

OPEN SITE TO LET

Furzeham Green Redundant Toilets, Brixham.

£Offers Invited



Commercial information

Area 39.6m² (426.25 ft²)

Informal Tender

Interested parties are invited to submit offers for a lease by way of a sealed informal tender, using the attached Tender Form. By no later than **Monday 4th July 2022.**

To view this property or request more details, please contact TDA

TDA, Tor Hill House, Union Street, Torquay, TQ2 5QW

Tel: 01803 367117

Email: enquiries@tedcltd.com

KEY FEATURES

- Various potential uses
- A new lease available on negotiated terms
- Stunning sea views

FULL DESCRIPTION

Tenure: Lease

Introduction: The TDA on behalf of Torbay Council is seeking offers for a lease of this site. The site available is shown edged red (for identification purposes only) on the plan below.

Description: This former toilet block with separate male and female toilets has been disused for many years and will require extensive work to make it fit for use.

General Terms: The Lease will be excluded from the Landlord and Tenant Act 1954 and to be for a term to be determined.

Location: Sited on the Southwest corner of Furzeham Green at the junction of Ropewalk Hill & Higher Furzeham Road.

Planning: The applicant will need to make their own enquiries with regard to any future change of use under the Town and Country Planning (Use Classes) (Amendment) (England Regulations) 2020.

A range of uses will be considered, subject to planning and subject to Council approval. Uses that provide added value and wider community benefits will be welcomed. Applicants should submit initial proposals, outline specification and drawings in support of any application.

Services: Originally supplied with electricity, water, and drainage. All applicants are to make the necessary enquiries with the statutory undertakers as to the current connection status. The cost of any necessary connections and subsequent charges are to be borne by the successful applicant.

Title: The site is owned in freehold, title absolute, by Torbay Council as trustee of the Charity known as Allotments for Exercise and Recreation. Disposal by leasehold will likely trigger the requirement for certification confirming compliance with charity legislation and the granting of any lease is subject to successful receipt of such certification. Interested parties should satisfy themselves of the implications.

Viewing: The site is open to the public and interested parties are free to visit the outside of the building at any time. For internal inspections, appointments need to be made with this office. Due to its current condition, PPE (minimum Hard Hat & Protective Shoes or Boots) will need to be worn.

Rateable Value: The incoming tenant will be responsible for the payment of Business Rates and interested parties are advised to contact Torbay Council's Business Rates section with regard to the Rates payable.

Code for Leasing Business Premises in England & Wales 2007: The Code for Leasing Business Premises in England & Wales 2007 advises prospective tenants to seek professional advice before entering into a tenancy agreement. Please visit www.leasingbusinesspremises.co.uk

Energy Performance Certificate: N/A

Legal Costs: The incoming tenant will be expected to meet the Council's reasonable Legal, and Surveyor's costs incurred in the transaction.

VAT: The rent shall be subject to VAT if deemed appropriate by the Landlord.

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Tenders: Interested parties are invited to submit offers for a lease by way of a sealed informal tender, using the attached Tender Form.

Tenders must be submitted in a sealed envelope, clearly marked with the tender opportunity the submission relates to, but should not bear any mark which might identify the sender.

Tenders must be returned to the **Estates Manager, TDA, Tor Hill House, Union Street, Torquay. TQ2 5QW** by no later than **Monday 4th July 2022.**

Disclaimers: These particulars are prepared as a general guide only for prospective licensees of the property. Any interested parties should not rely on them as statements or representations of fact and must satisfy themselves as to the correctness of the information provided by inspecting the property and making any necessary preliminary inquiries relating the their intended use before submitting any offer since TDA or Torbay Council are unable to offer warranties in this regard.

TDA accepts no responsibility for any expenses incurred by any interested parties in inspecting the site, making further enquiries or in submitting any offers (successful or otherwise) for the rights, including in the event that an alternative offer has been accepted or the proposed right is withdrawn.

