to the intentions of the Council?

The actions of an unelected quango were truly undemocratic and unjust. This was a further example of where the sponsors of HE (the Government) needed to start listening. There were far better and more cost effective ways of achieving fluent traffic movement. The original evaluation listed sixteen possible solutions. The shortlist of one (the selected proposal), produced the lowest value for money (cost benefit) and the most dangerous. How could this be right?

- (c) Mr David Orr wished to record his complete dissatisfaction with the way Highways England Limited (HE) had dealt with the A358 Expressway and new M5 Junction 25A public consultation.

Without the snap General Election there would not have been the time to assess the proposal fully or to engage Freedom of Information requests to get to the truth.

HE had been in consultation for months with Somerset County Council (SCC) on possible routes but the single route now brought forward was different to all previous routes discussed meaning SCC was not expecting this proposal!

HE had claimed that the absence of the expected link to the existing Junction 25 via Nexus Business Park was due to capacity issues at the junction. We now know that lack of budget was the real reason. Other route options that created greater benefit, linked to the Nexus

Business Park and properly relieved Henlade of traffic, were also discarded on cost grounds and not on a cost/benefit analysis.

Incredibly, HE had designed its single route option without modelling peak seasonal traffic flows. SCC had agreed that this could potentially destabilise the M5 flows between Taunton and Tiverton. This meant that accident rates and pollution could well be substantially higher than forecast.

Ten years ago a decision was made to re-route ALL traffic from the A303 at the end of the Ilminster Bypass on past Taunton as the cheapest way to speed London and the South East traffic on to Devon and Cornwall.

With Devon County Council planning upgrades to the A30 to Honiton then why would Taunton want all traffic heading to and from Devon and Cornwall coming past our County Town by default and how did that bypass traffic fit in with our new Garden Town status?

Why had HE planned a large new Junction 25A next to homes in Killams within the urban conurbation and the Vivary Green Wedge in a location without any foreseeable ability to configure a spine road to allow sustainable local access? The answer was because that was the cheapest option and there was no money to shift it a further kilometre away.

There had been a flurry of angry denials around the ability of this proposed new Junction 25A to host another urban extension of 3,460 homes “to the South of Taunton”. This benefit was described in the HE booklet as “providing major development opportunities to the south of Taunton”. What did our Councils think that meant?

The southern expansion of Taunton across the M5 might not be planned now, but if Junction 25A was built and Taunton continued to expand, then before 2028, there would be pressure for a new urban extension.

Communities were cynical, because they had seen the power of major developers under the National Planning Policy Framework trying to prove a shortfall in the five year housing supply so the Core Strategy could be set aside.

The real concern was that HE could move to the next stage where they had National Infrastructure powers and the public and our Councils would have no further say over this flawed proposal.

For years this A358 scheme had been sold to the public as a “Good News” story. However, it was not. It would reduce Taunton to a Bypass Town and all the rebranding of Taunton as a “New Garden Town” would be of no avail.

Mr Orr urged the Council to be robust in the rejection of this flawed

single route option by an unaccountable quango that had not conducted a genuine and meaningful consultation and had lost the trust and confidence of affected communities.

In response to both Messrs Power and Orr, Councillor Habgood thanked them for their comments and questions which echoed the views now expressed by the Council in its consultation response which had just been published. This covered all the main issues.

Councillor Habgood said he would certainly not defend Highways England's actions to date or its "interesting" consultation exercise. The Council intended to robustly draw on all the work it has done in the past and more recently to obtain the best scheme for Taunton. He hoped everyone would support the Council in its efforts to achieve this.

6. Presentation of Petition – Taunton Model Engineers

Councillor Mrs Smith presented a petition containing 686 signatures to the Council. The petition was worded as follows:-

"The miniature railway had been running in Vivary Park, Taunton for decades and was a valuable community asset. The railway also ran at Creech St. Michael Park.

The railways were both well used and appreciated by the public and especially young children and was part of summer-time spent in the park.

The Taunton Model Engineers were going to leave the parks due to disagreements with the site owners Taunton Deane Borough Council and Creech St Michael Parish Council.

We would like Taunton Deane Borough Council to work with Taunton Model Engineers to come to an acceptable compromise so that the railway was retained in both parks, as it was a benefit for the public users of both parks."

