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DATE: 10 June 2021

RENEWAL, RECREATION AND HOUSING POLICY DEVELOPMENT AND SCRUTINY COMMITTEE

Meeting to be held on Wednesday 16 June 2021

Please see the attached report(s) marked "to follow" on the agenda.

- 6a **WOMEN IN REFUGES TENDER (PAGES 3 - 14)**
- 7a **ADOPTION OF BROMLEY ECONOMIC DEVELOPMENT STRATEGY –
REVISED APPENDIX 2 (PAGES 15 - 16)**
- 7g **BUILDING COUNCIL HOUSING PROGRAMME (PART 1) (PAGES 17 -
30)**
- 7h **YORK RISE - ORPINGTON (PAGES 31 - 52)**
- 7i **BECKENHAM PUBLIC HALL LEASE DISPOSAL (PAGES 53 - 60)**
- 12 **LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL
GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006, AND
THE FREEDOM OF INFORMATION ACT 2000**

The Chairman to move that the Press and public be excluded during consideration of the items of business listed below as it is likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the Press and public were present there would be disclosure to them of exempt information.
- 13 **PRE-DECISION SCRUTINY OF PART 2 (EXEMPT) EXECUTIVE REPORTS**
 - 13a **BECKENHAM PUBLIC HALL LEASE DISPOSAL (PAGES 61 - 74)**
 - 13b **BUILDING COUNCIL HOUSING PROGRAMME (PAGES 75 - 86)**
 - 13c **YORK RISE, ORPINGTON (PAGES 87 - 92)**

Copies of the documents referred to above can be obtained from
<http://cds.bromley.gov.uk/>

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Report No.
HPR2021/036

London Borough of Bromley

Part 1 Public

Decision Maker: Portfolio Holder for Renewal, Recreation and Housing with pre decision scrutiny from Renewal, Recreation and Housing Policy & Development Scrutiny Committee

Date: 16th June 2021

Decision Type: Non-Urgent Non-Executive Non-Key

Title: PROCEEDING TO PROCUREMENT –
WOMEN IN REFUGE CONTRACT

Contact Officer: Lydia Lewinson, Head of Housing Options and Support
Tel: 020 8313 3334
E-mail: lydia.lewinson@bromley.gov.uk

Chief Officer: Sara Bowrey, Director Housing, Planning and Regeneration

Ward: All Wards

1. REASON FOR REPORT

- 1.1 A contract has been held with Bromley & Croydon Women's Aid (BCWA) since 1st January 2016 for the provision of tenancy sustainment services for women and children fleeing domestic violence. This contract was due to expire on 31st December 2020 as all the extension options were utilised. However due to the pandemic a further 1 year extension was granted and therefore it is now due to expire on 31st December 2021.
- 1.2 This report sets out a summary of performance outcomes delivered by Bromley & Croydon Women's Aid, over the contract period and the procurement strategy for the future Refuge and Tenancy Sustainment contract.

2. RECOMMENDATION(S)

- 2.1 The Portfolio Holder is recommended to approve proceeding to a competitive tender, via an open tender process, for the provision of Tenancy Support and Sustainment services for women in refuge for a contract period of five years.
- 2.2 The estimated cost of the proposed contract is £131k per annum with a total contract value of £655k.

Impact on Vulnerable Adults and Children

1. Summary of Impact: The provision of this service allows the Council to provide safe accommodation and enhanced support from those fleeing domestic abuse.

Corporate Policy

1. Policy Status: Existing policy.
 2. BBB Priority: Supporting Independence Children and Young People
-

Financial

1. Cost of proposal: Estimated cost £655k over 5 year term
 2. Ongoing costs: Recurring cost: Estimated £131k per annum
 3. Budget head/performance centre: Supporting People
 4. Total current budget for this head: £1,029k
 5. Source of funding: Existing Revenue budget
-

Staff

1. Number of staff (current and additional):
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: Statutory requirement.
 2. Call-in: Call-in is applicable
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): 95 women
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? N/A.
2. Summary of Ward Councillors comments:

3. COMMENTARY

- 3.1 The Bromley and Croydon Women's Aid (BCWA (formerly Bromley Women's Aid)), offers 37 units within 6 refuge buildings located across the Bromley borough. The service commissioned by Bromley Council in April 2016, delivers the Tenancy Sustainment Service to single women and women with children within the refuges who have fled their homes due to domestic abuse. BCWA are also funded through the Ministry of Housing and Local Government to deliver a range of domestic abuse support services which interface and enhance the delivery of the tenancy sustainment and refuge provision.
- 3.1 The support enables the residents to gain the emotional stability, confidence, and skills to manage their lives and daily activities independently which allows them to resettle safely within the community. Residents are supported to access key agencies such as housing, health, welfare benefits, education, training, and employment, as well as legal services, where this is required. As they rebuild their lives, the service will empower and enable them to avoid the risk of suffering further significant harm, and safeguards their children.
- 3.2 With the implementation of the Domestic Abuse Bill 2021, all eligible individuals and their children fleeing their home as a result of domestic abuse will have an automatic priority need for housing. The Bill which came into force 29 April 2021, recognises that domestic abuse incorporates a range of abuses beyond physical violence, including emotional, coercive or controlling behaviour and economic abuse. As a result the Homelessness Reduction Act 2017 has been amended in line with the new powers that the Bill imposes for Councils to safeguard victims of domestic abuse and their children by providing refuge provision and other safe accommodation. The Housing Service welcomes the implementation of the Domestic Abuse Bill 2021 and will work with partners and Domestic Abuse specialists to ensure that Officers are trained and resourced to provide advice and support to all those approaching the Council in housing need.
- 3.3 Placing women and children in an anonymous refuge, with the benefit of enhanced support services, as opposed to general temporary accommodation or nightly paid accommodation helps to ensure their safety whilst in a vulnerable position. Provision of temporary accommodation is not sufficient on its own to assist women to re-build their lives. Frequently they will have left their homes without any possessions and both they and their children can be in a severely distressed state. The support service to women and children in the refuges is critical to early intervention and prevention work and avoids the need in many instances for more costly interventions by children and family teams.
- 3.4 The reported Domestic Abuse and Sexual Violence incident rate in Bromley from April 2020 to March 2021 was 10 victims per 1000 of the local population, this equates to roughly 3279 victims. Of these figures, according to Data from the Mayor's Office for Police and Crime (MOPAC) reports the number of domestic abuse offences in Bromley as 2798. Whilst this is a decrease of 10% since the same period in 2019/20, the Service is unsure of the impact that lockdown may have had in respect of people being able to access opportunities to flee domestic abuse.

- 3.5 In keeping with the aims of Domestic Abuse Bill the Council is legally required to providing suitable emergency housing options for women which includes women's refuge provision.

The Council has pledged to lower numbers in temporary accommodation, which includes reducing the supply of nightly paid accommodation used for emergency placements. However, recognises the need for emergency accommodation where a risk assessment, identifies a placement outside of the borough is required for the safe re-location of a household fleeing abuse. Support services will be offered through the Council's Support and Resettlement team to these households, where appropriate.

Where a victim remains in a violent home, which exposes them and their child/ren to the emotional and/or physical trauma of domestic abuse, this could lead to the Council's safeguarding intervention of pursuing care proceedings, however only where no other remedy is available. Accommodating children into an expensive and scarce resource by Children's Services will always be paramount for their safety and wellbeing, however a very costly provision. The BCWA works with parents, services and agencies to ensure they provide safe provision, to enable families to stay together.

Of the 348 children placed in care, between 01/04/2020 and 31/03/2021, many were placed due to emotional harm, which includes those who were impacted due to domestic abuse. Domestic abuse can lead to family dysfunction, abuse or neglect and families in acute stress, which accounts for 76% of our Children's Services intake. During the same period, Children's Services also referred 170 families to specialist BCWA domestic abuse services for advice and support.

