



Contact: Jo Beer
Telephone: 01803 207063
E-mail address: scrutiny@torbay.gov.uk
Date: Friday, 20 March 2015

Overview and Scrutiny
Town Hall
Castle Circus
Torquay
TQ1 3DR

Dear Member

OVERVIEW AND SCRUTINY BOARD - MONDAY, 23 MARCH 2015

I am now able to enclose, for consideration at the Overview and Scrutiny Board to be held on Monday, 23 March 2015, the following reports that were unavailable when the agenda was printed.

Agenda No	Item	Page
4.	Petition requesting covenant for Cary Green	(Pages 5 - 12)

Yours sincerely

Jo Beer
Overview and Scrutiny Lead

TORBAY BUSINESS FORUM
The Voice for Business



FAO Members of the Board

The Overview and Scrutiny Board
Town Hall
Castle Circus
Torquay
TQ1 3DR

19 March 2015

Dear Sirs

PETITION REQUESTING A COVENANT FOR CARY GREEN

We as the Executive Members of Torbay Business Forum wish it to be placed on record that we fully support The Mayors decision (26 February 2015) "that no action be taken in respect of the petition on a covenant for Cary Green".

At a time when the regeneration of Torbay should be at the forefront of all those in office, the imposition of a restrictive covenant on Cary Green would send a negative message to those looking to invest in these major capital projects. By imposing covenants on sites there is the risk that developers view Torbay unfavourably and decide to invest elsewhere as a result.

With the Council and the TDA looking to take forward the *Masterplans* for the town centres over the coming twelve months, issuing a covenant when a developer has invested so heavily and is near the point of commitment is a real concern for our executive members.

Sending the wrong message now could have significant knock on repercussions for our town centres re-development and a retail sector struggling against the online market and out of town superstores.

With the South Devon Link Road nearing completion it is essential that all in a position of influence recognise the negative impact this could have on Torbay's future prosperity and vote to support the decision taken on 26 February 2015.

Yours faithfully

T M Godfrey
Vice Chairman Torbay Business Forum

Tel: 07973 699915
E-mail: tgodfrey@bishopfleming.co.uk

Agenda Item 4

Appendix 4



Please reply to: Vince Flower
c/o 3rd Floor Tor Hill House, Union Street
Torquay, TQ2 5QW

Cllr John Thomas
Torbay Council
Town Hall
Castle Circus
Torquay TQ1 3DS

My ref: VF/TJ

Tel: 01803 208973

Fax:

E-mail: Terri.Johnson@tedcltd.com

Website: www.torbaydevelopmentagency.co.uk

Date: 13 March 2015

To request a copy in another format or language phone 01803 208973

Dear Cllr. Thomas,

Re: Cary Green, Overview and Scrutiny Board

The TDA are aware that the future use of Cary Green has been called in and will be considered by the Overview and Scrutiny Board when it meets on 23rd March 2015.

We understand that one of the main concerns relates to whether or not Cary Green should be included within the regeneration scheme proposed for the Pavilion and the Marina Car Park.

The Board of the TDA fully supports the development of this important site and in principle the proposals submitted by Marina Developments Ltd (MDL) and their chosen hotel developer and operator, the Nicholas James Group (NJG).

The development as currently outlined will provide a 60 bed 4* spa hotel, 45 luxury waterfront apartments, new marina facilities and commercial units fronting the inner harbour, as well as carrying out improvements to the public realm alongside the inner harbour to create a waterside where people can enjoy the view and the ambience. Importantly, these works will see the Grade II listed Pavilion *repaired and its inherent structural defects corrected*; moreover the building will be refurbished and given a viable and sustainable economic use.

In order for this development to be financially viable, the TDA Board accepts that approximately 45 'enabling' apartments are needed, for which 45 car parking spaces are

/continued....2

- 2 -

also required. To avoid increasing the height of the development further the existing decked car parking will be reduced in size, although the demands on the car parking overall will be increased. In addition to the new apartments the 4* hotel and the marina will also need a sufficient number of car parking spaces if the scheme is to be funded and built. Without the Cary Green additional car parking spaces the hotel income and residential receipts will be much reduced and the scheme will not be viable.