In response to the petition, the Council had issued the following 'position statement':-

"The Council had given notice to the Model Engineers back in June 2016 so that the group's existing premises could be converted into a café. As part of this plan The Council had offered them a new site within Vivary Park. Planning permission had been granted and Taunton Deane had offered to pay for a new service base to be created for the Model Engineer's building at a cost of approximately £2,000.

Once the Model Engineers had agreed to go ahead with this proposal and the lease was agreed work to provide the base would begin. The base would operate with a lease proposed for 25 years and with a charge of £360 per annum with a reduction of 50% for the first two years.

It was understood that the Model Engineers had also raised concerns about the parking arrangements around Vivary Park. There were no proposed changes to the parking arrangements and the Park was well catered for with a variety of parking options.

The new café would also follow the railway theme in its branding.”

Since organising the petition, Councillor Mrs Smith had confirmed that the track at Creech St. Michael was a matter solely between the Model Engineers and the Parish Council who owned the land.

She welcomed however the information in the position statement and hoped that an amicable solution could be found to enable the railway in Vivary Park to be retained.

The Portfolio Holder, Councillor Mrs Herbert, undertook to continue the dialogue with Taunton Model Engineers towards a solution that suited all parties.

(The Chief Executive and the Section 151 Officer left the meeting during the following item.)

7. Statutory Protection for Statutory Officers

Reference Minute No. 8 of the meeting of Full Council held on 14 July 2015, considered report previously circulated, which recommended changes to the statutory protection arrangements to be applied where the Council was proposing to dismiss the Head of the Paid Service, the Section 151 Officer or the Monitoring Officer.

The Council had previously deferred a decision to amend the existing Standing Order provisions in the hope that a satisfactory way forward could be achieved in consultation with the Department of Communities and Local Government.

Reported that no changes had been made or appeared to be planned by the Government and in the interests of moving this issue forward to enable the Council to comply with The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 the advice of Counsel had been sought on the options open for the six Somerset Councils. The Somerset Monitoring Officers Group (SMOG) had continued to discuss this issue over the past two years.

As a result of these discussions the proposals set out below detailed the provisions the SMOG had agreed which would be recommended to all six Somerset Councils, as well as those recommendations specific to the Council's arrangements:-

All Councils

- (a) The six Councils agree to form a Somerset Designated Independent Persons (DIP) 'pool' from which DIPs would be invited to form a DIP

Panel to advise a Council on a proposed dismissal of a Head of Paid Service, Section 151 Officer or Monitoring Officer. Invitations to DIPs to participate in a Panel would be issued in accordance with The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.

- (b) It is proposed that at least three DIPs needed to convene in order for a Panel meeting to be quorate. The legislation required a minimum of two DIPs to participate in a Panel but allowed more to be appointed.
- (c) A DIP Panel would appoint its own Chairman for the duration of a dismissal process.
- (d) DIP Panel meetings would have professional officer support available to advise on process.
- (e) The DIP Panel would report its recommendations direct to Full Council. The Panel's role would be separate from any elected Member involvement in the process in advance of consideration by Full Council.
- (f) The officer who was the subject of the proposed dismissal would be given the opportunity to make representations to the DIP Panel before it made its recommendations to Full Council in addition to his/her right to make representations to Full Council before a decision on a proposed dismissal was made.

Local Provision

In view of the current partnership arrangements for the sharing of staff with West Somerset Council (WSC), it is proposed that the Leader and/or relevant portfolio holder of WSC would have the right to present the Council's views on the matter in writing or in person to the DIP Panel before it made its recommendations to Full Council.

Remuneration of DIPs

It is further recommended that DIPs used on a DIP Panel should be entitled to claim expenses for attending meetings of the Panel in accordance with the Scheme of Members' Allowances and shall receive a one off payment per involvement in a Panel equivalent to 20% of their annual co-opted Members' Allowance paid by their respective Council.

Further reported that the Council could be confident that the revised arrangements set out above met the requirements of the Regulations and would provide consistent arrangements across the six Somerset Councils where it made sense to do so.

Resolved that:-

- (a) The amendments to the disciplinary provisions to be applied where the Council proposes the dismissal of a post-holder holding the position of

Head of the Paid Service, the Section 151 Officer or Monitoring Officer be approved; and

- (b) Delegated authority be granted to the Assistant Chief Executive and Monitoring Officer, in consultation with the Portfolio Holder for Corporate Resources to make the necessary amendments to the Council's Constitution and Human Resources procedures to give effect to recommendation (a) above.