The financial outlay for Children's Service accommodating one child per year varies according to need, however, the cost is approximately £260k for a residential placement and £57k for a foster placement. The cost of providing a nightly paid temporary accommodation placement is currently £6,500 per annum. The cost for the BCWA Tenancy Sustainment service is approximately £2,000 per placement per year, which is a less expensive option for the Council and also allows the mother to remain with her child/ren and to receive both therapeutic input and parenting support.

- 3.6 The tenancy support service contract represents very good value for money for the Council when other alternatives are considered. In the period of 01/01/2020 to 31/12/2021 the council referred a total of 88 women to the refuge who had 95 children between them where the Council had a duty to accommodate them. The child population is high within the refuge provision, and demonstrates the necessity for supportive and specialist environments, which see both the adult and the child as victims of abuse. As stated previously, the cost of providing support and accommodation would be significantly higher to the Council overall, if not for the refuge provision.
- 3.7 The Housing Act 1996 (as amended by the Homelessness Reduction Act 2017) stipulates that a local connection is unnecessary for victims fleeing abuse, and almost all refuges have reciprocal agreements whereby, women from Bromley can access refuge accommodation in other areas of the country, just as women from other local authorities can access refuge accommodation in Bromley. By allowing this arrangement, it ensures that Bromley women can safely flee the area and greatly reduce the risk of any significant harm from the perpetrator. Whilst refuge provision is not reserved solely for local victims, Providers are aware there is an indicative target included within the service specification, to ensure access to the provision by residents. In 2020, whilst the utilisation rate was 7% lower than the previous year,

largely due to the Pandemic, 36% of those accessing the BCWA refuge provision were local residents.

4. SUMMARY OF THE BUSINESS CASE

- i) A contract has been held with Bromley & Croydon Women's Aid since 1st January 2016 for the provision of sustainment services for women and children fleeing domestic abuse. This contract has utilised its extension options and expires on 31st December 2021.
- ii) There is ongoing requirement for this service which both meets our statutory obligations and provides early intervention that avoids higher cost support requirements. Whilst the current service model is well embedded within Bromley, there is an acknowledgment of the implementation of the national Domestic Abuse Bill 2021 and this along with service user feedback, good practice from local authorities and the Domestic Abuse sector will be taken into consideration when drafting the specification for the new service.

The Council will work with partners to continue to ensure that Domestic Abuse Services are available and accessible across the borough for individuals (male and female) and their families to reduce the incidents of abuse; and also strengthen the measures in place to tackle perpetrators.

- iii) It is proposed to put the service out to competitive tender for a period of five years at an estimated cost of £131,028.00 per annum with a total contract value of £655,140.00. This represents a 25% uplift on the last contract price, which accounts for salary increases, caters for modifications to the service specification and other increases in service delivery costs. There is anticipated rise in women in need of refuge accommodation due to the Domestic Abuse Bill 2021 and any future contract would need to be fortified to ensure the services are enabled to both support and bring additional value to the Council, in light of it's new duties.

4.1 SERVICE PROFILE/DATA ANALYSIS

- 4.1.1 In 2020, the average utilisation rate of the refuge spaces across the year was 90%. Whilst this is below the target rate of 98%, it shows the borough has sufficient places to cater for any expected increases in referrals, through the changes in legislation arising through the Domestic Abuse Bill 2021.
- 4.1.2 Planned move on from the refuge into secure accommodation has been achieved at 90%, within 2020/21, which demonstrates the excellent work undertaken by the tenancy sustainment service, to empower residents to become sufficient and independent to live within the community.
- 4.1.3 Of the 88 women residing within the refuge during 2020/21, the demographics show:
 - 85% were between the ages of 21 to 40 years, although the largest cohort of 31% (28) were aged between 26-30 years.
 - 20% (18) of women from a white British background, 17% (15) black African and 15% (13) from other black backgrounds. Overall women from a wide range of ethnic backgrounds are accessing the service.
 - A small percentage of 4.5% are reported to have a disability, 2.5% (2) with a physical disability and 2.5% (2) suffering with mental health issues.

The data provided also shows:

- 92% (86) of children within the refuge were between the ages of 0-10 years, although the refuge did accommodate older dependent children also.
- The highest number of children occupying the refuge at any one time, within the year, was 38.
- There were 7 volunteers who provided additional support to the women in the refuge over the last year.

4.4.1 BCWA conduct an exit survey for women leaving their services

Feedback from women has been captured within their quotes below, demonstrating the value and outcomes of the service and the need for services to be recommissioned:

- “I was in the street before I called to women's aid I didn't have any accommodation, no, nothing.”
- “I would have stayed with my abuser as I would have had no options.”
- “If I didn't come into refuge I'm not sure my children would be safe which is my main priority, my anxiety and depression would not of got any better. I would not be where I am today without the help and support of SSM and her team. Thank you.”
- “Things would have been very different and very difficult if I didn't receive support from you. I would have found myself lost without guidance and advice on best actions to take.”
- “If I didn't enter a refuge I would still be with my ex-partner fearing for my life and safety everyday. I also would not be in the fortunate position that I am in today of a safe, secure property in my name with so many lovely donations and help for moving in.”

4.2 OPTIONS APPRAISAL

4.2.1 Option 1:- Decommission the service

This option is not recommended as the service meets the Council's statutory duties laid out in the Domestic Abuse Bill 2021 for women and children at risk, and a legal obligation to access and provide more meaningful assistance to all people who are eligible and homeless or threatened with homelessness, due to their priority need status.

4.2.2 Option 2:- Tender the contract

This would provide the opportunity to carry out a competitive tender and establish value for money along with any efficiencies in service delivery. An open procurement route is proposed, this is due to the market being limited and also with the aim to encourage local and voluntary sector providers. The weighting to be applied is 60% price and 40% quality.

4.3 PREFERRED OPTION

4.3.1 The preferred option is option 2 as the service is required and the contract is coming to an end.

4.4 MARKET CONSIDERATIONS

4.4.1 There is a relatively limited market for this service considering the specialist nature of support to be provided. The current provider is a local voluntary sector provider, relevant providers will be made aware of this opportunity before the tender is published. Partners will be made aware of the opportunity at the next Homelessness Forum meeting to be held in July 2021.

4.4.2 The domestic abuse sector will be informed ahead of the tender going live in order to ensure providers are aware and to maximise the response rate.

5. STAKEHOLDER ENGAGEMENT

5.1 This is a key service requirement as outlined in the Housing and Homelessness strategies which highlight the requirement for specialised accommodation for those experiencing homelessness through violence and abuse.

6. PROCUREMENT AND PROJECT TIMESCALES AND GOVERNANCE ARRANGEMENTS

6.1 **Estimated Contract Value:** £655,140.00

6.2 **Other Associated Costs:** None

6.3 **Proposed Contract Period:** 5 years

6.4 The following procurement timetable will be adhered to for this tender:

July – Publish Tender

August – Tender Returns and Evaluation to start

September – Award Tender & standstill period

October - Dec – Implementation

January 2022 – New Contract starts

6.5 The quality of the tenders will likely be evaluated against the following indicative criteria and weightings:

- Quality and Operational Competence – 20%
- Support provision and life outcomes – 20%
- Risk management and safeguarding 15%
- Value for money and Social Impact – 10%
- Financial sustainability and standing - 5%
- Data protection and GDPR – 5%
- Organisational ability -20%
- Health and Safety – 5%

7. SUSTAINABILITY AND IMPACT ASSESSMENTS

- 7.1 The recommendation to proceed to procurement has been judged to have no negative impact on local people and communities.