The Board of the TDA believes that the inclusion of Cary Green for car parking (and occasional markets and similar events when possible) is justified from a viability perspective and that without the inclusion of Cary Green the development will not proceed and the status quo will prevail (and that the Pavilion will remain closed).

We would also mention that the benefits of the proposed development go well beyond the immediate regeneration site. The hotel will broaden the hotel and fine dining offer in Torbay and the hotel scheme alone will create over 160 direct and indirect jobs. The new cafes and restaurants along the inner harbour will improve and diversify the economy, as we have seen recently at Abbey Sands for both residents and visitors.

If the development cannot proceed then the reputational damage to Torbay's regeneration credentials is likely to be significant (given that Full Council has already approved the development of this site and attracted a considerable capital and emotional investment by NJG).

Kind regards.

Yours sincerely,

A rectangular area containing a handwritten signature in black ink. The signature appears to read "Vince Flower".

Vince Flower

Chairman on behalf of the Board of TEDC Ltd

HELLO HOUSE, 135 SOMERFORD ROAD,
CHRISTCHURCH BH23 3PY
TEL 01202 489089

Cllr John Thomas
Torbay Council
Town Hall
Torquay
TQ1 3DS

19 March 2015

Dear Cllr Thomas,

Overview & Scrutiny Board - 23 March 2015
Torquay Pavilion Regeneration Project & Cary Green

I refer to Agenda Item 4 to be considered at the above meeting in relation to Cary Green and would like to confirm our full support to the Mayor's decision not impose a restrictive covenant on Cary Green for the following reasons.

1. The use of Cary Green for car parking is fundamental to the success of the Pavilion Regeneration project. The necessary number of car parking spaces cannot be accommodated within the Marina car park site alone and therefore Cary Green is key to making the scheme work. The use of Cary Green for this purpose is supported by the Council's Design Review Panel and English Heritage;

2. The Pavilion project will deliver substantial public benefits to the town including;

i) The full restoration of the Pavilion and its future viable use together with the regeneration of the inner harbour to provide a 5* hotel, high quality restaurants and new areas of public waterfront;

ii) The creation of 300+ jobs and over £30 million investment within the Town. In addition, the scheme will enhance Torbay's reputation as a first class holiday destination which embraces new investment;

iii) There is no other viable or credible alternative for the restoration of the Pavilion. If a covenant is placed on Cary Green it will mean that the Pavilion will remain closed and the above benefits will be lost.



Nicolas James Group

HELLO HOUSE, 135 SOMERFORD ROAD,
CHRISTCHURCH BH23 3PY
TEL 01202 489089

The Mayor has been unfairly criticised for taking an objective and well-considered decision. The decision to not place a covenant on Cary Green will ensure that the Pavilion has a successful and viable future and a significant number of jobs for the local community will be created.

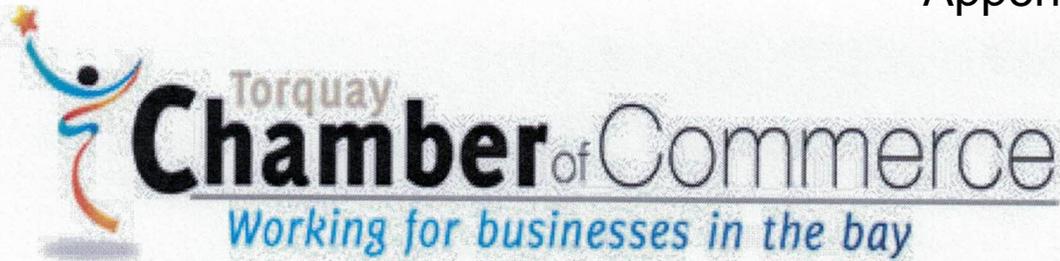
It is therefore hoped that the Board endorses the Mayor's decision and agrees that this matter is better determined through the planning system when the full benefits of the proposals will be given thorough consideration.