8. Trull and Staplehay Neighbourhood Development Plan formal adoption as a Development Plan Document for Taunton Deane Borough Council

Considered report previously circulated, concerning the Trull and Staplehay Neighbourhood Plan.

Through the introduction of the Localism Act, Neighbourhood Development Plans had been introduced into the Planning system. The intention was to give communities direct power to develop a shared vision for their neighbourhood and shape a locally distinctive development plan which reflected growth needs and priorities.

From inception, Taunton Deane Neighbourhood Plans were community led development plan documents with the Local Planning Authority providing advice and assistance, and taking regulatory decisions at key legislative stages set out in the Acts and Regulations.

A Neighbourhood Plan was required to be predominantly land-use based. It could not be contrary to National and Local Planning Policy, nor could it conflict with European Legislation. A Neighbourhood Plan could not restrict development but it could shape development that had been allocated through local Planning Policy and allocate land for development.

Trull Parish Council began the process of developing a Neighbourhood Plan in November 2011 and an application was subsequently received to produce a Neighbourhood Plan and the designation of the Parish as a Neighbourhood Plan Area. As required by the Regulations, the application was published for statutory consultation.

Following this consultation exercise, Taunton Deane formally designated the entirety of the Parish of Trull as a Neighbourhood Planning Area on 17 September 2012.

The Neighbourhood Plan was developed through an iterative process over five and a half years using quantitative and qualitative data. The Plan contained 15 policies covering such areas as Reducing Flood Risk; Sustainable Housing; Housing 'in keeping'; Affordable Housing; Development within Trull and Staplehay Village; and Retaining and Developing Employment.

Noted that there were also two Community Actions – Flood Performance and Internal Design. Although they did not meet the Basic Conditions legal tests

required for Neighbourhood Development Plans, they could be retained in the Plan as aims for the Parish Council to promote and support.

The Neighbourhood Plan and its supporting documents were submitted to the Council on 9 September 2015 and, in accordance with the regulations, it was subjected to regulatory consultation, also for a six week period. A total of thirteen representations were received during the period of consultation.

These representations were submitted to an Independent Examiner who was jointly appointed by Taunton Deane and the Parish Council, in accordance with the Regulations, to carry out an independent examination of the Neighbourhood Plan.

The Independent Examiner's report was received in October 2015 and stated that the Neighbourhood Plan was compliant and compatible, subject to a number of minor changes being incorporated.

These changes were accepted by the Portfolio Holder whose decision was reported through the Council's Weekly Bulletin on 6 October 2015.

Further reported that to comply with the Neighbourhood Planning (Referendum) Regulations and Neighbourhood Planning (Prescribed Dates) Regulations, the Neighbourhood Plan had to be subjected to a referendum. This took place on 8 June 2016. Those persons on the Electoral Register eligible to vote were asked whether they wanted Taunton Deane to use the Neighbourhood Plan for Trull and Staplehay to help it decide planning applications in the neighbourhood area?

From the 1,828 electorate in the Neighbourhood Plan Area, 1,486 persons voted with 1,167 (78.53%) in favour.

Noted that the Planning Guidance stated that as soon as it was reasonably practical following a referendum, the Council - as the Local Planning Authority – was required to decide whether the Neighbourhood Plan should be adopted.

Resolved that the Trull and Staplehay Neighbourhood Plan be formally adopted ("made") as a Taunton Deane Borough Council Development Plan Document, and used in the planning application decision making process for the Trull Parish area.

9. **Regeneration of the Coal Orchard, Taunton – Capital Investment**

Considered report previously circulated, relating to the proposed regeneration of the Coal Orchard, Taunton.

The redevelopment of the Coal Orchard had been an element of Council plans for the centre of Taunton for a significant period of time. The intention to create a new development in this location was described in the Council's Town Centre Action Plan adopted in 2008. This was further reinforced by the Taunton Rethink adopted in late 2014 which confirmed the importance of this site as a central point in the town centre growth plans.

The evolution of the Coal Orchard had focused on providing a quality regenerative site which would align well with emerging plans to upgrade The Brewhouse providing a venue which could serve the need of the Garden Town.

Work on the project had progressed through late 2015 and the first six months of 2016. This foundation had enabled the Council (acting as landowner) to approve the submission of an outline planning application at its meeting in October 2016. A further report had subsequently been requested to fully examine the financial aspects of the development.