8. POLICY CONSIDERATIONS

- 8.1 Housing Act 1996 (as amended by the Homelessness Reduction Act 2017); the Crime and Disorder Act 1998; The Children's Act 1989.
- 8.2 The housing objectives are set out in the relevant business plans and Homelessness Strategy. These objectives are compliant with the statutory framework within which the Council's housing function must operate.
- 8.3 The legislation pertaining to homelessness requires appropriate support to be provided to households at risk of homelessness and suitable accommodation and support to those households to whom the Council owes a statutory rehousing duty. These services play a key part within the overall provision of homeless intervention, prevention and accommodation services.

9. IT AND GDPR CONSIDERATIONS

- 9.1 Any provider will need to demonstrate that they adhere to all current and relevant GDPR and data storing/sharing requirements.

10. PROCUREMENT RULES

- 10.1 This report seeks to proceed to procurement for the provision of Support and Tenancy Sustainment services for women in refuge for a period of five years at a total estimated cost of £655,140.
- 10.2 An open procurement process is proposed to be used.
- 10.3 Health, social and related services are covered by Schedule 3 of the Public Contracts Regulations 2015, and thus any tender would be subject to the application of the "Light Touch" regime (LTR) under those regulations. This procurement falls below the threshold where it is deemed LTR services would be likely to be of cross border interest. There is no direct indication of cross border interest so this opportunity does not need to be advertised on Find A Tender. As this contract will be advertised and is above £25k, it must be advertised in Contracts Finder. The procurement must comply with the PCR 2015 principles of transparency and equal treatment.
- 10.4 The Council's specific requirements for authorising proceeding to procurement are covered in 1.3 of the Contract Procedure Rules with the need to obtain the formal Approval of the Portfolio Holder following agreement by the Chief Officer, the Assistant Director Governance & Contracts, the Director of Corporate Services and the Director of Finance for a procurement of this value. In accordance with CPR 2.1.2, Officers must take all necessary professional advice.
- 10.5 In compliance with the Council's Contract Procedure Rules (Rule 3.6.1), this procurement must be carried out using the Council's e-procurement system.

10.6 The actions identified in this report are provided for within the Council's Contract Procedure Rules, and the proposed actions can be completed in compliance with their content.

11. FINANCIAL CONSIDERATIONS

11.1 The cost of the existing contract and extension is set out in the table below:

	£'000
<u>Existing contract</u>	
2015/16 (3 months)	27
2016/17	105
2017/18	105
2018/19	105
2019/20	105
2020/21 (9 months)	80
	527
<u>Extension</u>	
2020/21 (3 months)	28
2021/22 (9 months)	85
	113
Total	640

11.2 Other than the relatively minor increased cost of the extension, the previous contract cost had been fixed for 5 years; as set out in section 4 iii), it is expected that the new contract will increase to reflect current costs, as well as increases in provision.

11.3 The cost of the contract is funded from the Supporting People budget, which is sufficient to cover the estimated increased cost of £131k per annum (£655k whole life value).

11.4 As indicated in paragraph 3.5 above, ceasing the contract would result in the Council incurring significantly higher costs in other budgets.

12. PERSONNEL CONSIDERATIONS

12.1 No directly employed staff. Suitable TUPE information will be included in the tender details.

13. LEGAL CONSIDERATIONS

13.1 The Council has various legal duties and powers towards the safeguarding and promotion of the welfare of vulnerable domestic abuse adults and children (and any related homelessness issues arising from it), under the Domestic Abuse Bill 2021, the Crime and Disorder Act 1998, the Children's Act 1989 and the Housing Act 1996 (as amended by the Homelessness Reduction Act 2017) respectively. In furtherance of these powers, the Council has the legal power to enter into a Contract with the Provider -Bromley and Croydon Women's Aid (BCWA) and may provide and commission through a contract the services outlined in this report

13.2 This report seeks to approve the proposal to proceed to procurement for the provision of Support and Tenancy Sustainment services for women and children fleeing domestic violence, for a five year period with all extension options being utilised, with

a further one year granted and is due to expire on 31.12.21. The Contract has been with the Bromley and Croydon Women's Aid (BCWA) since 01.01.16. The estimated annual cost of the Contract is £131,028 per annum. The contract's overall whole life cost over the whole life is £665,140 (i.e total cumulative spend).

- 13.3 For Contracts at or above the threshold of £663,540, (the overall whole life cost of the proposed contract i.e. £665,140 in this case, falls as an over the threshold Contract for the light touch Regime) and therefore the light touch regime applies in line with regulations 74-76 of the Public Contract Regulations (2015) (PCR's). It will therefore be necessary to comply with the light touch regime procurement rules (set out in 74 - to 76 of the PCR's) and must be carried out in compliance with the PCR principles of fairness, transiency and non-discrimination applied proportionately. An open tender procedure will also be undertaken due to the market being limited with the aim to encourage local and voluntary sector providers. There is also a 60% price and 40% quality weighting ratio to be applied.
- 13.4 As the Contract holds a threshold value over 25k, a Contract award notice will need to be published via Contracts Finder within 30 days of awarding the Contract. Advertisement via the Find a Tender Service (FTS).
- 13.5 With regard to the Council's specific requirements for authorising proceeding to procurement, this is covered in Rules 1 and 5 of the CPR's which must be made by the approval of the Portfolio Holder following agreement by the Budget Holder, the Chief Officer, the Assistant Director Governance & Contracts, the Director of Corporate Services and the Director of Finance for a procurement of this value. In accordance with CPR 2.1.2, all Officers must take all necessary professional advice.
- 13.6 In accordance to 3.6.1 of the Council's Contract Procedure Rules, this procurement (and in all cases other than Procurement below £5k), must be undertaken via the Council's e-procurement system, unless otherwise agreed by the Head of Procurement.
- 13.7 The Contract can be awarded in accordance with the Council's Contract Procedure Rules and the Public Procurement Regulations 2015.

Non-Applicable Sections:	Personnel
Background Documents: (Access via Contact Officer)	[Title of document and date] (No appendices to be Included)

Title: PROCEEDING TO PROCUREMENT – WOMEN IN REFUGE CONTRACT

Decision: Gateway Under £100k

Contact Officer:

Name
Title
Department

AUTHORISATION

Agreed by (signature and date):

_____ Date: _____	_____ Date: _____
Name	Name
Budget Holder / Contract Owner	Lead Commissioner
Title	Department
Department	

_____ Date: _____
Assistant Director Governance & Contracts
Required for all proceeding to procurement £100k+/ Extension £50k+/ Exemption £50k+ / Variation £50k+

_____ Date: _____	_____ Date: _____
Director of Corporate Services	Director of Finance

Required for all proceeding to procurement £100k+/ Extension £50k+/ Exemption £50k+ / Variation £50k+

Approved by (signature and date):

_____ Date: _____
Chief Officer
Name
Title
Department
Required for all extension / exemptions / variations. Required for proceeding to procurement £200k+

Appendix 2

Bromley Economic Development Strategy

List of Stakeholders Consulted

External Consultation
Churchill Theatre
Bromley Film Office
Historic England
DWP
Education Business Partnership
Your Bromley BID
Beckenham Together BID
Penge SE20 BID
Orpington 1 st BID
FSB
Mytime Active
LaSalle (Glades)
Bromley FC
Handlesbanken
Bromley Arts Trust
Bromley Economic Partnership
London and South East Colleges (LSEC)
South East London Chamber of Commerce
Community Links Bromley
Internal Consultation
Assistant Director Governance and Contracts, Corporate Procurement
Head of Service, Community Living Commissioning, Adult Services
Assistant Director for Integrated Commissioning, Adult Services
Carbon Programme Manager, Environment and Public Protection, Environment & Community Services
Colleagues within the Housing Planning and Regeneration Division

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Report No.
HPR2021/037

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: EXECUTIVE

For pre-decision scrutiny at the Renewal, Recreation and Housing Policy Development and Scrutiny Committee 16 JUNE 2021

Date: 30 JUNE 2021

Decision Type: Non-Urgent Executive Key

Title: BUILDING COUNCIL HOUSING PROGRAMME

Contact Officer: Alicia Munday, Interim Assistant Director of Culture & Regeneration

Chief Officer: Sara Bowrey, Director of Housing, Planning and Regeneration

Ward: Multiple

1. Reason for report

1.1 This report provides an update on the Phase One sites within the Council's housing delivery programme (these are 'live' sites that have already obtained planning consent and/or are under construction), including a supplementary capital estimate request.