I hope the above is self-explanatory and I look forward to addressing the Board on Monday.

Yours sincerely,

David Jobbins

David Jobbins MRTPI
Director of Planning & Development
Nicolas James Group & Harbour Hotels Group



Councillor John Thomas
Chair of the Overview and scrutiny Board

Ref; Sc/SC01
19th March 2015

EXECUTIVE MEMBERS

President

Marshall Ritchie
International Sailing School
01803 297800

Chairman/Police Liaison

Susie Colley
West Country Healthcare Ltd
01803 314600

Vice President/Planning

Charles Blake FRIBA
Chartered Architect
Tel: 07967 210774

Vice President/Outbodies

Ernest Freed
fe Member/Freeman of Torquay
Tel: 01803 553781

**Vice Chairman/
Recruitment/Retention**

Martin Foster
Riviera FM
01803 200400

Treasurer

Will Hanbury
Bishop Fleming
01803 291100

Transport

Louise Simpson
Stagecoach South West
Tel: 01803 664500

Website

Clive Meredith
Wollen Michelmore
01803 396634

Committee Members

Richard Blair
WBW Solicitors
01803 202404

Torbay Council representative

Clr Robert Excell
07811 965194

Admin Secretary(non voting)

Nicki Chalk
07958 143816

**To The Chairman and Members of the Overview and Scrutiny Board,
of Torbay Council**

Chairman and Members,

Torquay Chamber of Commerce are in full support of the proposed development adjoining and incorporating The Pavilion.

We support the decision by the Elected Mayor, Gordon Oliver, to NOT allow a Covenant upon Cary Green.

In the carefully considered opinion of the Members of our Chamber, all very active in local business and professions, and each contributing to the local community, it is essential and imperative that the development proceeds.

Moreso as this is an iconic site deserving an iconic design and development, a landmark site justifying a landmark building, and at present a wasted opportunity for the betterment of Torquay in many ways.

Since the redevelopment of Fleet Walk in the 1970's, Cary Green has received the bridge onto a ziggurat created for easy ramp access, but which occupies a substantial part of the overall Green.

It is believed that the footfall across the bridge, and the ramp, has become minimal in daily use resulting in thoughts of removal. But equally in reality public daily use of Cary Green is also minimal, indeed the statue commemorating Agatha Christie is unnoticed by most of the community.

Public use of publically-owned land should not be the province of the few, but used for the benefit of the maximum of the local community.

The Developer proposing the development adjoining and incorporating The Pavilion , the Nicholas James Group, are proposing use of Cary Green for overflow carparking BUT with landscaped division of bays and access points marked only by trees and planting of carefully selected species, with seats interspersed at the best and most pleasant locations.

The alternative of carparking elsewhere is just not viable, and will inevitably lead to the Developer being unable to proceed and indeed withdrawing, a resulting potential loss of much opportunity which is absolutely essential to the economy of Torquay, including the realistic provision of funds adequately to restore the currently increasing dereliction of The Pavilion.

When not in use for carparking, the full extent of Cary Green will provide not only shade to seats for the public but, moreso, a very pleasant tree-enclosed environment for events such as the increasing local and indeed international Farmers and produce Markets, away from the present often windswept Promenade.

This is a much better and considerably increased potential use for the public, both local residents and the essential visiting tourists.

Torquay Chamber of Commerce not only fully supports the decision by The Elected Mayor to NOT allow a Covenant upon Cary Green, but reinforces the decision made in February 2012, with the support of the majority of the elected Councillors to allow inclusion of Cary Green in the development project, so the question of any restrictive covenant is contradictory and irrelevant.

I remain
Yours sincerely

A handwritten signature in black ink, appearing to read 'S Colley', with a long horizontal flourish extending to the right.

Mrs S Colley
Chair of the Chamber of Commerce