

Wednesday, 30 September 2020

## **Extraordinary Meeting of the Council**

Dear Member

I am pleased to invite you to attend a meeting of Torbay Council which will be held remotely via Zoom (the links to the meeting are set out below) on **Thursday, 8 October 2020** commencing at **5.30 pm**

<https://us02web.zoom.us/j/88587735303?pwd=ZlpHSG93bS9LTVJ4ekxoK1ZCdldmZz09>

Meeting ID: 885 8773 5303

Passcode: 009032

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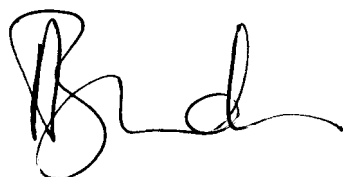
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Meeting ID: 885 8773 5303

Passcode: 009032

The items to be discussed at this meeting are attached.

Yours sincerely,



Anne-Marie Bond  
Interim Chief Executive

(All members are summoned to attend the meeting of the Council in accordance with the requirements of the Local Government Act 1972 and Standing Orders A5.)

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**Together Torbay will thrive**

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**June Gurry, Town Hall, Castle Circus, Torquay, TQ1 3DR**

Email: [governance.support@torbay.gov.uk](mailto:governance.support@torbay.gov.uk) - [www.torbay.gov.uk](http://www.torbay.gov.uk)

# Extraordinary Meeting of the Council Agenda

## 1. Opening of meeting

## 2. Apologies for absence

## 3. Declarations of interests

- (a) To receive declarations of non pecuniary interests in respect of items on this agenda

**For reference:** Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

- (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda

**For reference:** Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

**(Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)

4. **Disposal of Land at Little Blagdon Farm, Collaton St Mary and Land at Preston Down Road, Paignton** (Pages 4 - 29)

To consider a report on the above.

5. **Review of Political Balance** (Pages 30 - 34)

To consider a report that sets out a review of the political balance of the Council.

### **Instructions for the press and public for joining the meeting**

If you are using an iPad you will need to install Zoom which can be found in the App Store. You do not need to register for an account just install the software. You only need to install the software once. For other devices you should just be taken direct to the meeting.

### **Joining a Meeting**

Click on the link provided on the agenda above and follow the instructions on screen. If you are using a telephone, dial the Zoom number provided above and follow the instructions. (**Note:** if you are using a landline the call will cost up to 13p per minute and from a mobile between 3p and 55p if the number is not covered by your inclusive minutes.)

You will be placed in a waiting room, when the meeting starts the meeting Host will admit you. Please note if there are technical issues this might not be at the start time given on the agenda.

Upon entry you will be muted and your video switched off so that only the meeting participants can be seen. When you join the meeting the Host will unmute your microphone, ask you to confirm your name and update your name as either public or press. Select gallery view if you want see all the participants.

If you have joined the meeting via telephone, your telephone number will appear on screen and will be displayed for all to see until the Host has confirmed your name and then they will rename your telephone number to either public or press.

### **Speaking at a Meeting**

If you are registered to speak at the meeting and when it is your turn to address the Meeting, the Chairman will invite you to speak giving the Host the instruction to unmute your microphone and switch your video on (where appropriate) therefore please pause for a couple of seconds to ensure your microphone is on.

Upon the conclusion of your speech/time limit, the Host will mute your microphone and turn off your video.

### **Meeting Etiquette for Registered Speakers - things to consider when speaking at public meetings on video**

- Background – the meeting is public and people will be able to see what is behind you therefore consider what you will have on display behind you.
- Camera angle – sit front on, upright with the device in front of you.
- Who else is in the room – make sure you are in a position where nobody will enter the camera shot who doesn't want to appear in the public meeting.
- Background noise – try where possible to minimise background noise.
- Aim to join the meeting 15 minutes before it is due to start.



**Meeting:** Council

**Date:** 8<sup>th</sup> October 2020

**Wards Affected:** Preston and Collaton St Mary

**Report Title:** Disposal of Land at Little Blagdon Farm, Collaton St Mary and Land at Preston Down Road, Paignton

**Is the decision a key decision?** Yes

**When does the decision need to be implemented?** Immediately

**Cabinet Member Contact Details:** Councillor Swithin Long - Cabinet Member for Economic Regeneration, Tourism and Housing, Swithin.Long@torbay.gov.uk

**Supporting Officer Contact Details:** Kevin Mowat – Director of Place, 01803 208433, Kevin.Mowat@torbay.gov.uk

## 1. Proposal and Introduction

- 1.1 Members will recall the previous decision made at Council in July 2019, namely to undertake a procurement exercise to select a development partner/s to assist with the delivery of the Council sites at Preston Down Road (PDR) and Collaton St Mary (CSM). The July 2019 report is available at Appendix A. At that time the intended outcome was to deliver a fully planning policy compliant scheme for the provision of new housing on the two sites whilst also ensuring further outputs and objectives were achieved.
- 1.2 Members will also recall that these sites received Land Release Funding (LRF) to assist with the release of these sites for housing. The conditions for this funding requires the Council to be in contract with a third party by December 2020.
- 1.3 The procurement exercise concluded at the end of August 2020 although regrettably the exercise had to be abandoned as the final bids received were either non compliant or did not represent best value for the Council.
- 1.4 This report makes further recommendations on the disposal of these sites while still meeting the LRF December deadline.

## 2. Reason for Proposal and associated financial commitments

- 2.1 Torbay Council (the Council) was awarded £3,076,000 of Land Release Fund (LRF) grant aid by the Ministry of Housing, Communities and Local Government (MHCLG) on 8 March 2018 for the purposes of securing early release of the land at both CSM and PDR for residential development.