Through the course of the work to develop the planning application a number of delivery options had been considered with two being discounted at an early stage. These were essentially to do nothing or to dispose of the site for a capital receipt and the reasons for discounting these options were reported in detail.

In considering the outline planning submission, the Executive had instructed that further work be carried out to examine the business case to enable detailed due diligence to be applied to the remaining options. This report examined the key routes to delivery of the site.

There were in essence two main development options:-

- A **Joint Venture (JV)** with a partner to deliver the site; and
- **Local Authority (LA) Direct Contracting.**

The detailed examination of the Business Case for each option was intended to enable the Council to select its preferred choice for delivery of the development.

Whichever delivery route was taken it was recommended that the Council should seek to generate an appropriate surplus within a reasonable time to complement this delivery principle.

In order to understand how these options would work it was important that what the Council was seeking to achieve on the site was widely understood. The development proposal was composed essentially of six build components which were:-

- Residential – 36 units;
- Restaurant – Food and Beverage;
- Offices/Workspace;
- Retail;
- Car Park; and
- High Quality Public Realm.

The JV option was a delivery mechanism which was well understood by the Council in terms of a tried and tested route to market. In essence the Council would go to market with the scheme once outline planning permission had been secured to seek a development partner. A partnership would then be entered into with the Council retaining oversight and control through a project sponsor role. Therefore the significant costs around employment of specialists and build risks would be carried by the JV partner. The contractual arrangements, as a minimum, would need to drive delivery timescales and lay out clear requirements around final design quality.

With LA Direct Contracting the Council would appoint a project management team with necessary expertise to deliver its plans. The Council's procurement team was reviewing this approach to ensure that due legal process was applied to the appointment of the resource.

In this approach the Council would carry all of the build risks but in return would own the asset on completion of the project. This would enable full value to be realised from all elements of the development. The recommended approach would be to realise the value of the residential element soon after completion by sale of this element. The housing market was currently strong with no visible effect from Brexit so value was expected to remain in this component of the scheme. This minimised the risk around taking this option.

Reported that two variants of the LA Direct Contracting option had been evaluated to illustrate possible options, although there were a myriad of variant options available to Council.

It was noted that whichever development route was chosen the Council did need to factor the broader aspirations for the site into its decision. This would determine what value it wished to secure through the development. Clearly the principles for development of the Coal Orchard area had at their core a desire to achieve a good design and build quality. The intention was to place outstanding public realm at the centre of this approach to create a strong sense of place. This in turn supported the broader concept of cultural aspirations in this area enabling these to become a reality.

To combine a quality environment with a clear lettings approach would create a positive environment within the Coal Orchard. It was also noted that whilst this development stood up well as a proposition in its own right it was one half of the Coal Orchard site. The development had been designed and planned on this basis which would enable further growth of The Brewhouse Theatre to create an improved cultural offer across the site.

The plan to redevelop The Brewhouse was being progressed strongly in parallel with the area the subject of this report. The approach to enhancing the public realm would also significantly provide a strong link through the site, north to south from the redeveloped Railway Station to the town centre.

There were several junctures at which the Council would need to evaluate spend so the expenditure required would be committed in stages. This would be managed through the existing Programme Board arrangements. The stages were:-

- Appointment of a project management and design team to undertake a reserved matters application;
- Tendering a design to a Contractor;
- Appointing a preferred Contractor to undertake the build; and
- Post completion – operating/marketing the development.

To enable the confidential Appendix B to the report to be discussed, it was **resolved** that the press and public be excluded from the meeting as it included exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972, and that the public interest in withholding the information outweighed the public interest in disclosing the information to the public.

Resolved that:-

- (a) The development of Coal Orchard, Taunton be delivered “in principle” by Taunton Deane Borough Council through a Direct Contracting approach – Option 2A in the Confidential Appendix B to the report. Final sign off to be subject to consultation with the Leader of the Council and the Portfolio Holder; and
- (b) A Supplementary Budget within the Capital Programme for the preferred option be approved in line with total investment costs summarised in the Confidential Appendix B, to be funded by capital borrowing.