1.2 The report provides a high-level update on three sites that have been identified for feasibility works to test their suitability for being included within Phase Two of the Council's housing delivery programme.

1.3 The report also provides an update of housing units being purchased

2. RECOMMENDATION(S)

The Renewal, Recreation and Housing PDS Committee are asked to:

2.1 Review and note the content of this report.

The Executive are asked to:

- 2.2 Review and note the contents of this report in relation to the update on Housing Delivery Programme's Phase 1 sites which have planning consent and/or are under construction (as set out in Section 4 of this report).
- 2.3 Review and note the contents of this report in relation to the updates provided for West Wickham Library & Car Park site and Beckenham Car Park site which are identified as potential Phase 2 sites for the Housing Development Fund (as set out in Sections 6.1 and 6.2 of this report). Noting that Officers will provide Members of the Executive with a comprehensive update report on these September 2021 (as set out in Section 7 of this report).
- 2.4 Approve the use of £130k S106 funds for additional costs relating to Anerley and Bushell Way developments as set out in paragraph 4.2.
- 2.5 Approve the allocation of £620k from the Housing Investment Fund for the estimated costs to proceed to planning for the three sites as set out in paragraph 7.1.
- 2.6 See Part 2 Report, for further recommendations

Impact on Vulnerable Adults and Children

1. Summary of Impact:
-

Corporate Policy

1. Policy Status: Not Applicable Existing Policy New Policy: Further Details
 2. BBB Priority: Children and Young People Excellent Council Quality Environment Safe Bromley Supporting Independence Vibrant, Thriving Town Centres Healthy Bromley Regeneration Not Applicable: Further Details
-

Financial

1. Cost of proposal: Estimated Cost: £130k (Anerley and Bushell Way) and £620k (West Wickham Library & Car Park, Beckenham Car Park and Bromley North)
 2. Ongoing costs: Not applicable
 3. Budget head/performance centre: Capital Programme
 4. Total current budget for this head: £1,948k (Anerley); £4,299k (Bushell Way); £560k for feasibility works
 5. Source of funding: Section 106 contributions, GLA Grant and internal loan from the General Fund
-

Personnel

1. Number of staff (current and additional):
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: Statutory Requirement
 2. Call-in: Applicable
-

Procurement

1. Summary of Procurement Implications: N/A
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected):
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes
2. Summary of Ward Councillors comments: West Wickham Ward Cllrs were positive about the scheme on the understanding that the library could be provided offsite during construction.

3. Beckenham Car Park Ward Cllrs were receptive to the schemes design development. Officers will continue to update Ward Cllrs on the development approach and engagement as the scheme progresses.
4. Bromley North Ward Cllrs were positive about the schemes development and will continuously remain updated.

3. BACKGROUND

- 3.1. There remains approximately 1,800 households in Temporary Accommodation (TA) this is a net increase of 21 per month and approximately 1,100 households are in costly forms of nightly paid TA, putting a continued strain on the Council's revenue budget, as well as proving unsecure homes for residents and the many complexities this brings for individuals wellbeing and general prosperity.
- 3.2. The borough faces other housing pressures. Since the adoption of the London Plan, as this sets a higher annual housing target and all sites are expected to deliver 50% affordable housing, a target only previously set for Council owned land.
- 3.3. To support the need for affordable housing and as part of the Transformation Agenda, the Executive agreed to reopen to Housing Revenue Account (HRA) and has commenced developing its housing stock.
- 3.4. This report provides an update on Phase One of the HRA's developments which comprises the three 'live schemes' where planning permission has been granted and/or construction is underway.
- 3.5. The report also provides an analysis of housing units which will be delivered through property transactions, which Strategic Property have been progressing.
- 3.6. The following section of this report sets out the recommended methodology that the Executive Committee is asked to approve in order for the identification of sites for future phases, and provides an update on the feasibility work already underway on a number of sites that have previously been identified as potential Phase Two sites.

4. PHASE ONE: UPDATE ON LIVE SCHEMES

- 4.1. The three lives schemes are at a mature stage in development and are either under construction or construction will commence imminently. The list of schemes are either Council-led developments working in partnership with building contractors and architects to deliver these schemes, or through the purchase of existing properties through alternative delivery methods.
- 4.2. Burnt Ash Lane, now known as Kevin Fenton Mews and Bushell Way, now known as Chris Whitty Place and Anerley (George Grove) housing sites have made good progress and being developed in the approved timescales as set out below. Since approval of the schemes, there have been additional costs identified totalling an estimated £130k due to the rise in material costs, additional legal fees incurred due to compensation as a result of right to light and the cost of a build over agreement required with Thames Water and costs arisen from UKPN upgrades required.
- 4.3. The table below, outlines the status of Phase 1 and acquisitions:

Site	Status	Key Dates	No. of Units
Kevin Fenton Mews	Construction under way and on time for agreed completion dates.	Completion September 2021.	25 (10x one bed, 12x two bed, 3x two bed wheelchair units)
(Burnt Ash Lane Car Park)	First payment of the GLA Affordable Housing grant received May 2021.		

Site	Status	Key Dates	No. of Units
Chris Whitty Place (Bushell Way)	Construction under way. First payment of the GLA Affordable Housing grant received June 2021.	Completion September 2021.	25 (7x one bed, 15x two bed, 3x two bed wheelchair units).
Anerley Town Hall Overflow Car Park, all with planning approval.	Construction due to commence June 2021. First payment of the GLA Affordable Housing grant expected July 2021.	Completion October 2021.	10 (3x one bed, 6x two bed including 1x one bed wheelchair unit).
York Rise, Orpington	Planning application submitted. See report ref for contract award.	May 2021 – submit Planning Application to LBB Planning. August 2021 – Planning determination September – December 2021 – RIBA Stage 4 and contract mobilisation January 2022 – December 2022 construction.	35
Various – individual street properties within and outside of the Borough.	Joint Venture with Orchard & Shipman – acquisition scheme: securing properties on the open market and which can be utilised in discharge of the Council’s statutory duty in respect of Housing.	Expected to commence July 2021	240-280 units
Various – individual street properties within and outside of the Borough.	Beehive purchase / lease scheme: securing former Housing Association properties that were due for open market private sale and which can be utilised in discharge of the Council’s statutory duty in respect of Housing.	Phase 1 completed Phase 2 expected to complete in June 2021	50 Units 30 Units
Total no. of units =			510-550

5. PHASE TWO: UPDATE ON PHASE 2 IDENTIFIED SITES

- 5.1 Officers have previously reported progress on the Housing Delivery Programme to Members (Report ref: HPR2020/024) and in this report funding was agreed to develop a number of sites further to assess their feasibility and suitability as housing projects.
- 5.2 In the above mentioned report, three sites were identified for early stage feasibility works to ascertain the suitability of each site in being included in the Phase Two development programme of the HRA.
- 5.3 These three sites are:

- West Wickham Library & Car Park
 - Beckenham Car Park
 - Bromley North
- 5.4 RIBA stage 0-1 assessments have been undertaken for all three sites and further Market Appraisal and feasibility works are currently ongoing. As required for best consideration, this early appraisal has included consideration of whether the site could be disposed of, value of the site, current use/potential as well as potential for Council Housing. As with previous sites being bought forward for the Council Housing Programme, the viability includes the Temporary Accommodation savings made from the provision of housing. This report details the appraisals completed on these sites and recommends the next steps for each site.

