

Meeting: Cabinet **Date:** 18 October 2022

Wards affected: Barton with Watcombe

Report Title: Further disposal of Council owned land at Hatchcombe

When does the decision need to be implemented? ASAP

Cabinet Member Contact Details: Cllr Swithin Long, Cabinet Member for Economic Regeneration, Tourism and Housing, Swithin.long@torbay.gov.uk.

Director Contact Details: Kevin Mowat, Director of Place, Kevin.Mowat@torbay.gov.uk

1. Purpose of Report

- 1.1 The purpose of the report is to agree the disposal, at zero cost, of Council owned land at the old Hatchcombe Nurseries site, in addition to the previously agreed land disposal on the same site as approved by Cabinet and the Council on 22nd and 24th September 2020.
- 1.2 This Hatchcombe Nurseries land is a housing development site owned by Torbay Council and Sanctuary Housing.
- 1.3 The latest scheme design proposes a revised access onto the site, to improve the scheme and deliver additional affordable housing units, which in turn requires a further land transfer from the Council to Sanctuary Housing (see Appendix 2).

2. Reason for Proposal and its benefits

- 2.1 The transfer of the parcel of land identified will facilitate a revised scheme, which will provide in the region of sixty apartments for affordable rent. This will assist in meeting the housing needs of households on the waiting list and experiencing homelessness. The revised scheme will deliver more housing units than the originally proposed development.

- 2.2 This proposal will not result in a capital receipt, but it will see the delivery of a mix of affordable housing to which the Council will have 100% nomination rights. The Council's Housing and Economic Needs Assessment identifies an annual unmet affordable rented housing need of 387 dwellings. This has implications for the Council's budgets in other areas, particularly in respect of temporary accommodation costs. Therefore, the long-term benefits of securing 100% nomination rights to these dwellings and facilitating an improved development scheme, by transferring this land at zero cost, will outweigh the short-term benefit of a one-off capital receipt.

3. Recommendation(s) / Proposed Decision

1. That the disposal of the land shaded orange on the plan, as set out in Appendix 2 to the submitted report, to Sanctuary Housing, at zero cost, in return for nomination rights into 100% of the properties in perpetuity under the Local Government Act 1972: General Disposal Consent Order 2003, be approved.
2. That the Chief Executive in consultation with the Cabinet Member for Economic Regeneration, Tourism and Housing, be authorised to further agree the detailed terms of the disposal.

Appendices

Appendix 1: Hatchcombe Nurseries site plan appended to the original Cabinet/Council report September 2020

Appendix 2: Hatchcombe Nurseries site plan containing revised design

Background Documents

Cabinet/Council report 22 & 24/09/2020: Proposed disposal of Council owned land at Hatchcombe.

www.torbay.gov.uk/DemocraticServices/documents/s99407/Disposal%20of%20Hatchcombe%20Nurseries%20-%20Covering%20Report.pdf

Supporting Information

1. Introduction

- 1.1 The old Hatchcombe Nurseries land has been identified for some time as a potential development site for affordable housing. The site is in the ownership of Sanctuary Housing and Torbay Council. The plan at Appendix 1 was appended to the Cabinet/Council reports of September 2020 and sets out ownership at the time of that report. Sanctuary have now acquired the land shaded green within the appended plan.
- 1.2 This is a challenging site to develop due to both ecological and topographical constraints. However, it presents a rare opportunity to provide affordable housing on a substantial site which is in Council and Registered Provider ownership. Sanctuary developed an initial scheme which would be facilitated by the transfer of a parcel of Council land. This is identified as the land shaded yellow within the plan at Appendix 1.
- 1.3 On 24th September 2020 Council approved the disposal of this parcel of land at zero cost. The disposal of this parcel of land at zero cost was conditional upon nominations rights being granted to the Council. These rights will be secured by way of the Sale Agreement and governed by a Nominations Agreement. Legal agreements have been progressed during the design phase and the principles and terms of the agreements have been provisionally agreed by both parties.
- 1.4 Subsequent to Council approval of 24 September 2020, pre-application advice was sought on the first design iteration (ref DE/2020/0132). Pre-application advice raised some concerns about the linear design of the scheme appearing at odds with the scale and character of the local area. The initial design sought access by way the existing hammerhead and sought to work with a challenging topography, which also proved cost prohibitive.
- 1.5 As a result of the pre-application advice on the first design, Sanctuary have revisited their design to create five distinct blocks as opposed to one linear block. Key to the new design is the proposed new access. By moving the access to the site further west by approximately thirty metres, the scheme makes better use of the existing topography of the site with the new access road running along the existing contours through the middle of the site. The re-siting of the access road allows for a more sensitive design of the apartment blocks with these spaced along the natural contours of the site. This makes best use of the site towards the southern and northern boundaries and adopts a more sensitive approach of retaining structures. There will be a more defined separation of each of the apartment blocks and a more considered approach to parking.
- 1.6 The proposed new access traverses Council owned land not contained within the original transfer of land. To provide comfort to Sanctuary and allow them to progress the revised design to pre-application stage, the report proposes that the additional land, shaded orange on the plan at Appendix 2, is transferred on the same terms as the original land shaded yellow on the plan at Appendix 1. This will not materially affect existing agreements. It will

