

**Vale  
of White Horse**  
District Council

Local Government Act 2000 and the Local Government (Executive Arrangements) (Access to Information) Regulations 2000

RECORD OF DECISION OF CABINET MEMBER KEY DECISION OF OFFICER			
1	Name of decision maker	Councillor Elaine Ware	
2	Type of decision (Please ? as appropriate)	Key Yes	Other
3	Date of decision (This should be the same as the date form signed)	30 April 2012	
4	The decision	1) That, following a change in circumstances, the cabinet member reconfirms the authority portfolio holder, to declare as surplus to requirements the use of the vacant possession of part of the Vale Council-owned site (WSC) in Botley in conjunction with the development of a new food store and car parking together with a new community hall and Baptist Church. 2) That the cabinet member confirm the authority portfolio holder be minded to use compulsory purchase powers where there was no other reasonable offer and thereby deliver the site to the authority portfolio holder. It was clear that the use of those powers by the Vale Council had received the necessary approval and subject to cabinet considering and confirming approval of the use of surplus land.	
5	Reasons for decision	This matter was considered by the cabinet on 3 November 2010. In addition, a cabinet decision was made on 3 August 2011. The cabinet confirmed the authority for a disposal of this Vale Council-owned site (Asda/Bride Hall (a partnership between the council and an established developer)). However, the proposed disposal terms and the identity of the purchaser changed and, as a consequence, on 30 April 2012 the cabinet member to consider the matter.  The original executive report in 2010	



		<p>including details of rental income and appearance. The partnership arrangement between landowners and a (Stockdale), to join development. The would comprise of (adjoining the Co Hinksey Parish Co the Co-op store. consultation with authorised to agree and this document (MCA), was completed. agreement was the site with a view to being a sale on the Vale Council's statutory comprehensive development plan. the existing WSC then the capital re percentages. The the sale receipt up £16.5 million and When previously Council would receive land as part of the MCA included a s [REDACTED] to achieve</p> <p>The MCA provides are provisionally representing the b 'sale notice' proposed basis. Each of the in the event that the not serve a dissatisfied proceed. Non-serv Council is contract good faith at all time and so it should treat final decision on the change.</p> <p>Following completion marketed by the Vale Cushman &amp; Wakefield from £6 million to £ food retailers. Six further, including in of the parties were landowners. Having suitability of the scheme and these were Asda retailer and an estate</p>
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developer with no end user identified.

Further negotiations and, where possible, developed with the intention of clarifying consensus of the parties, improving the terms on offer. The initial the best deal and parties was that the Asda/Bride Hall bid offered cabinet member G, therefore, this was highlighted in the earlier. However, progress decision report as being the preferred bid. issues arose about with that party subsequently slowed and terms and ultimately the design and some of the detailed contract uncompetitive level Asda/Bridehall reduced their bid to an contact with Doric. However, the agents had maintained its interest alive at throughout the process with a view to keeping discussions with them, therefore, it was possible to restart willingness to exchange over the terms. Doric indicated a of [REDACTED] change contracts for a sale of the site in the sum being the grant of subject to a number of conditions, these of delivering vacant planning consent, that the vendors are capable order in relation to possession, completion of a stopping up maximum allowance the section of highway required and a price of £250,000 for highway works.

Further discussions achieving vacant possession with Doric focussed on the issues around Council would need possession (VP). In this respect, the Vale store, the public could deliver VP of Seacourt Hall, the Co-op controls the latter conveniences and car park. The Vale Council leases in relation to two and this is straightforward, but there are to be terminated and the other two. The Co-op's lease would need that possession and the relevant notices have been served so need be) that a red be obtained subject to proving (in court if hall to New Hinksey development is proceeding. The lease of the years expiring in November 2024 and, whilst it has indicated its NHPC will want to operate over a relocation, understandably better position than be satisfied that the new facility puts it in a provide a significant at present. A new facility is expected to more flexible and a better building than the present, being as being more economical making more efficient use of the space, as well as economical in terms of outgoings.

Stockdale had undertaken to achieve VP of that undertaken to relocate the Baptist Church to [REDACTED] allow site, and this cost is a substantial part of the (Willow Property) once stated earlier. Another party to the MCA NatWest (which has Elms Court, which includes the library, upper floors, a firm now closed), a local dry cleaner and in the of surveyors.

As discussions unfolded have an active involvement it became clear that Doric wished to onus being on the involvement in achieving VP and instead of the proposed that Doric parties to the MCA to deliver VP it was agreed that [REDACTED] take on this role. It was subsequently purchase price on the [REDACTED] would effectively be deducted from the condition in the contract basis that there would no longer be a members of the contract requiring VP to be provided by the responsible for repayment. Doric would therefore be as well as negotiating provision of the church and community facilities and termination of the business tenancies.



Following the recent cabinet briefing, members are also aware of Doric's wish to extend the development to take in the WSC and potentially additional land as well. The Vale Council owns the remainder of the shopping centre and this would involve an additional agreement if it was to proceed. Officers are currently awaiting a financial offer and development appraisal before considering further.

Completion of a disposal of the original food store site to Doric would be conditional on grant of a satisfactory planning permission. However, given Doric's aspirations for a wider development, Doric's view of a satisfactory planning permission will relate to the wider scheme, not just the original site. Doric has had pre-application discussions with planning officers over its proposals and early indications are broadly positive but it is an ambitious scheme so there will be many issues to be resolved.