- 2.2 With regard to CSM this revised proposal looks to market the site on the open market with limited conditions. These conditions would simply be to ensure that the LRF grant conditions are adhered to, that 30% affordable housing is delivered on the site and that these affordable homes are offered to TorVista homes.
- 2.3 Undertaking the direct delivery of a housing scheme at CSM by a Council company was one of the delivery options considered, however the risk profile and expertise required to deliver a development of this size means that an experienced house builder is better placed to bring this site forward.
- 2.4 By taking this approach for CSM will ensure that the deadline imposed by LRF is met, it will deliver an open market value in terms of land receipt while also ensuring there is no watering down of the affordable housing provision on the site.
- 2.5 With regard to PDR it is proposed that this site is disposed of to TorVista Homes or company owned by the Council. This disposal would allow the Council to achieve a number of wider objectives that it was originally trying to achieve whilst still ensuring best value is maintained. These wider objectives would be detailed in a development agreement and form the contract between the two organisations.
- 2.6 Whilst the detail needs to be finalised the disposal would ensure:
- A minimum land value is paid to the Council equivalent to the payments the Council has already made to secure vacant possession of the site.
  - The development would be delivered in an open book manner
  - A 50/50 profit share would be in place between the two organisations, with the company using its profits to invest in additional affordable housing within Torbay
  - A fully policy compliant planning application would be obtained, and
  - Wider outputs including securing a specific number of job placements and apprentices would be delivered

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### **3. Recommendation(s) / Proposed Decision**

- 3.1 That the decision of the Council on 18 July 2019 as set out in minute 46/7/19 (i) to (iv) be rescinded.
- 3.2 That the disposal of the freehold interest of the land at Preston Down Road ensuring best value, edged red at Appendix 3, to TorVista Homes or a company wholly owned by the Council, be approved and that the Chief Executive be given delegated authority to agree and finalise the terms of the disposal, in consultation with the Cabinet Member for Economic Regeneration, Tourism and Housing and the Head of Finance.
- 3.3 That subject to a business case being produced Members authorise a loan via prudential borrowing or provide a guarantee of up to £23million to TorVista homes or a company owned by the Council, to facilitate the delivery of the site, and that the Chief Executive be given delegated authority to agree the provision of the loan

or provision of a guarantee in consultation with the Cabinet Member for Finance and the Head of Finance.

- 3.4 That the open market disposal of the freehold interest at Collaton St Mary (identified by land edged red in Appendix 2) be approved and the Chief Executive be given delegated authority to agree and finalise the detailed disposal terms in consultation with the Leader and Cabinet Member for Finance.

## **Appendices**

Appendix 1: Council report July 2019

Appendix 2: Plan of land at Little Blagdon Farm, Collaton St Mary

Appendix 3: Plan of land at Preston Down Road

## **Background Documents**

Torbay Local Plan: <https://www.torbay.gov.uk/media/6836/lp-2012to2030.pdf>

Paignton Neighbourhood Plan: <http://www.paigntonneighbourhoodplan.org.uk/>

Collaton St Mary Masterplan: <https://www.torbay.gov.uk/media/6897/csm-masterplan.pdf>

National Planning Policy Framework:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/810197/NPPF\\_Feb\\_2019\\_revised.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf)

## Section 1: Background Information

### 1. What is the proposal / issue?

The Council owns the freehold of 18.38 hectares (45.4 acres) of land at CSM and 4.06 hectares (10.03 acres) of land at PDR.

The Council was awarded £3,076,000 of LRF grant aid by MHCLG on 8 March 2018 for the purposes of securing early release of the land at both CSM and PDR for residential development.

Following the conclusion of the OJUE procurement exercise the Council now needs to consider alternative disposal options to ensure that the sites are progressed and the LRF conditions are met.

With regard to CSM it is proposed to market the site on the open market following a Council resolution for a period of 8 weeks. The marketing will include the contract containing the following conditions;

- (a) that the purchaser must comply with the LRF funding obligations,
- (b) that the purchaser must deliver 30% affordable housing, the mix, type and location of these homes to be in line with the current Council policy on affordable housing delivery.
- (c) a requirement that the purchaser offer to sell the affordable homes to TorVista.

It is considered that this approach will maximise the land receipt for the Council whilst meeting the LRF deadlines and ensure that much needed affordable housing is delivered.

Due to the size and complexity of delivering a residential development on this site it was felt that an established housebuilder would be best placed to bring the site forward. The capacity required to deliver this development internally would have a significant opportunity cost to the speed of delivery of the wider capital programme.

With regard to PDR the following approach is proposed to ensure that the Council receive a land value which also delivering on wider qualitative objectives,

- (I) That the land at PDR be disposed of to TorVista homes or another company owned by the Council, with TorVista providing the Council with a minimum land receipt at least equivalent to the monies paid by the Council to achieve vacant possession,
- (II) TorVista will enter in a 50/50 profit share with the Council, after payment of the land receipt, in open book approach. Any profit retained by TorVista will be used to facilitate the delivery of additional affordable housing in Torbay.

	<p>(III) The agreement will commit TorVista to delivering a fully policy compliant planning application.</p> <p>(IV) TorVista will ensure that a minimum number of job placements and apprentices are created as a result of the development.</p> <p>The agreement will include delivery milestones of key events such as submitting a planning permission and a start on site.</p>
<p><b>2.</b></p>	<p><b>What is the current situation?</b></p> <p>The Council has already paid compensation to the Coast and Countryside Trust to obtain vacant possession of both sites and a lot of work has already been done to get the sites to an ‘oven ready’ state.</p> <p>This includes undertaking a number of surveys and investigations on both sites as well as obtaining a planning permission for a new junction and the demolition of the derelict farm buildings on the CSM site.</p>
<p><b>3.</b></p>	<p><b>What options have been considered?</b></p> <p>In preparation of this report a number of alternative options were considered for both sites these include:</p> <ul style="list-style-type: none"> <li>• Option 1: Do Nothing,</li> <li>• Option 2: Freehold Sale with no conditions,</li> <li>• Option 3: Freehold sale with limited conditions on affordable housing and LRF,</li> <li>• Option 4: Disposal to TorVista Homes or another Council company to undertake direct delivery,</li> <li>• Option 5: Direct Development by Torbay Council.</li> </ul> <p>Based upon the evidence available it is recommended that the best disposal route for the Council in order to fully meet its aims and objectives is as per the recommendation in this report.</p> <p>The CSM option provides capacity and expertise from the private sector whilst also allowing the Council to ensure affordable housing delivery and receive a capital receipt.</p> <p>The PDR option ensures greater control on the quality and timing of any development. It also ensures that in addition to a land receipt it will also receive a share of developer profit and profit for TorVista which will assist with further affordable housing delivery, whilst also delivering wider qualitative objectives.</p>