Care must be taken when visiting the site. Except for death or personal injury caused by its negligence TDA and Torbay Council shall not accept any responsibility for any loss or damage suffered when viewing the site. Interested parties are deemed to accept this disclaimer by entering onto the site.

General Data Protection Regulation (GDPR Regulation EU 2016/679) and Data Protection Act 2018 – TDA and Torbay Council are committed to ensuring that any data that is provided within your tender will only be used for the specific purpose in order to ultimately grant a lease. It will only be disclosed to the Council or other external parties for related purposes or as required by law. All data processing will be done in accordance with GDPR and Data Protection Act 2018. For information regarding your personal data ONLY please contact Torbay Council Information Governance Team on 01803 207467.

TDA is a trading name of Torbay Economic Development Company Limited, a company registered in England and Wales No. 7604855 Registered Office Tor Hill House, Union Street, Torquay, Devon. TQ2 5QW.

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PHOTOGRAPHS



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Image courtesy of Google Street View

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CONDITIONS OF TENDER

Subject to Contract

1. Tenders must be submitted using the form attached to these particulars (ensuring all pages are completed) and returned in a sealed envelope clearly marked with Tender Opportunity the Submission relates to, but should not bear any mark which might identify the sender.
2. For the avoidance of doubt tender figures should be net of any outgoings including VAT and business rates.
3. As agent for Torbay Council, TDA does not undertake to accept the highest or any other tender received.
4. The Tenderer shall be deemed to have inspected the location whether or not this is the case.
5. These particulars do not constitute nor shall they be deemed to constitute a contract.
6. TDA gives notice that:-
 - (1) These particulars are provided as a general outline only for the guidance of interested parties and do not constitute, nor constitute part of, an offer or contract;
 - (2) All descriptions, dimensions, reference to condition and necessary permissions for use and occupation and other details are given without responsibility and any prospective tenant should not rely on them as statements or representations of fact but must satisfy themselves by inspection or otherwise as to the correctness of each of them;
 - (3) No person in the employment of the TDA or Torbay Council has any authority to make or give any representations or warranty whatsoever in relation to these property;
 - (4) TDA and Torbay Council shall not accept any liability for injury or loss (save for death or personal injury caused by their negligence) to any person viewing the site and interested parties are deemed to have accepted this disclaimer by entering the site;
 - (5) No responsibility whatsoever is accepted for any expense incurred by any interested party in viewing the site, making enquiries or submitting any tender.
7. Offers made will be deemed to be subject to contract.
8. All information provided by the tenderer in relation to this tender will be deemed to be commercially confidential.
9. General Data Protection Regulation (GDPR Regulation EU 2016/679) and Data Protection Act 2018 – TDA and Torbay Council are committed to ensuring that any data that is provided within your tender will only be used for the specific purpose in order to ultimately grant a lease. It will only be disclosed to the Council or other external parties for related purposes or as required by law. All data processing will be done in accordance with GDPR and Data Protection Act 2018. For information regarding your personal data ONLY please contact Torbay Council Information Governance Team on 01803 207467.
10. Tenders must be returned to **the Estates Manager, TDA, Tor Hill House, Union Street, Torquay. TQ2 5QW** by no later than **Monday 4th July 2022.**