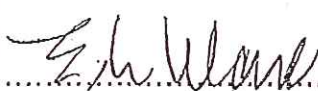

The original proposal for the sale of part of the site under the MCA has therefore become complicated by Doric's wish to include the remainder of the WSC in the overall development proposal. There are advantages to a comprehensive, integrated scheme, but at the present time there is no financial proposal to consider and this report does not seek any decision in connection with the major part of the WSC, only with the original site. In this connection, Stockdale has now issued a sale notice proposing a sale to Doric in the sum of [REDACTED], based on a gross price of [REDACTED] but subject to a [REDACTED] allowance for the cost of achieving vacant possession (which otherwise would have fallen on the parties collectively). The breakdown of the purchase price shown in the statement attached to the sale notice indicates the Vale Council's share of the proceeds is estimated at [REDACTED], albeit this could be subject to minor variation dependent on certain costs that are incurred in the sale process. This compares to previous estimates which have been put in the range of £3.7 million to £3.9 million.

It is proposed that the Vale Council proceeds with the intended disposal of the original site on the terms set out to Doric and to this end does not serve a dissatisfaction notice. For the purposes of obtaining the necessary authority and to cover circumstances where there may be minor changes to the proposed terms, it is recommended that the cabinet member reconfirms the authority previously given for the strategic director with responsibility for property, in consultation with the portfolio holder, to approve the proposed sale of part of the Vale Council-owned WSC as envisaged in the MCA. It should be noted, however, that the proposed transaction appears to be firmly linked to the wider proposal and if terms cannot be agreed for that then the likelihood is that the arrangement with Doric for the original site may not proceed.

Whilst it is proposed that Doric take all necessary action to obtain VP by agreement, it is not inconceivable that if this cannot be achieved then the only remaining option to ensure delivery of the scheme would be the use of compulsory purchase (CP)



		<p>powers. Officers consider it would be premature to make a decision to commit to use of CP powers at this time. However, given that the proposed development contributes to a number of corporate priorities and having regard to the policy of the local plan in relation to this site, officers recommend that the Vale Council confirms at this stage that it would be minded to use such powers in circumstances where there was no other reasonable option available to ensure delivery of the scheme and where it was clear that the use of those powers was lawful and that the Vale Council had received the necessary indemnities as to its costs. However, the actual resolution to use such powers would be a full cabinet decision. Again, at this stage, the decision sought relates only to the original site, but if terms can be agreed provisionally with Doric for the wider site such that a further authority is sought relating to that, then it seems likely that CP will have to be considered in relation to VP issues for that site.</p> <p>Finally, it should be noted that the proposed deal with Doric is for the entirety of the site as marketed, which includes the back half of the Co-op store (this was not required by Asda / Bride Hall). This will mean that the Co-op store will need works to rebuild the rear elevation and reconfigure it into a lettable unit. Of course if the wider scheme happens, then this will not be necessary as it would encompass the entirety of the Co-op store.</p>
6	<b>Alternative Options rejected</b>	The Vale Council is not bound to enter into the sale agreement but if it wishes to pull out then the onus is on it to serve a dissatisfaction notice as detailed above. However, this would run contrary to the course that has been set and the Vale Council would forgo the potential for a substantial capital receipt.
7	<b>Resource implications</b>	None, apart from legal input into sale documentation and completion. As authorised in the last report, Pinsent Mason is acting on the Vale Council's behalf.
8	<b>Legal implications</b>	Pinsent Mason will act for the Vale Council, although some input will be required from the Vale Council's legal team.
9	<b>Financial implications</b>	The Vale Council's share of the proceeds has previously been estimated in the range of £3.7 million to £3.9 million, and the latest estimate attached to the sale notice is showing a receipt of [REDACTED]. However, there are a number of costs that will be incurred including professional and legal fees. Other costs will depend on whether the wider scheme proceeds, such as works to the retained half of the Co-op building or the cost of refurbishing the WSC, which was estimated at £1.5 million for the purposes of the November 2010 executive report.
10	<b>List of consultees</b> (See guidance below)	<p>Finance – agreed 26 April 2012</p> <p>Legal – (Margaret Reed) – agreed 25 April 2012</p> <p>Head of ELP (Chris Tyson) – agreed 19 April 2012</p> <p>Strategic Director (Matt Prosser) – agreed 27 April 2012</p> <p>S151 officer (Steve Bishop) – agreed 26 April 2012</p>
11	<b>Reports and background</b>	Previous executive report on 5 November 2010. Cabinet member report 3 August 2011.

	<b>papers considered</b>	
12	<b>Date of receipt of reports</b>	N/A
13	<b>Declarations of interests</b>	None
14	<b>Dispensations</b>	None
15	<b>Is this decision confidential and if so, under which exempt category?</b>	Yes, under paragraph 3, part one, schedule 12a of the Local Government Act 1972.
16	<b>"Call in" waived?</b>	
17	<b>Signature and date</b>	<div style="display: flex; justify-content: space-between;"> <div>   .....  Decision maker </div> <div> 30/4/12  .....  Dated </div> </div>
18	<b>This form must be physically handed to a member of the democratic services team</b>	<p>Note: The date and time at which this form is received will be recorded by the head of democratic services. The decision will then be published and is subject to "call in".</p> <div style="display: flex; justify-content: space-between;"> <div>   .....  Date..30-4-12..Time..16:00  Head of democratic services </div> <div> Date and time form received  YV </div> </div>
19	<b>Details of publication on the web and date of expiry of "Call In"</b> <small>Note: This part of the form will be completed by democratic services</small>	Date of expiry of "Call In" .....8 May 2012..... Date published.....30 April 2012..... Date hand delivered to chair of scrutiny.....30 April 2012.....