<p><b>4.</b></p>	<p><b>How does this proposal support the ambitions, principles and delivery of the Corporate Plan?</b></p> <p>The proposals meet the following Corporate Plan objectives:          Ambitions: Prosperous and Healthy Torbay          Principles:</p> <ul style="list-style-type: none"> <li>• Use reducing resources to best effect</li> <li>• Reduce demand through prevention and innovation</li> <li>• Integrated and joined up approach</li> </ul> <p>Targeted actions:</p> <ul style="list-style-type: none"> <li>• Working towards a more prosperous Torbay</li> <li>• Promoting healthy lifestyles across Torbay</li> </ul> <p>Ensuring Torbay remains an attractive and safe place to live and visit</p>
<p><b>5.</b></p>	<p><b>How does this proposal tackle deprivation?</b></p> <p>The proposals shall result in bringing forward the early delivery of c. 400 new homes, 30% of which (c. 130 homes) will be affordable housing for local people. At least 5% of the affordable provision will be adapted accommodation for households with mobility difficulties.</p> <p>A greater housing supply within the local market will help limit future house price growth.</p>
<p><b>6.</b></p>	<p><b>Who will be affected by this proposal and who do you need to consult with?</b></p> <p>As part of the planning process the community will be fully consulted on the detail of any development proposed, however, there will be a benefit to the local community in terms of additional supply of good quality housing and an improved mix of units.</p> <p>It is anticipated that the proposed development of the CSM site will help fund flood alleviation works through S106 contributions within Collaton St Mary village thereby benefitting the wider local community.</p>
<p><b>7.</b></p>	<p><b>How will you propose to consult?</b></p> <p>Briefings have been held with the Cabinet and Group leaders and briefings with all political groups have taken place.</p>

<p><b>8.</b></p>	<p><b>What are the financial and legal implications?</b></p> <p>For CSM</p> <p>A substantial net capital receipt for the Council is envisaged. The receipt will be in excess of the costs the Council has incurred in obtaining vacant possession. The net receipt can therefore be used to support the Council's wider capital programme.</p> <p>The marketing exercise and preparation of the legal agreements will be funded from the LRF.</p> <p>Under the proposed contract the Council will only be able to control the affordable housing delivery as and when the developer brings forward homes and how the LRF is used. No other controls will be in place.</p> <p>The affordable housing obligations will run with the land in the event the land is sold on.</p> <p>For PDR</p> <p>The proposed disposal to a Council company will require the Company to borrow significant sums from the Council to bring forward the development.</p> <p>The risk is mitigated in that the site is split over two smaller sites and that the homes would be built at a rate in which they were to be sold thus reducing the peak debt at any one time.</p> <p>Undertaking any direct delivery carries development risk which is mitigated by undertaking extensive surveys at the outset and before entering into any significant build contracts.</p> <p>All obligations placed on TorVista would be contained within a development agreement which is enforceable.</p>
<p><b>9.</b></p>	<p><b>What are the risks?</b></p> <p>If the land disposal recommendations on either site are not supported by members:</p> <ul style="list-style-type: none"> <li>(a) The Council may have to repay any LRF monies received.</li> <li>(b) There will be a reputational risk for the Council which may impact upon the Council's ability to access future funding.</li> <li>(c) Future grant income streams may be adversely affected.</li> <li>(d) If CSM and PDR are not brought forwards for development they will not be able to contribute towards the Council's 5-year housing land supply. Consequently this increases the risk to the Council of unwelcome planning applications from sites not identified in the local plan.</li> </ul>

	<p>In making this decision the following risks have been identified, and mitigation strategies put in place accordingly:</p> <p>CSM</p> <ul style="list-style-type: none"> <li>a) There may be little or no interest from the market in acquiring the site. Although the initial intelligence tells us that there are interested parties and the marketing agents have confirmed that there is sufficient time to market the site and enter into the contract.</li> <li>b) Selling the site in the market with limited conditions means that the Council are not in a position to control any other aspect of the development other than in its role as the Local Planning Authority.</li> <li>c) The site could be land banked by the purchaser. In this scenario the Council would have received its land receipt. The conditions would be protected so that when it does come forward they will need to be adhered to.</li> </ul> <p>PDR</p> <ul style="list-style-type: none"> <li>a) Direct delivery carries development risk linked to fluctuations in the housing market and demand for new homes.</li> <li>b) Any development cost overrun can be mitigated by ensuring that sufficient detailed surveys are undertaken prior to commencing and that a robust business case is prepared.</li> </ul> <p>This approach will require the Council to loan sufficient monies to TorVista, or provide a guarantee for borrowing from the market, to construct the development. Any loan for the market homes would be short term and repaid from the sales receipts. The affordable homes would be funded over longer a term loan and the Council would take a charge on these properties to ensure sufficient security was maintained.</p>
<p><b>10.</b></p>	<p><b>Public Services Value (Social Value) Act 2012</b></p> <p>The Council's procurement team has been consulted and all works undertaken are in accordance with the Councils financial regulations and standing orders.</p> <p>Legal advice has been procured in accordance with the Council's protocol and any implications for state aid will be fully addressed.</p>
<p><b>11.</b></p>	<p><b>What evidence / data / research have you gathered in relation to this proposal?</b></p> <p>The proposal shall facilitate the development of c. 400 new homes. The project will help protect more sensitive sites from development and will enable the Council to influence the location for growth of the Collaton St Mary and Paignton areas.</p>
<p><b>12.</b></p>	<p><b>What are key findings from the consultation you have carried out?</b></p>

	<p>Extensive consultation has occurred throughout the Local Plan planning process and, in particular, the Collaton St Mary Masterplan has undergone extensive public consultation.</p> <p>The proposed development at PDR is fully compliant with Torbay's Housing Strategy 2015 – 2020 and the Planning Contributions and Affordable Housing SPD.</p>
<b>13.</b>	<b>Amendments to Proposal / Mitigating Actions</b>  N/A

## Equality Impacts

14.	<b>Identify the potential positive and negative impacts on specific groups</b>			
		<b>Positive Impact</b>	<b>Negative Impact &amp; Mitigating Actions</b>	<b>Neutral Impact</b>
	Older or younger people	The proposal shall result in the provision of better quality housing in the Paignton area and shall deliver housing stock for all age groups. As per Council policy 30% of the development will be affordable housing thus helping to deliver housing stock for local people and serving to reduce the numbers of those of the waiting list.		
	People with caring Responsibilities			There is no differential impact
	People with a disability	As per Council policy a percentage of affordable housing provided will be wheelchair adapted units.		
	Women or men			There is no differential impact
	People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>			There is no differential impact
	Religion or belief (including lack of belief)			There is no differential impact

People who are lesbian, gay or bisexual			There is no differential impact
People who are transgendered			There is no differential impact
People who are in a marriage or civil partnership			There is no differential impact
Women who are pregnant / on maternity leave			There is no differential impact
Socio-economic impacts (Including impact on child poverty issues and deprivation)	<p>The proposal is consistent with Local Plan policies for planning for sustainable development in the Torbay area. This takes into account the overall level of housing and jobs growth to represent a balanced and sustainable approach to future growth.</p> <p>The local planning authority is required to maintain a 5 year land supply in order to deliver the strategy and policies contained in the Local Plan. Without a 5 year housing land supply, the local authority is subject to increased risk of development occurring in unsuitable locations, or being of a lower quality than that which might have otherwise been required through local policies.</p> <p>Significant social benefits will be generated by the provision of a mix of dwelling types and tenures which will encourage mixed communities and provide a range of local facilities.</p>		
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	The scheme shall include provision of affordable housing which is likely to reduce poverty in the area and improve health.		

