

## **Record of Decisions**

### **Brixham Town Centre Car Park Redevelopment**

#### **Decision Taker**

Mayor on 15 May 2013

#### **Decision**

That the purchase price payable pursuant to the contract be reduced by the same amount as that to be paid directly by the developer to the Council in Section 106 contributions.

#### **Reason for the Decision**

The development does not remain viable with the additional cost of the required Section 106 contributions due to the significant site contamination and flood alleviation works necessary. The decision will result in the Section 106 monies being spent within Brixham and for its community rather than elsewhere in Torbay.

#### **Implementation**

This decision will come into force and may be implemented on Wednesday, 29 May 2013 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

#### **Information**

The contract entered into with Tesco Stores Ltd for the redevelopment of Brixham town centre car park included a term that the purchase price of £2,000,000 was calculated on the assumption that the developer would not be required to make any further payments to the Council acting in any other capacity or to third parties.

The Development Management Committee granted planning permission on 6 March 2013 subject to a number of conditions which included the developer to enter in to a Section 106 agreement to pay a contribution of approximately £285,000. It is considered that the additional sum required by the Section 106 agreement and the significant site contamination and flood alleviation works necessary would make the development unviable.

The Mayor supported the recommendations of the Council made on 15 May 2013, as set out in his decision above.

#### **Alternative Options considered and rejected at the time of the decision**

None

#### **Is this a Key Decision?**

Yes – Reference Number: I013237

#### **Does the call-in procedure apply?**

Yes

**Declarations of interest** (including details of any relevant dispensations issued by the Standards Committee)

None

**Published**

20 May 2013

Signed: \_\_\_\_\_  
Mayor of Torbay

Date: 20 May 2013