6 WEST WICKHAM LIBRARY & CAR PARK

- 6.1.1 As identified in Appendix 1, the site is a linear piece of land fronted by the West Wickham library along Glebe Way and the car park to the rear accessed via Crofton Avenue with an access road serving the rear of the properties along Station Road. The Council owns both the library and the car park; in between are two separate land holdings – a private car park (identified in the site plan, Appendix 1 as “C”) and a small office building (“D” in the site plan, Appendix 1).
- 6.1.2 The site is located in a prime town centre location where a mixed-use scheme would make a positive contribution to the regeneration and Covid-19 town centre recovery and to the Council’s library services and housing supply. The library forms part of the Conservation Area and the design must be of a high quality; the car park runs parallel to businesses and residential properties; the service road to the rear of the properties along Station Road requires improvement and inclusion to make the site feasible – this road would also need to be adopted; land assembly may be required to use the entire piece of land.
- 6.1.3 In November 2019, following Executive approval (Report no. **DRR19/053**) Officers procured a full multi-disciplinary team to undertake a detailed feasibility study from RIBA Stages 0-3, including a full planning application submission should the site have been considered viable. The project is currently at RIBA stage 2.
- 6.1.4 The brief included the whole site with options for purchasing and not purchasing Site D to ensure that a feasible design and layout could be brought forward regardless. Initial enquiries have been made to the landowners, however, there has been little interest in selling the property at Site D.
- 6.1.5 The feasibility work to date has progressed a mixed-use scheme across the entire site consisting of new improved library facilities that retains the current building façade because of its architectural merit, greater sustainability and being more cost effective. The library also includes new community facilities, a ground floor café, maker space, staffing facilities and 26 homes on the car park. The proposed design is of a high quality, with a civic style that references the history of the site. A number of design options have been developed, have been tested at pre-app and have had a high-level viability assessment based on costings provided by a Quantity Surveyor.
- 6.1.6 The high-level viability assessment to date has considered various options to ensure the site could be viable for HRA development. The costs include the library, improvement and adoption of the service road, housing development, landscaping, and general improvements. The approach of officers is to ensure that the overall development costs are met without additional Council funding – to do this officers are taking account of the following:
- GLA housing grant for the affordable elements.

- Partial private housing to facilitate the wider community facilities and benefits.
- Working with GLL to target Arts Council funding for the library proposals. This will be a bid for £250k.
- An income from the café and the community facilities proposed as part of the new library facilities.

6.1.7 Whilst early work considers this site as viable based on the content of para 6.1.6, further viability work will be needed including securing planning permission on the site, which then in turn can secure grant funding. The high level financial appraisal for this site is included in Part 2 report of the same name.

6.1.8 It is therefore recommended that funding is drawn down from the Housing Invest Fund to develop the proposal with a view to developing a planning application for this site. If this recommendation is approved, following this work, a report will be brought back to the Executive in November with the detailed capital costs of developing the scheme. Part 2 of this report includes high level costs for Members consideration at this stage.

6.2 BECKENHAM CAR PARK

6.2.1 As identified in Appendix 2, the site consists of a car park located between commercial and community buildings in Beckenham. The site is kite-shaped in plan and sits adjacent to the leisure centre. The site is also bounded by railway lines and is accessed from Turners Meadow Way across Council-owned land. The site is owned by the Council, with a thin strip of landscaping wrapping around the car park forming part of the MyTime lease. On the other side of the leisure centre is a much larger car park for the public and staff to also use. Lewis House is leased to Bromley Experts By Experience CIC. Officers have started to engage with adult services regarding Lewis House and the potential to relocate the facility on site or offsite.

6.2.2 In order to progress the site, the Council would need to serve the appropriate notices in accordance with the MyTime lease to obtain vacant possession.

6.2.3 The site is located off Beckenham Road, in Beckenham and benefits from good public transport connections and is set back from the Elm Road Conservation Area. In proximity to this site is the Beckenham Public Hall, the library and leisure centre – all Council owned facilities which would benefit from wider regeneration in the area and additional housing.

6.2.4 Following a feasibility exercise (RIBA stage 0-1), 3 design options have been prepared and tested with the Local Planning Authority. Designs were tested via a pre-app meeting with LBB Planners to assess the site and the design suitability on the early options, Network Rail as the site is in proximity to the railway line to understand potential cost and engagement necessary, and a meeting with Ward Cllrs.

6.2.5 The design for the site is at an early stage, however, the early feasibility report considers this site to be appropriate for a mixed use scheme – community/commercial facilities on the ground floor with residential above with up to 26 residential units on the car park.

6.2.6 It is therefore recommended that funding is drawn down from the Housing Invest Fund to develop the proposal with a view to developing a planning application for this site. If this recommendation is approved, following this work, a report will be brought back to the Executive in November with the detailed capital costs of developing the scheme. Part 2 of this report includes high level costs for Members consideration at this stage.

6.3 BROMLEY NORTH SITE

- 6.3.1 The Bromley North Site is identified in the Council's Local Plan as a site allocation called 'Site 2'. Site 2 is 3 hectares in size and is owned by multiple separate landowners including, The Council, Network Rail and Be Living. The Council's site as identified in the Appendix 3 is a linear site adjacent to properties along Station Road; the Network Rail site runs parallel but is approximately 1.5m below the ground level of the Council's site, thus creating a complex development site.
- 6.3.2 In addition to the landowners noted above, there are other landed interests which are in the process of being evaluated.
- 6.3.3 The site is one of the largest site allocations in the Local Plan and has an important role in place making, regeneration and housing delivery. The site is allocated to deliver 525 residential units, 2,000 sq. m of commercial space, 230 sq. m of retail/café space, a transport interchange and car park. The site is also located at one of Bromley's key gateways into the Town Centre, adjacent to a Grade II listed building, Bromley North Station, and set between a residential area of mostly 2-3 storey residences and the more densely developed Bromley North area.
- 6.3.4 The Local Planning Authority require any planning application relating to Site 2 to demonstrate a holistic approach to avoid any proposals being bought forwards by individual landowners that constrain the potential of neighbouring sites. Officers are working with the other landowners to ensure that this is achieved.
- 6.3.5 The relationship between the separate landholdings is not only important due to the requirement for a holistic approach, but also due to the change in site levels, between the neighbouring landowners and the extensive shared boundary, requiring engagement on party wall and rights of light matters
- 6.3.6 A holistic approach can be achieved even with separate developments, and the Council have been advancing its own feasibility study that assessing the development potential of the Council owned land.
- 6.3.7 To date, early feasibility has been undertaken; officers procured architects to develop proposals up to RIBA stages 0-2 to assess design options, cost analysis, site surveys and to support officers working with the neighbouring landowners. As part of this feasibility, a high-level viability assessment and a pre-app with Planners has been undertaken. Ward and town councillor member engagement has also taken place.
- 6.3.8 The proposed design is for a mixed used scheme with commercial/community on the ground floor and 75 homes (mixture of 1, 2, and 3 bed apartments) above. The site is in an area with high land values and in an attractive area for housing. The proximity of the site to the Grade II listed Bromley North Station building, its importance as a key regeneration site and gateway into the town centre and the relationship with neighbouring properties means that high quality design is very important.
- 6.3.9 As the scheme progresses, further cost analysis will be undertaken. In order to make this scheme viable officers will consider all routes including applying for GLA Affordable Housing grant, inclusion of private sale to facilitate affordable housing, and commercial ground floor uses that will maximise income streams to ensure the site is viable and regenerate the site for optimal public benefit. Officers have already submitted the Phase 2 sites to the GLA's Open Project System as the first step towards consideration for grant funding.
- 6.3.10 It is therefore recommended that Officers procure the other consultancy disciplines required to take the project through to a full planning application submission, i.e. RIBA Stage 3. If this

recommendation is approved, following this work, a report will be bought back to the Executive in November with the full capital costs of developing the scheme.