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GENERAL OUTLINE TERMS AND CONDITIONS OF THE PROPOSED LEASE

Subject to Contract

1. Torbay Council (hereinafter referred to as “the Council”) to grant (hereinafter referred to as “the Lessee”) a lease of the property shown outlined red on the attached plan having an area of approximately 39.6 m² or thereabouts.
2. The lease shall be for a period of years to be agreed from a date to be agreed.
3. The annual rent for the term is to be that submitted on the Tender Form (stated yearly). The rent will be subject to VAT (if applicable) at the prevailing rate and will be payable to the Council by equal payments monthly in advance.
4. Permitted use: TBC.
5. Rights of vehicular access/egress for deliveries to the property are prohibited.
6. The lease will be excluded from the provisions of Sections 24 to 28 of the Landlord & Tenant Act 1954.
7. The Lessee shall be responsible for the payment of rates, taxes, and other outgoings.
8. The Council will require bank references and trade references (if applicable) and will reserve the right to request a rent deposit and/or a guarantor.
9. The Lessee shall observe and comply with all relevant regulations and byelaws relating to the exercise of any rights granted by the lease.
10. The Lessee shall indemnify the Council against the failure to comply with the provisions of the lease and generally against all actions, claims and costs arising out of the occupation or use of the demised property by the Lessee, guests or others on the property.
11. The Lessee shall not do or suffer to be done upon the property any acts or things which shall become a nuisance, annoyance or inconvenience to the Council, its Lessees, or tenants of the adjoining property.
12. The Lessee is to be responsible for obtaining all necessary consents, including planning, and to comply with all conditions imposed.
13. With regards to planning consent the applicant is encouraged to make inquiries with Torbay Council’s Planning Department to ascertain whether or not planning consent will be necessary. The Lessee must also comply with the Council’s byelaws and regulations.
14. The Lessee will take out and maintain public liability insurance in a minimum sum of FIVE MILLION POUNDS for all loss or damage however caused but it shall be the responsibility of the Lessee, having taken any necessary professional advice, to determine the appropriate level of cover reflecting the nature of his business and the perceived level or risk. Written evidence that such public liability insurance has been effected shall be produced to the Council before the commencement of this lease and the Lessee will notify the Council prior to any change in or on the expiry of or other termination of his insurance cover and will review the level of cover annually and further evidence of cover shall be provided to the Council upon request.
15. The Lessee shall put and keep the site in a clean and tidy condition.

