

Meeting: Cabinet

Date: 22nd September 2020

Wards Affected: Barton with Watcombe Ward

Report Title: Freehold Disposal of Land adj. to Broomhill Way, Torquay.

Is the decision a key decision? Yes

When does the decision need to be implemented? As soon as possible.

Cabinet Member Contact Details: Councillor Swithin Long, Cabinet Member for Economic Regeneration, Tourism & Housing, 07419 111618, Swithin.Long@torbay.gov.uk

Supporting Officer Contact Details: Paul Palmer, TDA Head of Assets & Facilities Management, 01803 207920, paul.palmer@tda.uk.net

Supporting Director Contact Details: Liam Montgomery, TDA Director of Asset Management, Investment & Housing, 01803 208720, Liam.montgomery@tda.uk.net

1. Proposal and Introduction

The land is adjacent to Broomhill Way, Torquay and currently considered public open space as the land in question forms part of Nightingale Park.

The landowner of the adjoining RGB Building Supplies wishes to acquire the identified strip of land for parking and storage land in support of the continued operation of their business.

2. Reason for Proposal and associated financial commitments

The proposed purchaser is considered a special purchaser due to his freehold ownership of the land adjacent. The agreed purchase price reflects this, coupled with the anticipated use of the site. Consequently terms of disposal for this land in isolation are unlikely to be bettered by an advertising campaign on the open market.

3. Recommendation(s) / Proposed Decision

That TDA Director of Asset Management, Investment & Housing, in consultation with the Interim Chief Executive, be authorised to dispose of the freehold interest of land area 2,178 sq. m adjacent to Broomhill Way, Torquay.

Appendices

Appendix 1: Site Plan – EM3381

Background Documents

Report clearance:	This report has been reviewed and approved by:	Date:
Interim Chief Executive	Anne-Marie Bond	
Monitoring Officer		
Chief Finance Officer	Martin Phillips	
Relevant Director/Assistant Director	Liam Montgomery	

Section 1: Background Information

1.	What is the proposal / issue? It is proposed the Council dispose of the freehold interest of land area c. 2,178 sq. m on Nightingale Park adjacent to Broomhill Way, Torquay. This property on disposal will provide a capital receipt to help supplement the Council's capital programme. It will also reduce the Council's liability of further maintenance spending.
2.	What is the current situation? The land, whilst currently considered to be public open space, forming part of Nightingale Park it has nevertheless also been identified as employment land. The strip of land is adjacent to the freehold ownership of the intended purchaser. The land is currently heavily vegetated and overgrown being on the perimeter of Nightingale Park. The landowner of the adjoining RGB Building Supplies approached the Council to see whether they could acquire a strip of land c. 20 / 30m depth around the north and western boundaries of their ownership. The purchaser's business has expanded in recent years and they now require additional land for external secure storage and parking. The disposal of the identified land would not impact significantly on the wider future use of Nightingale Park.
3.	What options have been considered? The Council's Corporate Asset Management Plan 2015 to 2019 (2018/19 Revision) makes specific that the Council will 'always seek to maximise the full market receipt for their assets whether by way of freehold disposal or leasehold interest'. The disposal of this asset will meet that requirement. The Council is under no obligation to dispose of the land. The land could be retained by the Council for anticipated future use of Nightingale Park in its entirety albeit this has not been defined. The land in question does not produce any income currently and being on the periphery of Nightingale Park has become overgrown.
4.	What is the relationship with the priorities within the Partnership Memorandum and the Council's Principles? Disposing of the land will help to support the ambitions and principles of the Corporate Plan by bringing into beneficial use employment land thus helping

	to create a more prosperous Torbay. The purchaser will continue to expand their business securing jobs for the benefit of Torbay.
5.	<p>How does this proposal/issue contribute towards the Council's responsibilities as corporate parents?</p> <p>n/a</p>
6.	<p>How does this proposal/issue tackle poverty, deprivation and vulnerability?</p> <p>n/a</p>
7.	<p>How does the proposal/issue impact on people with learning disabilities?</p> <p>n/a</p>
8.	<p>Who will be affected by this proposal and who do you need to consult with? How will the Council engage with the community? How can the Council empower the community?</p> <p>No consultation is planned.</p>

Section 2: Implications and Impact Assessment

9.	<p>What are the financial and legal implications?</p> <p>Financial Impact – It is proposed the land is sold for £175,000 with further provisions in place to cover any future intensification of use and increase in value of the land.</p> <p>Legal Impact – There are no legal implications anticipated with this disposal.</p>
10.	<p>What are the risks?</p> <p>If the proposal within this report is not implemented then it possible the purchaser will look to find an alternative premises to fit their expansion plans.</p> <p>The Council would also lose the capital receipt.</p>
11.	<p>Public Services Value (Social Value) Act 2012</p>

	<p>There are no procurement issues as the proposed purchaser is considered a special purchaser due to their freehold ownership of the land adjacent. The agreed purchase price of £175,000 (subject to contract) reflects this, coupled with the anticipated use of the site, and consequently terms of disposal are unlikely to be bettered by an advertising campaign on the open market.</p>
12.	<p>What evidence / data / research have you gathered in relation to this proposal?</p> <p>No research undertaken.</p>
13.	<p>What are key findings from the consultation you have carried out?</p> <p>No consultation undertaken.</p>
14.	<p>Amendments to Proposal / Mitigating Actions</p> <p>No consultation undertaken.</p>

Equality Impacts

15.	Identify the potential positive and negative impacts on specific groups			
		Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
	Older or younger people			There is no differential impact.
	People with caring Responsibilities			There is no differential impact.
	People with a disability			There is no differential impact.
	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)	The disposal of the land and subsequent development is likely to have a positive impact on locality.	
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)		There is no differential impact.
16.	Cumulative Impacts – Council wide (proposed changes elsewhere which might worsen the impacts identified above)	No	
17.	Cumulative Impacts – Other public services (proposed changes elsewhere which might worsen the impacts identified above)	No	