7 RECOMMENDATIONS

- 7.1 As set out in Section 6, it is recommended that there is a further drawn down of £620k from the Housing Investment Fund to progress all 3 sites to a planning application stage, based on the high level work undertaken to date. This includes contributions towards consultancy fees, staffing, legal costs, as well as public engagement. Further reports will be bought forward in 2021 to determine the detailed viability and benefits of developing each site for affordable housing and wider regeneration.

8 IMPACT ON VULNERABLE ADULTS AND CHILDREN

- 8.1 The recommendations support children and vulnerable people through the provision of housing supply.

9. POLICY IMPLICATIONS

- 9.1 This work supports the Council's Housing and Homelessness strategies and the proposed Regeneration strategy, this includes the increase of local housing.

10 FINANCIAL IMPLICATIONS

- 10.1 This report requests a supplementary capital estimate of £130k for the Anerley Town Hall car park and Bushell Way schemes as set out in paragraph 4.2, funded from Section 106 contributions. As this therefore does not increase the internal borrowing in the HRA, there is no impact on the previously reported revenue implications for these schemes.
- 10.2 In September 2020 the Leader approved the allocation of £560k from the Housing Investment Fund earmarked reserve for feasibility works for a number of sites, of which around £347k has been spent or committed to date.
- 10.3 The report also requests a further allocation of £620k from the Housing Investment Fund for the estimated costs to proceed to planning for the West Wickham Library & Car Park, Beckenham Car Park and Bromley North sites.
- 10.4 Officers in Strategic Property have conducted indicative open market appraisals for Beckenham Car Park and West Wickham Library and Car Park sites for the potential capital receipt that would be generated by disposal on the open market. For both sites the estimated value is £1.27m. An initial estimation of the Bromley North site as it stands i.e. based on the Council's interest only would indicate a potential disposal receipt of between £3-3.25m. This has been assessed by reference to other land development transactions and appraisals. Further evaluation and appraisal work will be required to clarify this initial estimate.
- 10.5 See Part 2 report for the indicative build costs and revenue implications and revenue implications for affordable housing development in the Housing Revenue Account (HRA).
- 10.6 Further reports will be brought back to Members in due course providing fully detailed options appraisals for individuals sites which will include full financial implications and any capital financing requirements.

11 PROPERTY IMPLICATIONS

- 11.1 Adopting an approach that considers disposal of sites, together with maintenance costs of maintaining sites together with feasibility for sites to be developed for the HRA, will ensure that

the Council's assets are appropriately managed and that the needs of social housing provision via the HRA are balanced against the need to generate capital, which is a fundamental objective of the Council's Corporate Landlord approach.

- 11.2 Outputs from all three sites will be evaluated at the Officer Corporate Landlord Board to ensure that Members are presented with a detailed option appraisal for their consideration.

12 PERSONNEL IMPLICATIONS

- 12.1 N/A

13 LEGAL IMPLICATIONS

- 13.1 The Council's Legal Services will be involved at the point of investigating legal title to the sites to ensure that title is satisfactory in each case.
- 13.2 Section 9 of the Housing Act 1985 gives power to a local authority amongst other things to provide housing accommodation by erecting houses, or converting buildings into houses, on Council acquired land.
- 13.3 The report seeks authority to approve further funding in dealing with the proposed programme.
- 13.4 Section 111 of The Local Government Act 1972 gives power to a Council to do anything calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions.
- 13.5 Furthermore under Section 1 of The Localism Act 2011 a local authority has a general power of competence to do anything that individuals generally may do.

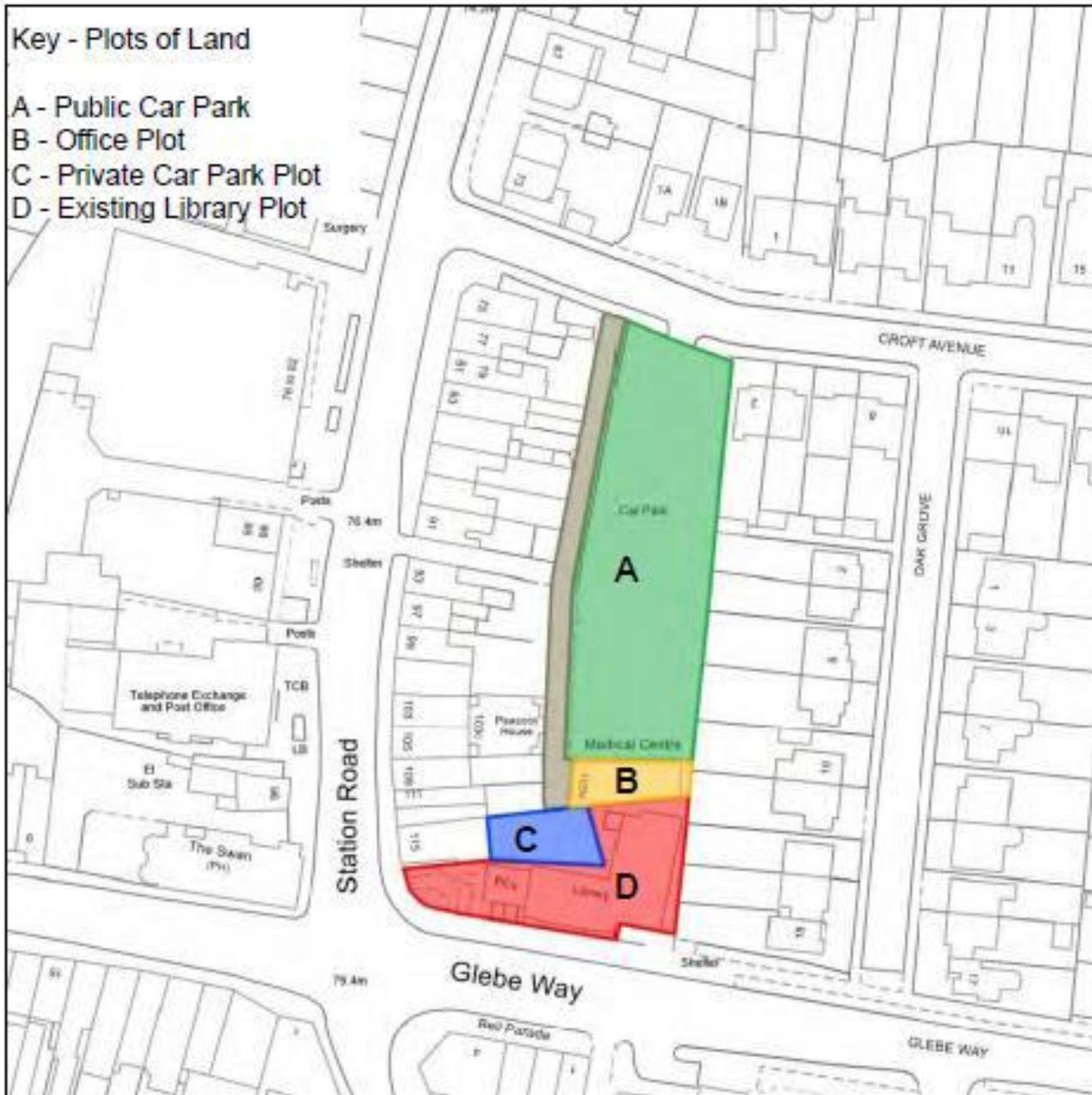
14 PROCUREMENT IMPLICATIONS

- 14.1 All recommendations and advancements of any scheme, should Members agree to progress, will be in accordance with the Council's Contract Procedure Rules and the Public Contract Regulations 2015 if the value is above the thresholds set out in Part 2 of these regulations.