simply require the additional land to be included within the transfer plan. Officers will also seek as part of the negotiations in respect of the planning application to maintain pedestrian access to the shops on Barton Hill Road that runs alongside the Co-op.

2. Options under consideration

- 2.1 Option 1. Do nothing. Not disposing of the land to Sanctuary Housing would likely mean that the scheme would not go ahead in any form.
- 2.2 Option 2. Sell the council owned land on the open market. The Council land proposed for disposal to Sanctuary has little value other than as a ransom strip for the rest of the site.

3. Financial Opportunities and Implications

- 3.1 Disposal of the land to Sanctuary Housing, at zero cost, represent a loss of a potential capital receipt, although as highlighted above the Council land proposed for additional transfer has little commercial value and the Council will gain the benefit of nomination rights to the affordable rented dwellings, as set out in the covering report.
- 3.2 There will be some officer time taken up with the on-going scheme development. Sanctuary Housing are meeting the Council's legal fees.

4. Legal Implications

- 4.1 The terms of disposal of the parcel of land agreed by Council on 24 September 2020 are set out within the Sale Agreement and Nominations Agreement. The additional parcel of land will be added to the transfer plan without any material amendments required to the Sale Agreement and Nominations Agreement.

5. Engagement and Consultation

- 5.1 The principle of disposing of Council land to facilitate the development has been established via the previous approval process. The iteration of the scheme that the land disposal will facilitate have been subject to previous consultations and will be subject to a statutory planning consultation.

6. Purchasing or Hiring of Goods and/or Services

- 6.1 Not applicable.

6.2 Not applicable.

7. Tackling Climate Change

7.1 The dwellings will be built to high environmental standards and in compliance with prevailing regulatory standards.

8. Associated Risks

8.1 The main risk is that the development does not go ahead, either due to failure to achieve planning permission or construction costs inflation that could render the site unviable.

9. Equality Impacts - Identify the potential positive and negative impacts on specific groups

	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
Older or younger people			Everyone in housing need is eligible to apply for accommodation via Devon Home Choice and would be able to bid on this scheme and hence there will be no differential impact
People with caring Responsibilities			Everyone in housing need is eligible to apply for accommodation via Devon Home Choice and would be able to bid on this scheme and hence there will be no differential impact
People with a disability	Wheelchair accessible units will be delivered within this scheme. This will have a positive effect for people with a disability		
Women or men			Everyone in housing need is eligible to apply

			for accommodation via Devon Home Choice and would be able to bid on this scheme and hence there will be no differential impact
People who are black or from a minority ethnic background (BME) (Please note Gypsies / Roma are within this community)			Everyone in housing need is eligible to apply for accommodation via Devon Home Choice and would be able to bid on this scheme and hence there will be no differential impact
Religion or belief (including lack of belief)			Everyone in housing need is eligible to apply for accommodation via Devon Home Choice and would be able to bid on this scheme and hence there will be no differential impact
People who are lesbian, gay or bisexual			Everyone in housing need is eligible to apply for accommodation via Devon Home Choice and would be able to bid on this scheme and hence there will be no differential impact
People who are transgendered			Everyone in housing need is eligible to apply for accommodation via Devon Home Choice and would be able to bid on this scheme and hence there will be no differential impact
People who are in a marriage or civil partnership			Everyone in housing need is eligible to apply for accommodation via Devon Home Choice and would be able to bid on this scheme and hence there will be no differential impact
Women who are pregnant / on maternity leave			Everyone in housing need is eligible to apply for accommodation via

			Devon Home Choice and would be able to bid on this scheme and hence there will be no differential impact
Socio-economic impacts (Including impact on child poverty issues and deprivation)			Everyone in housing need is eligible to apply for accommodation via Devon Home Choice and would be able to bid on this scheme and hence there will be no differential impact
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)			Everyone in housing need is eligible to apply for accommodation via Devon Home Choice and would be able to bid on this scheme and hence there will be no differential impact

10. Cumulative Council Impacts

10.1 None

11. Cumulative Community Impacts

11.1 None