10. **Reports of the Leader of the Council and Executive Councillors**

(i) **Leader of the Council (Councillor Williams)**

Councillor Williams’s report covered the following topics:-

- Fire Safety;
- Transformation;
- A358;
- Firepool, Taunton;
- Parking Strategy;
- The Brewhouse Theatre;
- Wellington Heritage;
- Taunton Garden Town;
- Nexus 25;
- Official Opening of Tangier Central, Taunton;
- International Cricket comes to Taunton;
- The Deane House;
- Connecting Devon and Somerset Phase 2 Gigaclear Ultrafast Broadband Installation; and
- 75th Anniversary of formation of 40 Commando Royal Marines.

(ii) **Sport, Parks and Leisure (Councillor Mrs Herbert)**

The report from Councillor Mrs Herbert dealt with activities taking place in the following areas:-

- Parks and Open Spaces;
- Community Leisure – Working with the Friends of Longrun Meadow; The Playing Pitch Strategy; and Leisure Procurement Member Workshops;
- Summer Sunday Bandstand Concerts; and
- GLL (Taunton Deane) – Walk Well Volunteer Event; Health Walk Outing; Sports Fest in Wellington; Dementia Awareness Week; Mental Health Awareness Week; Lambrook Activity Day; Swim Skills Badge Testing for Brownies and Cubs; and Inclusive Membership Launch.

(iii) Corporate Resources (Councillor Parrish)

The report from Councillor Parrish provided information on the following areas within his portfolio:-

- Electoral Services;
- The Mayoralty and Democratic Services;
- The Deane House Accommodation Project;
- ICT Services;
- Revenues and Benefits;
- Corporate Services - Corporate Performance and Strategy; Communications; Customer Services Project; and Southwest One Succession Project;
- Resources and Support Services – HR and Organisational Development; Accommodation move; Apprenticeship Levy; Wellbeing; and Procurement Team; and
- Finance – Statement of Accounts; External Audit; Medium Term Financial Plan; and New Finance and Procurement System.

(iv) Community Leadership (Councillor Mrs Jane Warmington)

Councillor Mrs Warmington presented the Community Leadership report which focused on the following areas within that portfolio:-

- Fire Safety Update – Following the tragic fire at Grenfell Tower, London;
- Local Crime and Policing Update;
- National Award for One Team Working;
- Taunton Deane Star Volunteer Award; and
- Somerset West Lottery Launch.

(v) Housing Services (Councillor Beale)

Councillor Beale submitted his report which drew attention to the following:-

- Deane Housing Development – Creechbarrow Road, Taunton; Weavers Arms, Rockwell Green, Wellington; Laxton Road, Taunton; 12 Moorland Close, Taunton – Community Centre and 3 units plus 4 unit conversion at 121-123 Outer Circle; Oake; Off-Site Manufacture; Development Pipeline; and Affordable Housing;
- Welfare Reform – Discretionary Housing Payment and Universal Credit;
- Anti-Social Behaviour Service – Performance;
- Repairs and Maintenance – Personal Digital Assistants;
- Review of the Somerset Strategic Housing Framework; and
- Fire Safety.

(Councillor Henley declared a personal interest as an employee of the Department of Works and Pension during the discussion of the above item.)

(vi) **Environmental Services and Climate Change (Councillor Berry)**

The report from Councillor Berry drew attention to developments in the following areas:-

- Environmental Health – Food Hygiene Inspections; Anti-Littering Campaign; Food Safety Week; and Safety Advisory Groups;
- Licensing – Performance; Appeals; and T20 International Cricket;
- Street Sweeping and Toilet Cleaning – IdVerde Contract;
- Somerset Waste Partnership – Replacement of the Managing Director; Fly-tipping following the introduction of certain charges at Recycling Centres; and Summer Barbecues; and
- Cemeteries and Crematorium.

Due to the lateness of the hour, the Mayor suggested that rather than extend the duration of the meeting, questions for the other Executive Councillors in respect of their reports (details follow) could be dealt with via e-mail. This was agreed.

(vii) **Economic Development, Asset Management, Arts and Culture, Tourism and Communications (Councillor Edwards)**

The report from Councillor Edwards covered:-

- Business Development - The Glass Box, Taunton; Heathrow Logistics Hub; Taunton Deane Business Awards; Support for the Creative Innovation Centre (CICCIC), Taunton; Employment and Skills Prospectus; LEADER rural funding; Somerset West Cycle Network; Programme of support for start-up and young businesses; and Taunton Garden Town and Inward Investment Communications Strategy;
- Destination, Events, Retail Marketing and Visitor Centre –

Destination Marketing, Events; Retail Marketing; and Visitor Centre;

- Strategic Regeneration Projects – Coal Orchard Redevelopment; and Lisieux Way, Taunton;
- Asset Management Service General Fund Activities – Estate Management Work; and Asset Data and Compliance Work;
- Media, Marketing and External Communications.