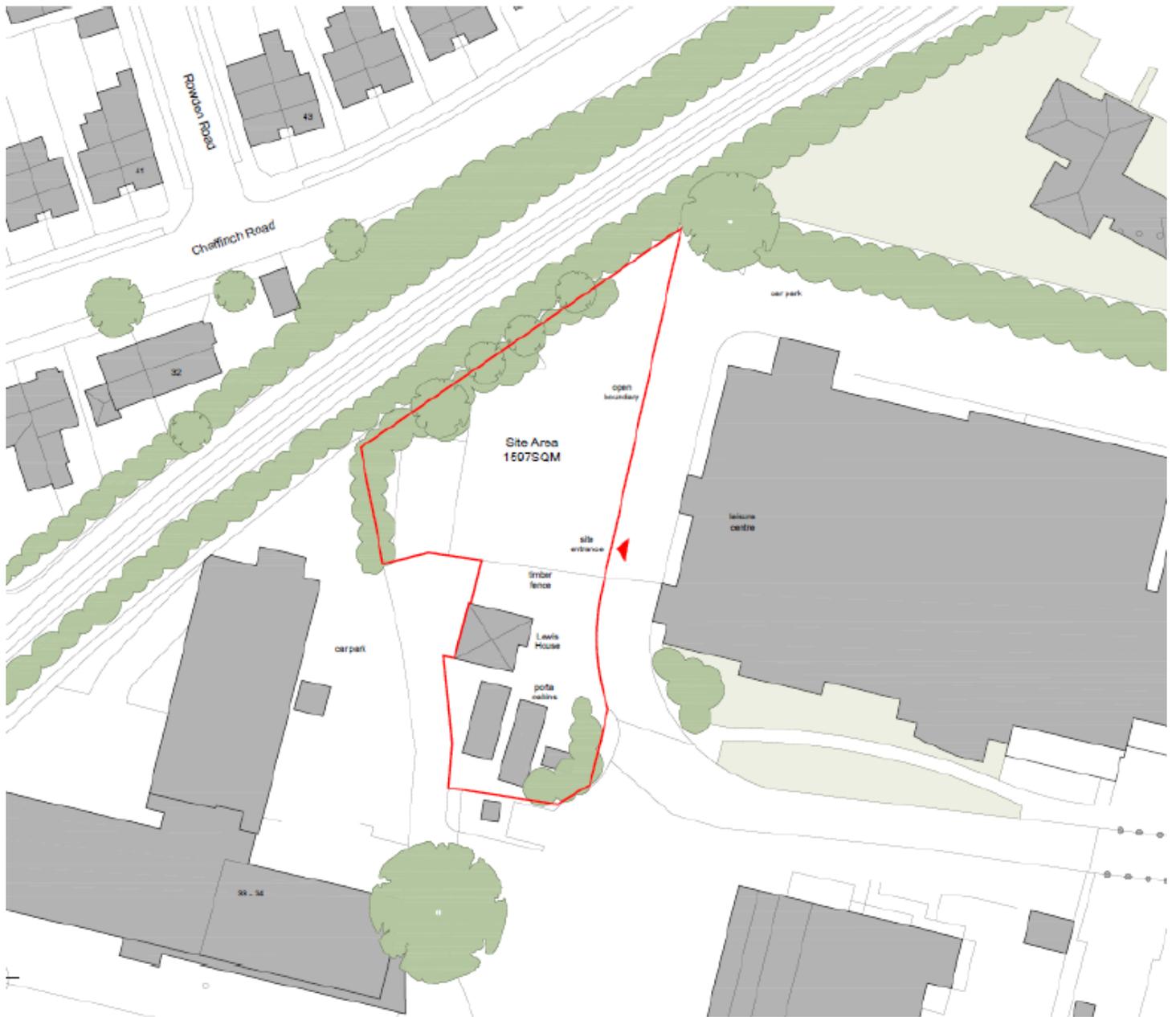
Non-Applicable Sections:	Personnel Implications
Background Documents: (Access via Contact Officer)	HPR2021/008 – Transforming Bromley: Approach to Building Homes in Bromley Update. HPR2020/024 – Transforming Bromley: Approach to Building Homes in Bromley. Appendix 1 – West Wickham Library & Car Park Appendix 2 – Beckenham Car Park Appendix 3 – Bromley North Station Road Car Park

15 APPENDICES

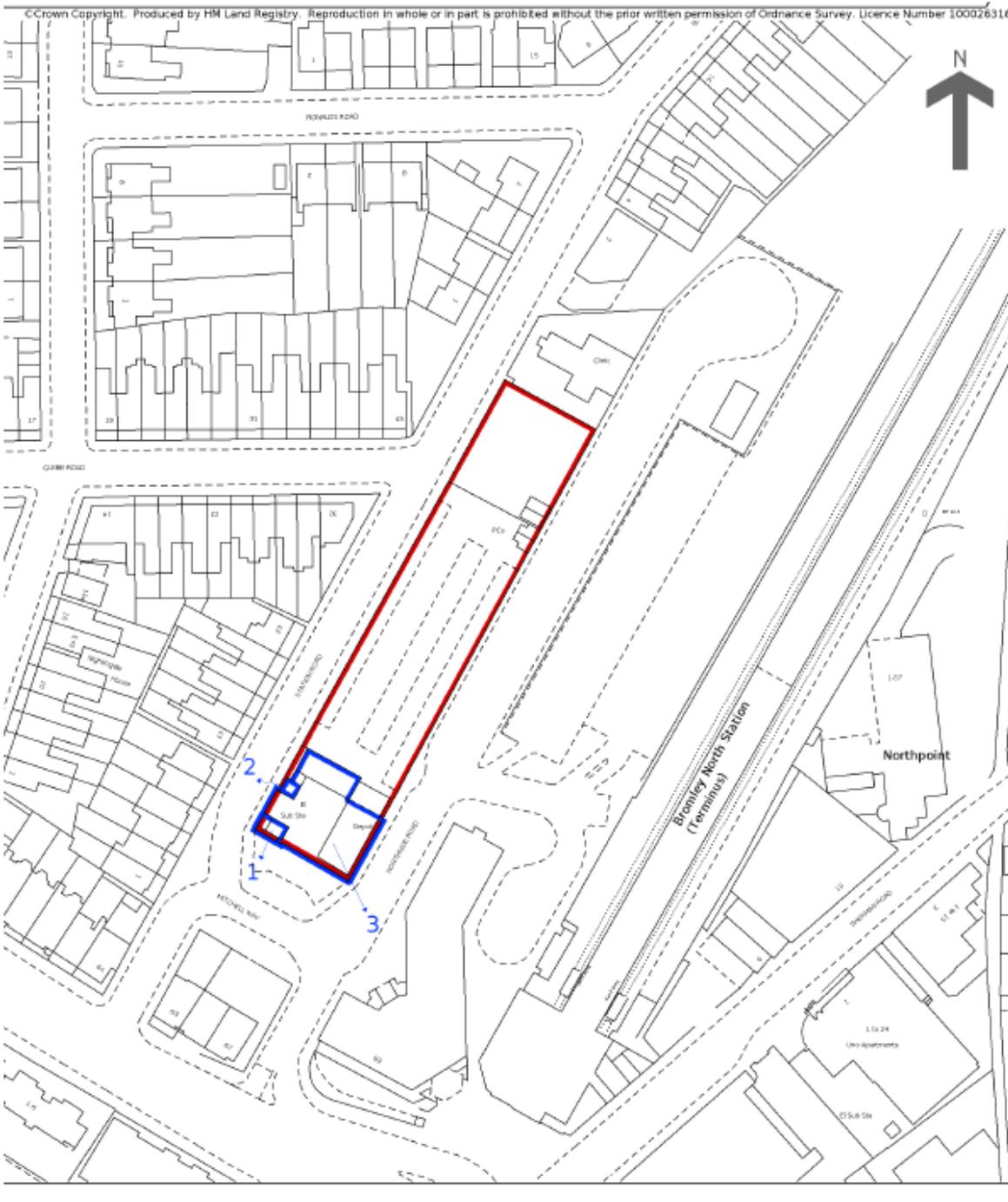
15.1 Appendix 1 – West Wickham Library & Car Park