		The proposals are compliant with Policy SS11 Sustainable Communities as there will be opportunities to contribute to sustainable community objectives.		
<b>15</b>	<b>Cumulative Impacts – Council wide</b> (proposed changes elsewhere which might worsen the impacts identified above)	None		
<b>16</b>	<b>Cumulative Impacts – Other public services</b> (proposed changes elsewhere which might worsen the impacts identified above)	None		



**Meeting:** Council

**Date:** 18 July 2019

**Wards Affected:** Preston and Blatchcombe

**Report Title:** Disposal of Land at Little Blagdon Farm, Collaton St Mary and Land at Preston Down Road, Paignton

**Is the decision a key decision?** Yes

**When does the decision need to be implemented?** Immediately

**Cabinet Member Contact Details:** Councillor Swithin Long - Cabinet Member for Economic Regeneration, Tourism and Housing, Swithin.Long@torbay.gov.uk

**Supporting Officer Contact Details:** Anne-Marie Bond, Director of Corporate Services and Operations, [anne-marie.bond@torbay.gov.uk](mailto:anne-marie.bond@torbay.gov.uk), 01803 207160 and Kevin Mowat – Interim Director of Place, 01803 208433, Kevin.Mowat@torbay.gov.uk

## 1. Proposal and Introduction

- 1.1 Approval is sought to dispose of the Council’s freehold interest in land at Little Blagdon Farm, Collaton St Mary (CSM) and at Preston Down Road, Paignton (PDR) by way of entering into a development agreement with a private sector housing delivery partner. The proposed procurement route shall be OJEU compliant.
- 1.2 The intended outcome is to deliver a fully planning policy compliant scheme for the provision of new housing at both CSM and PDR (the “Scheme”).
- 1.3 The proposed disposal route shall:
  - (a) Ensure that the Council’s strategic policies are fully adhered to.
  - (b) Ensure that the Council’s statutory requirements are fully adhered to.
  - (c) Provide the Council with an opportunity to shape scheme outputs.
  - (d) Enable the Council to influence affordable housing split.
  - (e) Provide the Council with a capital receipt to contribute towards the capital programme.

## 2. Reason for Proposal and associated financial commitments

- 2.1 Torbay Council (the Council) was awarded £3,076,000 of Land Release Fund (LRF) grant aid by the Ministry of Housing, Communities and Local Government (MHCLG) on 8 March 2018 for the purposes of securing early release of the land at both CSM and PDR for residential development.



- 2.2 Upon receipt of the LRF award, the Council considered whether to accept the award and by doing so considered whether the release of the land was deliverable by March 2020. The award was accepted by the Council on 14 March 2018 following the agreement of the Elected Mayor and Group Leaders.
  - 2.3 The LRF grant requires that the sites are delivered to the market by March 2020. To ensure this occurs a decision on disposal of the Council's freehold interest needs to be made in July 2019 to ensure that the development partner procurement can commence and the grant conditions can be met.
  - 2.4 Bringing both sites forward for development will potentially generate a significant capital receipt for the Council in advance of what would otherwise be possible.
  - 2.5 At its meeting on 18 October 2018 the Council instructed TDA to negotiate terms for the early surrender of Torbay Coast & Countryside Trust's (TCCT's) leases on both CSM and PDR in order to obtain vacant possession and to deliver the sites to the market for residential development in accordance with LRF deadlines. A surrender was subsequently agreed for both CSM and PDR.
  - 2.6 The surrender of TCCT's leases completed on 28 February 2019 giving the Council full control of both sites.
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### **3. Recommendation(s) / Proposed Decision**

- 3.1 That the disposal of the freehold interest at Collaton St Mary and Preston Down Road (identified in Appendices 1 and 2 to the submitted report), be approved and the Chief Executive be given delegated authority to agree and finalise any Heads of Terms in consultation with the Cabinet and the Section 151 Officer.
- 3.2 That delegated authority be given to the Chief Executive to select and then enter into a development agreement with a development partner for the effective delivery of the Scheme.
- 3.3 That in furtherance of 3.1 above, the Chief Executive be given delegated authority to negotiate and agree terms for the acquisition by agreement of any land, interests or rights as may be required for delivery of the Scheme.

### **Appendices**

Appendix 1: Plan of land at Preston Down Road

Appendix 2: Plan of land at Little Blagdon Farm, Collaton St Mary

Appendix 3: Collaton St Mary and Preston Down Road Planning Statement, dated 25 June 2019

## Appendix 4: Summary of Identified Disposal Options

### **Background Documents**

Torbay Local Plan: <https://www.torbay.gov.uk/media/6836/lp-2012to2030.pdf>

Paignton Neighbourhood Plan: <http://www.paigntonneighbourhoodplan.org.uk/>

Collaton St Mary Masterplan: <https://www.torbay.gov.uk/media/6897/csm-masterplan.pdf>

National Planning Policy Framework:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/810197/NPPF\\_Feb\\_2019\\_revised.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf)

## Section 1: Background Information

### 1. What is the proposal / issue?

The Council owns the freehold of 18.38 hectares (45.4 acres) of land at CSM and 4.06 hectares (10.03 acres) of land at PDR.

PDR is identified for future housing need and CSM allocated for residential development in the Council's Adopted Local Plan (A Landscape for Success) 2012-30.

A public consultation exercise has been undertaken at CSM and its results are detailed in the Collaton St Mary Master Plan, dated February 2016 ("the Masterplan"). Proposals to bring CSM forward for residential development are in accordance with the adopted Masterplan.

The Council was awarded £3,076,000 of LRF grant aid by MHCLG on 8 March 2018 for the purposes of securing early release of the land at both CSM and PDR for residential development.

Prior to the acceptance of the LRF Grant, the Elected Mayor and the Group Leaders were consulted on proposals for CSM and PDR and it was agreed to accept the grant to assist with bringing forward these sites.