(viii) Planning Policy and Transportation (Councillor Habgood)

The report from Councillor Habgood provided information on the following areas within his portfolio:-

- Planning Policy;
- Junction 25 – Local Development Order;
- Mid Devon Local Plan;
- Neighbourhood Plans – Trull and Staplehay; Other plans;
- Garden Town Status;
- Major Planning – Coal Orchard; and Firepool; and
- Car Parking – Maintenance; Income and usage; and Variable Message Signage.

(Councillors Coombes, Ms Durdan and Morrell left the meeting at 7.40 p.m, 8.23 p.m, and 8.30 p.m. respectively.)

(The meeting ended at 9.32 p.m.)

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 26 July 2017 at 6.30 p.m.

Present The Mayor (Councillor Prior-Sankey)
 The Deputy Mayor (Councillor Mrs Herbert)
 Councillors Aldridge, Beale, Mrs Blatchford, Bowrah, Brown, Cavill,
 Coles, Cossey, Edwards, Farbahi, Gage, Gaines, Habgood, Hall,
 James, Ms Lisgo, Morrell, Parrish, Mrs Reed, Ross, Ryan,
 Mrs Smith, Mrs Smith-Roberts, Mrs Stock-Williams, Sully, Townsend,
 Mrs Tucker, Watson, Ms Webber, Williams and Wren

Mrs A Elder – Chairman of the Standards Advisory Committee

1. **Apologies**

Councillors Mrs Adkins, M Adkins, Berry, Booth, Coombes, Davies, D Durdan, Miss Durdan, Mrs Floyd, Govier, Mrs Hill, Horsley, Hunt, R Lees, Mrs Lees, Martin-Scott, Nicholls, Mrs Warmington and Wedderkopp.

2. **Declaration of Interests**

Councillors Coles and Prior-Sankey declared personal interests as Members of Somerset County Council. Councillors Brown, Cavill, Gaines, James, Mrs Reed, Ross, Mrs Stock-Williams, Townsend and Watson all declared interests as Members of Town or Parish Councils.

3. **Public Question Time**

- (a) Julie Richardson, the Chairman of Milverton Parish Council, reported that at the Corporate Scrutiny Committee meeting it was stated that approval of the sale of land would result in 'closure' for Taunton Deane of this longstanding matter. But what about the position of the residents of Milverton?

Reference was made to the Certificate of Lawfulness which had been issued by the Council on dubious grounds. She hoped that the current review of the evidence which had led to its issue would result in its revocation.

Creedwell Orchard had caused significant concerns about a variety of factors. The most recent planning application had been refused as the scheme was unsustainable and contrary to Taunton Deane's Planning Policies. Milverton was blighted by the possible development of this land as had the possibility of building affordable housing which was much needed.

In considering the sale of the land, there was a need to consider more than the pecuniary interest of the Council.

Sustainability should lie at the heart of decision making. So how could the implementation of a 1970's development be sustainable when there would be no affordable or social housing, nowhere for people to work and no Community Infrastructure Levy (CIL) payments to meet anticipated strains on infrastructure.

There would be no benefit for Milverton but many problems for local residents offset by limited returns for Taunton Deane. Was it right residents should pay such a high price? If the proposed sale of land was approved it would commit Milverton to 25 years of development. It was time to stop this travesty.

Ms Richardson urged Councillors to reject the proposal.

- (b) Gill Lumby stated that Councillor Ms Lisgo had been very wise to ask for a summary of the Creedwell Orchard saga to be given to the Corporate Scrutiny Committee as, unlike many Milverton residents, most Councillors would be unaware of the whole story.

The Parish Council had always sought to act collaboratively in the best interests of local residents and therefore had an excellent reputation for ignoring party politics. She liked to think that Taunton Deane worked in the same way as this was how democracy worked best.

Taunton Deane had made a wise and considered decision in 2015 to refuse Mr Notaro's latest plans but this had left an extant permission for a typical 1970's housing estate.

How would this fit into the Conservation Area? Where were people going to park? Who would be speaking to those many elderly residents worried about traffic or explain why Milverton was now blighted with some unable to sell their houses? What about air quality and the further damage that would be caused to the raised cobbled pavements by lorries?

