



Title: **Disposal of Public Amenity Area Forming part of 'Old Maid's Perch', Torbay Road, Torquay**

Public Agenda Item: **Yes**

Wards Affected: **Tormohun**

To: **Council**

On: **1 February 2012**

Key Decision: **Yes – Ref. I007128**

Change to Budget: **No**

Change to Policy Framework: **No**

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1. What we are trying to achieve and the impact on our customers

- 1.1. To make a recommendation relating to the disposal of approx 87 sq m. of public land forming part of 'Old Maid's Perch', to facilitate the redevelopment of the former Palm Court Hotel site.
- 1.2 To report upon the public consultation process with the local Ward Members, Local Access Forum and Community Partnership

2. Recommendation(s) for decision

That the Mayor be recommended:

- 2.1 **That the area comprising approx 87 square metres lying to the eastern side of the public footpath leading from Shedden Hill Road to Torbay Road (as shown cross hatched on Plan EM1961) be sold to the adjoining proposed owner/developer of the former Palm Court Hotel to facilitate the development of the combined site in accordance with an Approved Planning Consent.**
- 2.2 **That the land be sold to the proposed owner/developer of the former Palm Court Hotel site at a valuation to be recommended by the District Valuer.**
- 2.3 **That the Chief Executive of the Torbay Development Agency be requested to advertise the intended disposal of the land in accordance with Section 123(1)(2a) of the Local Government Act 1972 .**

2.4 That subject to considering any objections raised pursuant to paragraph 2.3 and being satisfied that any objections raised should not stop the disposal, the Head of Commercial Services, in consultation with the Chief Executive of the Torbay Development Agency, be authorised to dispose of the land described in 2.1 subject to agreement of terms.

3. Key points and reasons for recommendations

3.1 The adjoining Palm Court Hotel site has been disused for a number of years, and the buildings on site were partly demolished following extensive fire damage.

3.2 This has left the site as a local eyesore which detracts from the visual appearance of this prominent part of the seafront.

3.3 Following extensive local Consultation with Local Members, Stakeholders and Community Partnerships, an application has been lodged by the proposed owner/developers of the former Palm Court Hotel site with Torbay Planners (under Application No P/2011/1080) to redevelop the former Palm Court Hotel site, an integral part of which includes a small area of Council land required to facilitate rear access to the site.

For more detailed information on this proposal please refer to the supporting information attached.

**Steve Parrock
Chief Executive - Torbay Development Agency**

**Charles Uzzell
Commissioner of Place & Environment**

Supporting information to Report

A1. Introduction and history

- A1.1 The Council wishes to encourage the physical and economic regeneration of The Bay and has highlighted the derelict former Palm Court Hotel site as a prominent and important site that requires urgent redevelopment. The appearance of the site, which was last used as a hotel several years ago, deteriorated further following extensive fire damage last year, which led to partial demolition of the remaining buildings on site.
- A1.2 The former Palm Court Hotel site has been the subject of a previous planning consent which included a similar area of Council land with the former owners stating that it was needed to ensure the viability of the scheme.
- A1.3 In February 2009 the then Executive Asset Management Board recommended a disposal of the Council's land, however the previous planning consent was not implemented and the owners went into Administration.
- A1.4 The current proposed owner/developers of the former Palm Court Hotel site have confirmed that the current application to redevelop the adjoining former Palm Court Hotel site requires a similar area of the Council's land on the ground, first and second levels of the proposed development, particularly off Shedden Hill Road at the second level for access purposes.
- A1.5 Following extensive consultation, planning application No. P/2011/1080 to develop the adjoining former Palm Court Hotel site was approved by the Planning Committee on 16 January 2012.
- A1.6 Views of the appropriate Ward Members, Community Partnership and Local Access Forum have been sought and their responses will be available to Members prior to a Decision being sought.

A2. Risk assessment of preferred option

Outline of significant key risks

- A2.1. Loss of a small area of public landscaping. However following construction of the new development, small areas of reinstated landscaping will still remain east of the present public footpath as identified in A5.2 below.
- A2.2. The present owner/developers have indicated that they expect the Council to convey the Council's land for a nominal sum to ensure viability of their scheme. If satisfactory terms for a disposal, based on the recommendations of the District Valuer as proposed in 2.2 above cannot be agreed, the adjoining development may not proceed.
- A2.3. Whilst the Council wishes to support the early development of the adjoining Palm Court site through the disposal of a small area of public land, it wishes to ensure any consent to develop the land will be implemented without undue delay. To that end completion of the sale would be subject to implementation and completion of the agreed planning consent.

A2.4. As a consequence of the consultation and at a later stage following an advertisement of the intended disposal of the land in accordance with Section 123(1)(2a) of the Local Government Act 1972, the public, Ward Members and/or Community Partnerships may object to the disposal. If such requests are made then such objections will be reported to the Mayor for consideration.

A2.5. There is a risk that title restrictions may limit or restrict the Council's ability to permit a sale or change of use of the asset. However initial indications are that this is not the case, and if present may be mitigated by providing appropriate and robust legal advice.

A3. Other Options

A3.1 We understand the proposed owner/developer of the former Palm Court Hotel site has agreed an option to acquire the site, subject to receipt of an approved planning consent. As identified in A2. above, if a consent is not forthcoming, or the terms for a disposal are unacceptable, the Council's land will not be sold.

A4. Summary of resource implications

A4.1 To comply with the Council's Financial Regulations an independent external valuation has been sought from the District Valuer.

A4.2 This minor disposal impacts on the Head of Commercial Services and the Asset Management Team within the Torbay Development Agency, although the Council will seek to recover all costs incurred in the disposal.

A5. What impact will there be on equalities, environmental sustainability and crime and disorder?

A5.1 There will be little direct impact, although the improvement of the adjoining derelict site, will improve the appearance of the area.

A5.2 Included in the terms of any disposal of the Council's land will be provision for the appropriate re-provision and subsequent maintenance of any soft landscaping not required for physical construction.

A6. Consultation and Customer Focus

A6.1 Initial consultation has taken place between internal officers (all services represented), Ward Members, the Community Partnership, Local Access Forum and at the Capital Programme and Asset Management Board.

A6.2 As this is a specific request for public land not previously deemed surplus to operational requirements, the asset will not be offered to the wider community through the Community Asset Transfer Policy Protocol.

A7. Are there any implications for other Business Units?

A7.1 Residents & Visitor Services have been consulted throughout the discussions with the Developer, and will advise on their requirements if a disposal is agreed as identified in A5.2 above.

Appendices: Plan EM1962 attached.

Documents available in members' rooms: None.

Background Papers:

The following documents/files were used to compile this report:

File ref : T0125ZZ. Land adjacent to Palm Court Hotel.