There is a clear policy expectation in the Torbay Local Plan, augmented by the Collaton St Mary Masterplan, that CSM will come forward for development. PDR is identified in the Local Plan for a potential housing allocation.

Approval to enter into a development agreement with a private sector partner for disposal of CSM and PDR is now required:

- (a) To ensure that the sites can be released to the market in accordance with timescales set out by MHCLG for the LRF funding.
- (b) To ensure that any scheme brought forwards will be fully compliant with Torbay's Housing Strategy 2015 – 2020 and the Planning Contributions and Affordable Housing SPD.
- (c) To facilitate the early release of these sites for residential development, thereby assisting the Council in meeting its 5-year residential land supply targets and helping to protect more sensitive sites from development.
- (d) To provide a financial return for the Council.
- (e) To ensure housing stock quality is maintained.
- (f) To provide the Council's proposed new housing company with an opportunity to acquire the S106 affordable housing stock at a market

	<p>rate and reduce the number of households on the housing waiting list whilst providing critical mass to the housing company. .</p> <p>A tangible benefit of progressing via the development partner route is that the Council will be able to influence the scheme to be delivered to a greater extent than if the sites were just sold on the open market. It is possible that any straight forward land disposal could see the developer apply to reduce their planning contributions and affordable housing obligations as part of their planning application.</p>
<p><b>2.</b></p>	<p><b>What is the current situation?</b></p> <p>The Government has repeatedly stated that increasing housing supply is a high priority.</p> <p>The National Planning Policy Framework (paragraph 73) requires the Council to maintain a supply of specific, deliverable sites sufficient to provide 5 years' worth of housing to meet housing requirements set out in Local Plans. The Council currently has 3.3 years' identified housing land which includes CSM. If CSM is not brought forward for development this would reduce projected housing land supply to below the 3 year threshold thereby putting the Council at risk of Government intervention to force the allocation of sites within the Torbay area.</p> <p>A planning statement detailing the Council's position regarding planning policy and housing land supply is provided at Appendix 3.</p> <p>Without a 5 year housing land supply, the Council is subject to increased risk of development occurring in locations which might not be locally palatable or being of a lower quality than that which might have otherwise been required through local policies.</p> <p>It is projected that CSM and PDR would deliver in the region of 500 new homes enabling the Council to deliver real housing growth in Torbay.</p> <p>It is envisaged that the capital receipt receivable through bringing the sites forward for development will be significant and will provide capital funding to assist the Council to meet its priorities.</p> <p><u>Collaton St Mary:</u></p> <p>The site was vacated by TCCT in February 2019. Site surveys commenced in 2018. A planning application (ref: P/2019/0478) was submitted on 2 May 2019 for creation of a new highways junction and for demolition of redundant farm buildings. Funds have been set aside to contribute towards flood alleviation works within Collaton St Mary village that benefit the wider community.</p> <p><u>Preston Down Road:</u></p> <p>The former lease to TCCT was terminated in February 2019 and TCCT currently occupies the site under licence expiring in March 2020. Site surveys commenced in 2018.</p>

<p><b>3.</b></p>	<p><b>What options have been considered?</b></p> <p>The disposal options available to the Council have been identified as:</p> <ul style="list-style-type: none"> <li>• Option 1: Do Nothing</li> <li>• Option 2: Freehold Sale</li> <li>• Option 3: Sale and Leaseback</li> <li>• Option 4: Public Private Partnership (Development Agreement)</li> <li>• Option 5: Direct Development by Torbay Council</li> </ul> <p>An analysis of these options is provided at Appendix 4.</p> <p>Based upon the evidence available we conclude that the best disposal route for the Council in order to fully meet its aims and objectives is to progress the disposal of the site via Option 4, entering into a development agreement with a private sector partner.</p> <p>This option provides capacity and expertise from the private sector whilst also allowing the Council to shape and influence the development produced and deliver a capital receipt.</p>
<p><b>4.</b></p>	<p><b>How does this proposal support the ambitions, principles and delivery of the Corporate Plan?</b></p> <p>The proposals meet the following Corporate Plan objectives:</p> <p>Ambitions: Prosperous and Healthy Torbay</p> <p>Principles:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Use reducing resources to best effect</li> <li><input type="checkbox"/> Reduce demand through prevention and innovation</li> <li><input type="checkbox"/> Integrated and joined up approach</li> </ul> <p>Targeted actions:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Working towards a more prosperous Torbay</li> <li><input type="checkbox"/> Promoting healthy lifestyles across Torbay</li> <li><input type="checkbox"/> Ensuring Torbay remains an attractive and safe place to live and visit</li> </ul>
<p><b>5.</b></p>	<p><b>How does this proposal tackle deprivation?</b></p> <p>The proposals shall result in bringing forward the early delivery of c. 500 new homes, 30% of which (c. 150 homes) will be affordable housing for local people. At least 5% of the affordable provision will be adapted accommodation for households with mobility difficulties.</p> <p>A greater housing supply within the local market will help limit future house price growth.</p>

	<p>The proposals will help ensure a mixed and balanced community, supplying housing of the right type, size and design in the right locations.</p>
<p><b>6.</b></p>	<p><b>Who will be affected by this proposal and who do you need to consult with?</b></p> <p>Extensive consultation has occurred throughout the Local Plan planning process and, in particular, the Collaton St Mary Masterplan has undergone extensive public consultation.</p> <p>Since the adoption of the Local Plan the principle of housing development in these locations appears to be accepted by the community.</p> <p>As part of the planning process the community will be fully consulted on the detail of any development proposed, however, there will be a benefit to the local community in terms of additional supply of good quality housing and an improved mix of units.</p> <p>It is anticipated that the proposed development of the CSM site will help fund flood alleviation works within Collaton St Mary village thereby benefitting the wider local community.</p>
<p><b>7.</b></p>	<p><b>How will you propose to consult?</b></p> <p>Briefings have been held with the Cabinet and Group leaders and briefings with all political groups will take place throughout the process.</p>

## Section 2: Implications and Impact Assessment

### 8. What are the financial and legal implications?

A substantial net capital receipt for the Council is envisaged. The receipt will be in excess of the costs the Council has incurred in obtaining vacant possession.

