

CABINET MEMBER DECISION

Decision:

DISABILITY CHALLENGERS, ST JAMES' AVENUE, FARNHAM – SECURING AN OVERAGE RECEIPT

(i) Details of decision

RESOLVED:

It was agreed that:

1. Surrey County Council approves payment of the amount as set out in the Part 2 report as a contribution towards Disability Challengers costs in connection with the preparation and sale of part of the land.
2. Surrey County Council delegates to the Chief Property Officer, in consultation with the Member for Property & Business Services, the ability to enter into an appropriate update of the Overage Deed, in connection with any subsequent disposal of land retained by Disability Challenge such that it is fair and equitable to both parties.

(ii) Reasons for decision

Surrey County Council (SCC) imposed an overage clause within the 2005 sale of land in order to ensure that any sale of the part or the whole by the purchaser, with an alternative higher value use would enable SCC to participate in such an uplift in value, in the event a disposal was entered into within a defined period.

Recently Disability Challengers (DC) have sought to safeguard their longer term future on the site by disposing of an underutilised part of the site to fund repairs and a refurbishment of buildings on the balance of the site.

SCC suggested further feasibility and viability exercises be undertaken to explore the potential for the provision of new sustainable and fit for purpose facilities for the charity on a smaller foot print, thus releasing a larger site area for redevelopment.

The opportunity to pursue this option was tested with the local planning authority but planning policy would not support the density of development required to enable such a re-provision to be viable. As a result, Disability Challengers expended significant additional legal and other professional costs and a diminution in the capital receipt secured as a result of the delays.

(iii) Details of any alternative options considered and rejected

None

(iv) Details of any consultation and representations received not included in the published report

None

Conflicts of Interest and any Dispensations Granted

(Any conflict of interest declared by any other Cabinet Member consulted in relation to the decision to be recorded and any dispensations granted by the Audit and Governance Committee)

None

Decision taken by:

- (i) Name:** Tim Oliver
- (ii) Portfolio:** Cabinet Member for Property & Business Services

Date of Decision: 08 May 2018

Date of Publication of Record of Decision: 08 May 2018

Date decision effective (i.e. 5 working days after date of publication of record of decision unless subject to call-in by the Corporate Services Select Committee):
15 May 2018