The development of Creedwell Orchard was likely to have a detrimental effect on the value of all properties in Milverton. When would the Council instruct the District Valuer to comprehensively re-value them?

Why had some Councillors recently 'fallen over backwards' to accommodate the developer's requirements? Why had there been such a rush and lack of transparency about this matter? Finally, why had this parcel of land not been put up for public auction?

- (c) Roger Cotton stated that the proposed development of land at Creedwell Orchard had first been granted outline permission in December 1975. However, six years later a letter had been sent to the developer by the Council stating that the permission had expired. This letter remained on the Council's files.

However, in November 2006 an application for a Certificate of

Lawfulness was received claiming that work had been commenced on site before the planning consent expired. The Certificate was granted in 2007 without any debate by Councillors. If due diligence had been undertaken by the Legal Services Manager, the letter confirming that the planning permission had lapsed should have led to the Certificate of Lawfulness being rejected.

The Certificate had, up to now, not been subject to legal challenge – the cost of a Judicial Review was beyond the means of the people of Milverton. But it was understood that its validity was currently being researched by the Council's Solicitor.

Would it not be sensible to defer any decision on the access land until the Solicitor's findings were known?

If the sale was transacted and the Certificate was found to be invalid, the Council would face significant difficulty – possibly litigation for financial loss.

A particular concern was the fact that the sale of land had not been of a competitive nature but solely between the Council and one applicant. Why was the sale being conducted in undue haste? There must be some reason behind it.

- (d) Molly Burton stated that there were many things that concerned local people about the proposed sale of land. Why was there a lack of transparency about the agreement? Why could the full detail of the agreement not be open to the public? Surely it was in the public interest to know what value had been placed on the land. Why was the proposal tabled as a special full meeting with such short notice? Why had the Scrutiny Committee not had sight of this matter until all the documents had been prepared and were ready for signature? Why was the Scrutiny Committee not asked to vote on the principle of the deal?

Ms Burton felt that the development of Creedwell Orchard concerned local residents more than anything else and yet they had had little chance to challenge the proposal as they were not privy to all the information. This was a sad lack of democracy.

- (e) Michael Reynolds considered that the developer who wished to build on the land at Creedwell Orchard was no friend to affordable housing. Nor in fact was the contract agreement which Councillors were being asked to approve.

The agreement would result in the net loss of at least 20 affordable homes. In the last housing allocation Milverton's affordable housing target had been reduced from 40 to 20 because of the pending Creedwell Scheme.

The developer now proposed to implement the 1975 scheme which had no affordable housing component and a loss of a further 18

affordable homes. There would also be no CIL contribution so the Council would have to find money from other sources to meet infrastructure obligations.

It was clear that the assured capital receipt from the sale would deliver at best only three or four affordable homes.

Future overages were dependent on events, control over which would be forfeited to the developer, and subject to the usual hazards of overage agreements.

Councillors were being asked to approve an arrangement which would result in only three or four affordable houses being built against the loss of 23. What kind of bargain was that?

Mr Reynolds suggested a better way forward which would give control back to the Council. This was reserving the sale of the access land until such time as a deliverable, sustainable development with affordable housing was put forward and approved.

- (f) Chris Mann was confident that Councillors would base their decision not solely on financial gain but on Council Policy.

Back in 2007 the then Growth and Development Manager had written a letter stating that in his professional view the land at Creedwell Orchard should not be sold as it conflicted with the Council's current Planning Policies.

Despite the Executive first agreeing to the proposed sale in 2012, the Growth and Development Manager had subsequently confirmed that his previous views about conflict with policy remained the case.

This was one of many reasons why this unjust saga should come to an end. Not least among others were the views of the eminent QC John McDonald who was of the opinion that the Certificate of Lawfulness should never have been granted.

Councillors had recently raised the question as to whether the Certificate should be revoked. As a consequence, the entirety of the evidence which had led to its issue was, at last, under review.

Should the outcome be revocation, the Council would be placed in an awkward position if the access land had already been sold.

However, revocation would finally allow applications for smaller, sustainable developments in accordance with policy including much needed affordable housing plus, with the site available to all developers rather than just one, the Council would be sure of achieving best value.

The Mayor thanked everyone for their contributions.

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

Prior to consideration of this matter the Mayor requested the Council's Legal Officer, Mrs Lesley Dolan to clarify the status of the information contained in the Confidential Appendix 2 to the report.