Any outgoings linked to the delivery of these developments and the financial implications are expected to be limited as the LRF can be applied to:

- (a) Implement enabling works.
- (b) Undertake a comprehensive suite of surveys thereby expediting delivery dates for bringing the site to market and reducing the risk for potential purchasers thus having a positive impact on land value.
- (c) Undertaking ecology mitigation and enhancement works to offset planning risk.
- (d) Undertaking a procurement exercise and then entering into a development agreement with a partner.

### 9. What are the risks?

If the principle of land disposal is not supported by members:

- (a) The Council may have to repay any LRF monies received.
- (b) There will be a reputational risk for the Council which may impact upon the Council's ability to access future funding.
- (c) Future grant income streams may be adversely affected.
- (d) In the absence of LRF grant aid, the Council would need to fund all of the exploratory works required to bring the sites forward for development.
- (e) If CSM and PDR are not brought forwards for development they will not be able to contribute towards the Council's 5-year housing land supply. Consequently this increases the risk to the Council of unwelcome planning applications from sites not identified in the local plan.

In making this decision the following risks have been identified, and mitigation strategies put in place accordingly:

- (a) If the Council is not in contract with a development partner by March 2020 there is a risk that unspent monies may have to be repaid to MHCLG. However, open dialogue has been maintained with MHCLG throughout the development process whom are supportive of the Council's aspirations and its progress achieved to date.

<p><b>10.</b></p>	<p><b>Public Services Value (Social Value) Act 2012</b></p> <p>The Council's procurement team has been fully consulted and all works undertaken are in accordance with the Council's financial regulations and standing orders.</p> <p>Legal advice has been procured in accordance with the Council's protocol.</p>
<p><b>11.</b></p>	<p><b>What evidence / data / research have you gathered in relation to this proposal?</b></p> <p>The proposal shall facilitate the development of c. 500 new homes. The project will help protect more sensitive sites from development and will enable the Council to influence the location for growth of the Collaton St Mary and Paignton areas.</p>
<p><b>12.</b></p>	<p><b>What are key findings from the consultation you have carried out?</b></p> <p>Extensive consultation has occurred throughout the Local Plan planning process and, in particular, the Collaton St Mary Masterplan has undergone extensive public consultation.</p> <p>The proposed development is fully compliant with Torbay's Housing Strategy 2015 – 2020 and the Planning Contributions and Affordable Housing SPD.</p>
<p><b>13.</b></p>	<p><b>Amendments to Proposal / Mitigating Actions</b></p> <p>N/A</p>

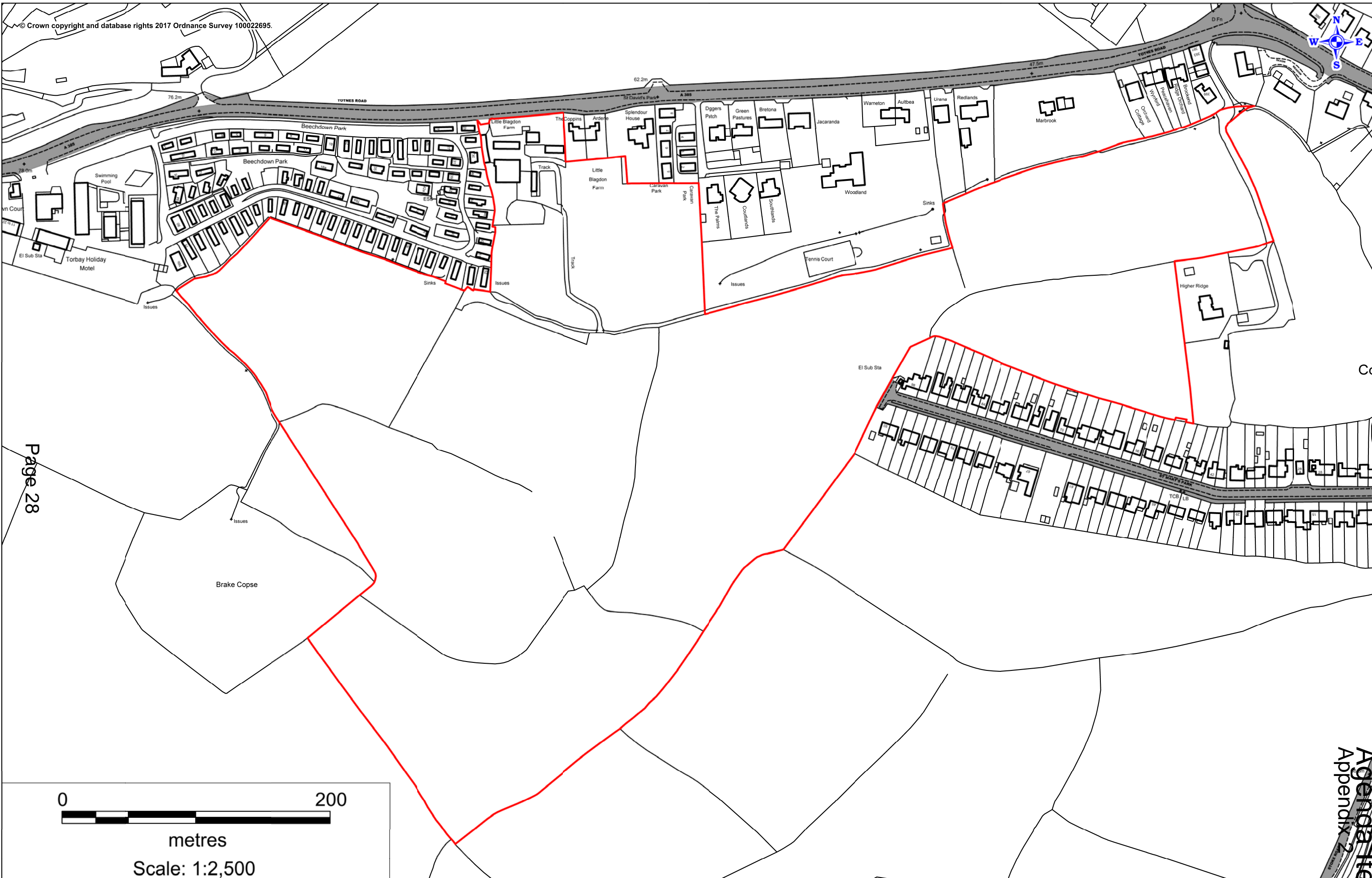


## Equality Impacts

14.	Identify the potential positive and negative impacts on specific groups			
		Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
	Older or younger people	The proposal shall result in the provision of better quality housing in the Paignton area and shall deliver housing stock for all age groups. As per Council policy 30% of the development will be affordable housing thus helping to deliver housing stock for local people and serving to reduce the numbers of those of the waiting list.		
	People with caring Responsibilities			There is no differential impact
	People with a disability	As per Council policy a percentage of affordable housing provided will be wheelchair adapted units.		
	Women or men			There is no differential impact
	People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>			There is no differential impact
	Religion or belief (including lack of belief)			There is no differential impact