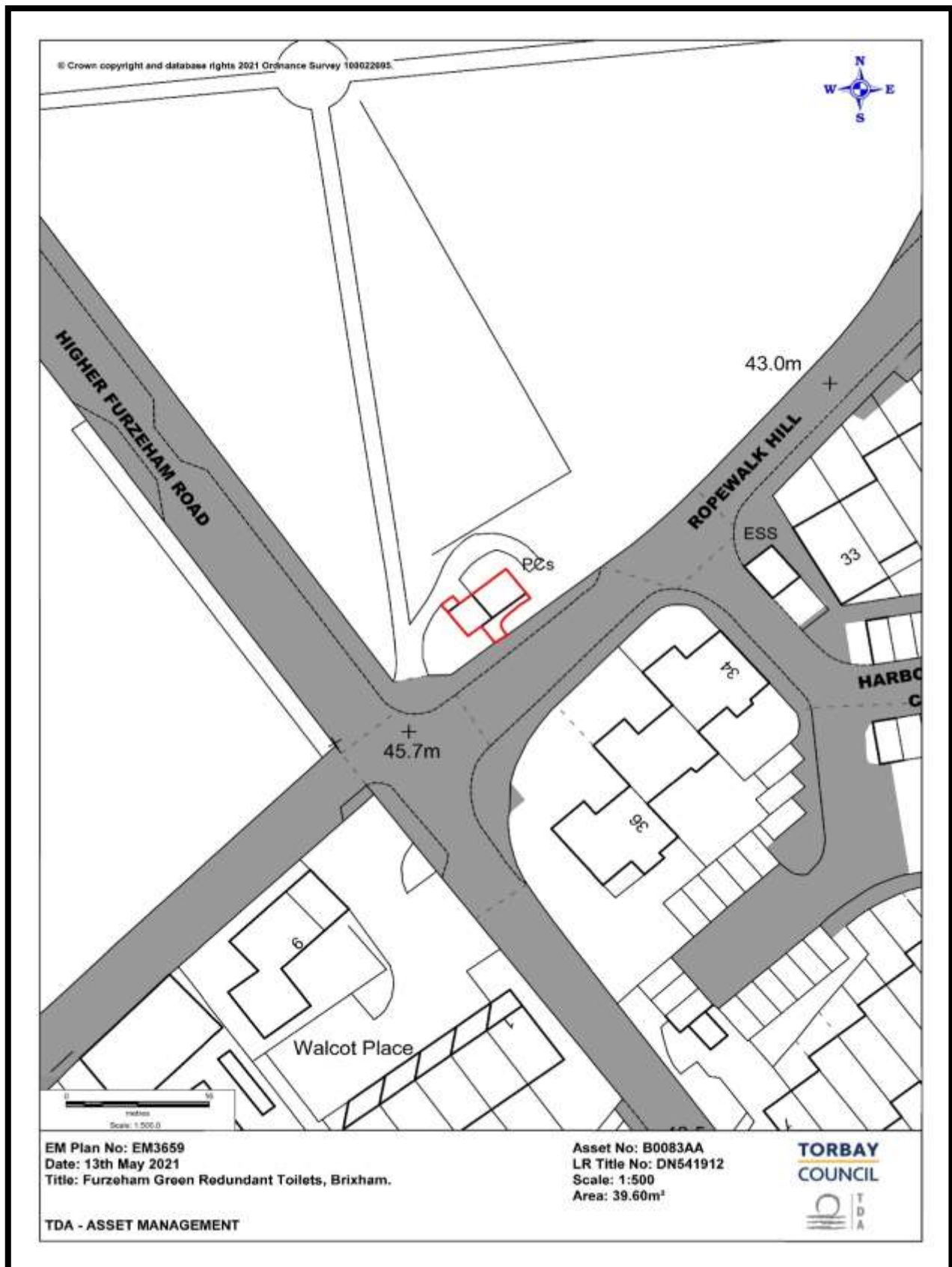
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16. The Lessee is not to assign, underlet, or part with possession of the demise property or any part thereof.
17. The Lessee must comply with all relevant Health and Safety requirements.
18. The Lessee shall pay the Council's legal costs in connection with the preparation of the Lease. This sum is to be payable upon the signing of the Lease.
19. The above terms are to be incorporated into a formal lease to be prepared by the Council's Legal Services. The lease may contain such other terms as the Council's Legal Services may deem to be appropriate to a transaction of this nature.
20. The applicant may choose to have legal representation for this transaction and if so, the applicant will be responsible for their own legal fees.
21. Tenders must be returned to the Estates Manager, TDA, Tor Hill House, Union Street, Torquay. TQ2 5QW by no later than **Monday 4th July 2022.**

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TDA

TENDER FORM (SUBJECT TO CONTRACT),
FURZEHAM GREEN REDUNDANT TOILETS,
BRIXHAM.

Name(s):.....
.....

Address:.....
.....

Telephone No:.....

Email address:

I/We wish to tender an annual rent of £..... per annum exclusive of VAT for the right to lease the site,
Furzeham Green Redundant Toilets, Brixham.

TDA will arrive at the successful bidder by assessing the bid holistically, but will have particular regard to the financial
offer and also the experience and capability as demonstrated within the tenderer's offer, and it is advisable to provide
a detailed response to the requests for information within this Tender Form.

Outline of business proposal (Include business plan as attachment)

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.....Continue on additional sheet if necessary.

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I/We understand that Torbay Council reserves the right not to accept the highest or any other offer submitted.

I/We have read the terms and conditions set out in this document and agree to be bound by them.

Signature: **Date:**

This form, along with any additional information, should be returned to the Estates Manager, TDA, Tor Hill House, Union Street, Torquay, TQ2 5QW in a sealed envelope, clearly marked with concession type and location, but should not bear any mark which might identify the sender to arrive no later than Monday 4th July 2022.

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All information provided on this form will be deemed to be commercially confidential.

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