Mrs Dolan confirmed that in her opinion the information fell within one of the categories of 'Exempt information' as outlined in the Access to Information Act 1985 (as amended). In the circumstances, when the public interest test was applied it was clear that greater harm to the Council would be caused if the information was disclosed.

Despite this advice, it was proposed by Councillor Morrell, seconded by Councillor Ross that the information should be made publicly available.

In accordance with Standing Order 18(2)(b), the Mayor called for a formal roll call of votes to be taken in respect of the above motion and recorded in the Minutes.

The motion was put and was lost with nine Councillors in favour and twenty four against, as follows:-

Yes	No	Abstain
Councillor Aldridge	Councillor Beale	
Councillor Coles	Councillor Mrs Blatchford	
Councillor Farbahi	Councillor Bowrah	
Councillor Gaines	Councillor Brown	
Councillor Ms Lisgo	Councillor Cavill	
Councillor Morrell	Councillor Cossey	
Councillor Ross	Councillor Edwards	
Councillor Mrs Smith-Roberts	Councillor Gage	
Councillor Wren	Councillor Habgood	
	Councillor Hall	
	Councillor Mrs Herbert	
	Councillor James	
	Councillor Parrish	
	Councillor Prior-Sankey	
	Councillor Mrs Reed	
	Councillor Ryan	
	Councillor Mrs Stock-Williams	
	Councillor Mrs Smith	
	Councillor Sully	
	Councillor Townsend	

	Councillor Mrs Tucker	
	Councillor Watson	
	Councillor Ms Webber	
	Councillor Williams	

Following the above vote the Mayor invited Councillor Williams to introduce the item.

Considered report previously circulated, concerning the Option Agreement with S Notaro Limited (SNL) for the purchase of land at Creedwell Orchard Housing Estate, Milverton.

An Option Agreement was originally entered into with SNL on 27 February 2014 for a period of 10 years following Executive approval given at its meeting on 13 July 2013 in respect of the small area of land outlined on the plan included in the report which was currently owned by the Council.

The land was to be used to provide access to land to the south-east which was owned by SNL and had the benefit of an extant planning permission for 72 dwellings, comprising a mix of houses and bungalows.

The Option Agreement with SNL for the purchase of land at Creedwell Orchard should have been triggered by 19 July 2017. Reported however that the option had not been exercised and it therefore no longer existed.

SNL had indicated to the Council in late May 2017 that current planning issues with delivering the extant scheme as intended meant that SNL were not in a position to exercise the existing Option Agreement. An alternative proposal was made by SNL to acquire the land outright to enable SNL to start developing a smaller number of units under the extant scheme.

Reported that this proposal was fundamentally different – the Council would receive a smaller sum up-front but with overage built in providing that if all 72 dwellings under the extant permission were constructed the Council would ultimately receive the same as intended under the option. Should less than 72 dwellings under the extant consent be built then the Council would ultimately receive less than it would have done under the option.

The land was currently worth in the region of £75,000 if the Council was to ignore that the land provided access to a development site. Whilst disappointing that the option had not been exercised it still represented a sound commercial transaction as the sale price, ignoring any overage was significantly greater than the alternative value.

Further reported that commercial discussions with SNL had taken place during June and detailed terms agreed subject to Council approval. On the basis the offer made sound commercial sense it had been bought to Members for consideration.

Noted that a conditional contract had been agreed with SNL for the outright sale of the Council land needed to access SNL's land. The contract was conditional only on the Council supporting this transaction and the sale price

would be payable by 31 July 2017. There were no other conditions.

Other than this now being a straightforward sale and at a lesser up front sum but with an overage incorporated, this new transaction did reflect the principal terms set out in the previous option. The principal terms of this proposed sale were set out in the Confidential Appendix 2.

Noted that the eventual capital receipt obtained from the sale of the land, together with any subsequent overage, would be reinvested into affordable housing which would greatly assist the Council in fulfilling its Corporate Aim of quality sustainable growth and development.

The Corporate Scrutiny Committee had considered this matter at its re-convened meeting on 25 July 2017. After a long discussion, the Committee had agreed to support the sale of the land to NSL.

Resolved that the Council's freehold interest of its land, as outlined on the plan included as Appendix 1 to the report, be sold to S Notaro Limited for the sale price together with overage and other provisions as set out in Confidential Appendix 2.

(The meeting ended at 8.29 p.m.)