People who are lesbian, gay or bisexual			There is no differential impact
People who are transgendered			There is no differential impact
People who are in a marriage or civil partnership			There is no differential impact
Women who are pregnant / on maternity leave			There is no differential impact
Socio-economic impacts (Including impact on child poverty issues and deprivation)	<p>The proposal is consistent with Local Plan policies for planning for sustainable development in the Torbay area. This takes into account the overall level of housing and jobs growth to represent a balanced and sustainable approach to future growth. The local planning authority is required to maintain a 5 year land supply in order to deliver the strategy and policies contained in the Local Plan. Without a 5 year housing land supply, the local authority is subject to increased risk of development occurring in unsuitable locations, or being of a lower quality than that which might have otherwise been required through local policies.</p> <p>Significant social benefits will be generated by the provision of a mix of dwelling types and tenures which will encourage mixed communities and provide a range of local facilities. It is envisaged that the new development will offer the opportunity to design out crime within residential layouts and could support the vibrancy of existing local centres.</p>		

	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	<p>The scheme shall include provision of affordable housing which is likely to reduce poverty in the area and improve health.</p> <p>There is potential to incorporate energy efficiency and micro renewable measures. The proposals will include green infrastructure and it is anticipated that the location could encourage sustainable modes of travel.</p> <p>The proposals are compliant with Policy SS11 Sustainable Communities as there will be opportunities to contribute to sustainable community objectives.</p>		
15	<b>Cumulative Impacts – Council wide</b> (proposed changes elsewhere which might worsen the impacts identified above)	None		
16	<b>Cumulative Impacts – Other public services</b> (proposed changes elsewhere which might worsen the impacts identified above)	None		



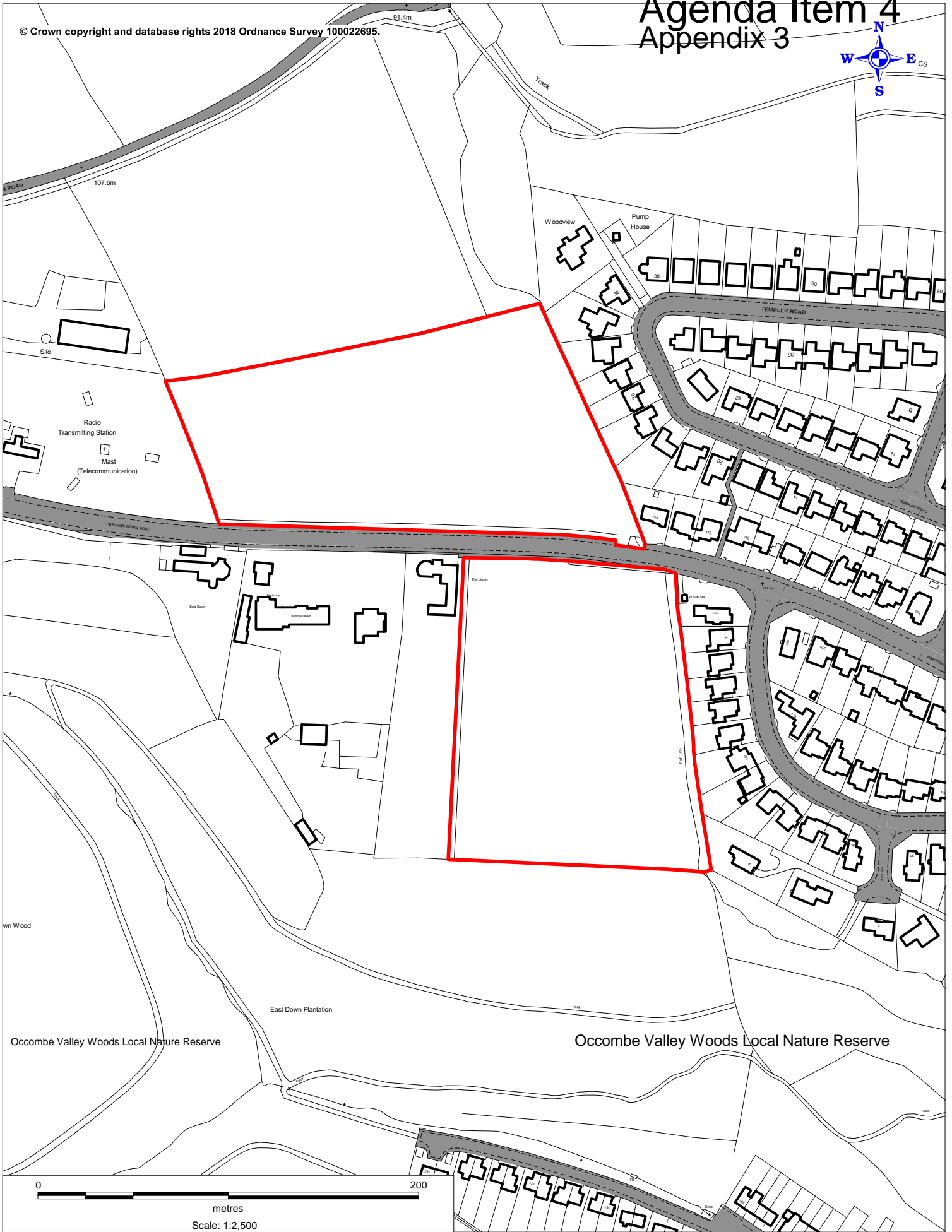
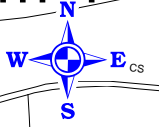
metres  
Scale: 1:2,500

EM Plan No: EM2924  
Date: 24th May 2017  
Title: Little Blagdon Farm, Totnes Road, Paignton.

TORBAY DEVELOPMENT AGENCY - ASSET MANAGEMENT

Asset No: P1064  
LR Title No: DN13535  
Scale: 1:2500  
Area: 184,751.17m<sup>2</sup>





**EM Plan No: EM3172**  
**Date: 5 October 2018**  
**Title: Land North & South of Preston Down Rd, Paignton**

**Asset No: P0953AB**  
**LR Title No: DN521239**  
**Area: 40,581.9 m<sup>2</sup>**



**Meeting: Extraordinary Council**

**Date: 8 October 2020**

**Wards Affected: All Wards**

**Report Title: Review of Political Balance**

**Officer Contact Details:** June Gurry, Head of Governance Support, email  
june.gurry@torbay.gov.uk

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### **1. Purpose of Report**

1.1 This report sets out a review of the political balance of the Council to ensure places on Council appointed Committees and Working Parties are allocated in accordance with the relevant statutory and Constitutional requirements. The report is presented following notification received from Councillors Kennedy and Mills that they no longer wish to be treated as members of the Conservative Group and wish to be treated as a members of the Independent Group on Torbay Council.

### **2. Reason for Proposal and its benefits**

2.1 Following Councillors Kennedy's and Mills' resignation from the Conservative Group and joining the Independent Group, the political balance for the Council needs amending.

2.2 The calculation of political balance of committees is a statutory requirement and supports the good governance of the Council.

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### **3. Recommendation(s) / Proposed Decision**

- (i) That the Community Governance Review Working Party be disbanded following the Council's determination of the review on 9 January 2020.
- (ii) That the overall political balance of the committees as set out at Appendix 1 be approved.
- (iii) That, in accordance with the Local Protocol for Working Parties, the overall political balance of working parties as set out in Appendix 2 be approved.

### **Appendices**

Appendix 1: Political Balance of Committees

Appendix 2: Political Balance of Working Parties

**Background Documents:** None

# Supporting Information

## 1. Introduction

- 1.1 Following the resignation of Councillors Kennedy and Mills from the Conservative Group and notification that they wish to be members of the Independent Group, this has resulted in changes to the political make-up of the Council. There are now 14 members of the Conservative Group, 12 members of the Liberal Democrat Group and 10 members of the Independent Group. The political balance is now:

Conservative Group	14 seats	= 38.89%
Liberal Democrat Group	12 seats	= 33.33%
Independent Group	10 seats	= 27.78%

- 1.2 The recalculated proportional distribution of seats on Committees between political groups is set out at Appendix 1.
- 1.3 Whilst not a legislative requirement, the Council has included in its Constitution for Working Parties to also be politically balanced. Proportional distribution of seats on Working Parties is set out at Appendix 2.
- 1.4 The Community Governance Review Working Party has completed its work and the Council has determined the outcome of the review. Therefore, this Working Party is now dormant and it is recommended that it be disbanded and not included in the political balance calculations for working parties.

## 2. Options under consideration

- 2.1 Set out in section 4, legal implications, below.

## 3. Financial Opportunities and Implications

- 3.1 None

## 4. Legal Implications

- 4.1 The Local Government and Housing Act 1989 requires the Council to allocate seats on committees to political groups in accordance with the size of each group as a whole, unless alternative arrangements are notified to all Members and agreed without any councillor voting against them. The Council is required to observe the following principles as far as it is reasonably practicable:

(a) that not all seats on the body are allocated to the same group;

(b) that the majority of seats on the body are allocated to a particular political group if the number of persons belonging to that group is a majority of the authority's membership;

(c) subject to paragraphs (a) and (b) above, that the number of seats on the ordinary committees of a relevant authority which are allocated to each political group bears the same proportion to the total of all the seats on the ordinary committees of that authority as is borne by the number of Members of that group to the membership of the authority; and



(d) subject to paragraphs (a) to (c) above, that the number of seats on the body which are allocated to each political group bears the same proportion to the number of all the seats on that body as is borne by the number of Members of that group to the membership of the authority.

- 4.2 No group holds the majority of the Council's membership. Therefore, paragraph (b) does not currently apply.
- 4.3 The Council is required to determine the number of seats on each committee and the allocation of those seats to the political groups. Applying the principles of the Local Government and Housing Act 1989 and the supporting Regulations, the option for distribution would be proportional as set out at Appendix 1.
- 4.3 The allocation of seats includes a statutory bar on members of the Cabinet on the Overview and Scrutiny Board and a Council decision to exclude members of the Cabinet on the Audit Committee.
- 4.4 Political balance requirements may be dis-applied under Section 17, Local Government and Housing Act 1989 and Regulation 20, Local Government (Committees and Political Groups) Regulations 1990. This would allow the relevant seats to be allocated to another group. Any decision to dis-apply would require a unanimous vote of full Council.
- 4.5 In respect of Working Parties, the Council's Constitution states that Working Parties considering non-executive functions will be appointed in accordance with the principles of political balance. The option for distribution of Working Parties would be proportional as set out at Appendix 2.

## **5. Engagement and Consultation**

- 5.1 The Group Leaders have been consulted on the political balance calculations set out at Appendix 1 and Appendix 2.

## **6. Purchasing or Hiring of Goods and/or Services**

- 6.1 Not applicable.

## **7. Tackling Climate Change**

- 7.1 No impact.

## **8. Associated Risks**

- 8.1 There is a statutory requirement to undertake a review of political balance following a change in the political composition of the Council. This review has been completed. Therefore there are no risks unless members fail to determine the matter.



### Political Balance of Committees

Committee	Conservative Group	Liberal Democrat Group	Independent Group	Total
Appeals Committee (School Transport)	3	3	1	7
Audit Committee (excluding Cabinet Members)	3	2	2	7
Civic Committee	3	3	1	7
Employment Committee (to include a Cabinet member)	2	2	1	5
Harbour Committee	4 3	2	<del>2</del> 3	8
Licensing Committee (excluding Cabinet Member with responsibility for Licensing)	7 6	5	<del>3</del> 4	15
Overview and Scrutiny Board (excluding Cabinet Members)	4 3	3	<del>2</del> 3	9
Planning Committee (excluding Cabinet Member with responsibility for Planning)	4 3	3	<del>2</del> 3	9
Standards Committee	3	2	2	7

### Political Balance of Non-Executive Working Parties

Working Party	Conservative Group	Liberal Democrat Group	Independent Group	Total
Airshow Working Party	2	2	1	5
Community Asset Transfer Panel (including appropriate Cabinet Member)	2	1	1	4
Corporate Parenting Board	2	2	1	5
Harbour Asset Working Party (plus external advisors and membership restricted to Harbour Committee)	<del>3</del> 2	1	4 2	5
Harbour Budget Working Party (plus external advisors and membership restricted to Harbour Committee)	2	2	1	5
Oldway Mansion and Grounds Steering Group (Working Party)	2	2	1	5
Transport and Parking Working Party	4 3	3	<del>2</del> 3	