15.2 Appendix 2 – Beckenham Car Park



15.3 Appendix 3 – Bromley North Station Road Car Park



Report No.
HPR2021/032

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: EXECUTIVE
COUNCIL

**WITH PRE-DECISION SCRUTINY BY RENEWAL, RECREATION
AND HOUSING POLICY DEVELOPMENT AND SCRUTINY
COMMITTEE 16 JUNE 2021**

Date: 30th JUNE 2021

Decision Type: Non-Urgent Executive Non-Key

Title: YORK RISE, ORPINGTON

Contact Officer: Maria Mogor, Project Manager
Maria.mogor@bromley.gov.uk Tel: 020 8461 7156

Chief Officer: Director of Housing, Planning, Property and Regeneration

Ward: Farnborough and Crofton;

1. Reason for report

- 1.1 To provide an update on scheme development and to award a direct contract award to Module-AR under the LHC, NH2 procurement framework to proceed with residential development of 35 homes at York Rise, Orpington, BR6 8PR, subject to planning permission.

2. RECOMMENDATION(S)

The Renewal, Recreation and Housing PDS Committee are asked to:

- 2.1 Note and comment on the content of the report.

The Executive is requested to:

- 2.2 Note the progress of the project as set out within this report.
- 2.3 Recommend that Council approves a supplementary capital estimate of £2.1m.
- 2.4 Recommend that Council approves the revised financing of the scheme as set out in paragraph 14.10 including an internal loan from the General Fund to the Housing Revenue Account of £6,064k.

- 2.5 Approve a direct contract award to Module-AR for a total contract value estimated at £8.1m, using the LHC, NH2 Framework, for a design and build contract of housing at the site, as set out in para 9 of this report.
- 2.6 Authorise an appropriation of the Council's interest in the land shown edged red on the plan at Appendix A for planning purposes under section 122 of The Local Government Act 1972 and section 237 of the Town and Country Planning Act 1990, both as amended.
- 2.7 Delegate authority to the Director of Corporate Services to deal with all necessary legal arrangements to effect and bring into implementation the appropriation set out in this report.
- 2.8 Delegate authority to the Director of Housing, Planning and Regeneration in consultation with the Portfolio Holder to take all of the necessary steps to appropriate the site shown in the plan at Appendix A for housing purposes to be accounted for in the Housing Revenue Account (HRA)
- 2.9 To delegate authority to the Assistant Director of Highways to adopt the road, subject to planning permission. Following initial discussions with LBB highways officers; given that the York Rise site is a council development it was agreed that the road would be adopted subject to it being built to appropriate standards.
- 2.10 Approve the utilisation of £758k Section 106 contributions.

Council is requested to:

- 2.11 Approve a supplementary capital estimate of £2.1m detailed in full in the accompanying part 2 report.
- 2.12 Approve the revised financing of the scheme as set out in paragraph 14.10 including an internal loan from the General Fund to the Housing Revenue Account of £6,064k.

Impact on Vulnerable Adults and Children

1. Summary of Impact:
-

Corporate Policy

1. Policy Status: Not Applicable Existing Policy New Policy: Further Details
 2. BBB Priority: Children and Young People Excellent Council Quality Environment Safe Bromley Supporting Independence Vibrant, Thriving Town Centres Healthy Bromley Regeneration Not Applicable: Further Details
-

Financial

1. Cost of proposal: Estimated Cost £8.1m
2. Ongoing costs: Estimated revenue savings of £224k per annum
3. Budget head/performance centre: Capital Programme
4. Total current budget for this head: £6m
5. Source of funding: Affordable Housing Section 106 contributions, Investment Fund and Housing Investment Fund earmarked reserves and GLA

Grant

Personnel

1. Number of staff (current and additional): Existing resource
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: None. Statutory Requirement Non-Statutory - Government Guidance None:
 2. Call-in: Applicable Not Applicable: Further Details
-

Procurement

1. Summary of Procurement Implications:
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected):
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments?
Yes
2. Summary of Ward Councillors comments:

3.0 BACKGROUND

- 3.1. For Bromley, like most London boroughs one of the most significant long-term pressures is the impact of homelessness and provision of temporary accommodation. There are currently approximately 1,800 households in Temporary Accommodation (TA) this is a net increase of 21 per month and approximately 1,100 households are in costly forms of nightly paid TA, putting a continued strain on the Council's revenue budget.
- 3.2. The Council's Housing Strategy and Transformation programme sets out the agreed approach to support the delivery of affordable housing on Council owned sites. Council owned sites make a valuable contribution to meeting the borough's affordable housing supply.
- 3.3. The Council also faces other housing and planning pressures; the London Plan (adopted March 2021) sets out strategic policies, including the borough's housing target of 774 per annum. The Bromley Local Plan is an adopted document setting out the principles of development across the borough and allocates sites for housing. These documents comprise of the Development Plan and are used to assess planning applications. The Council is in need of increasing overall housing supply.
- 3.4. The York Rise site is a vacant site owned by the Council and identified in the Local Plan for 35 dwellings (Site Allocation 12). In July 2019, the Council approved a contract award (report no. ECHS 19061) to Mears for the supply and build of a modular housing scheme and approved the addition of £6m for the scheme to the Capital Programme. This contract has since been terminated and new work was undertaken to bring housing forward on this site.
- 3.5. In May 2020, the Council appointed Pellings to undertake a feasibility study to assess the site constraints. The report found the site to be developable for residential development.
- 3.6. In November 2020, a report outlined the procurement strategy (Report ref: HPR2020/037) – to use the LHC NH2 framework, and to further progress the scheme to a planning application. Officers went out to tender using the LHC NH2 framework in December 2020 for a residential scheme of 35 homes and entered into the Pre-Commencement Services Agreement contract to develop RIBA stages 0-3. Following this procurement exercise, Module-AR were successfully appointed in January 2021, in conformity with the 60/40 price/quality Council's Procurement Rules. As part of this appointment, Rivington Street Studios architects ("RSS") were also appointed as the design team.
- 3.7. To date, RIBA stages 0-3 have been undertaken which has included extensive design development (including options analysis and testing), surveys, public and ward member engagement (including a presentation to Development Control Committee members), a pre-app with LBB Planning, cost analysis and the submission of a planning application.
- 3.8. The proposed development consists of 35 affordable homes (14 x one bed, 17 x two bed and 4 x 3 bed homes) which if approved, will provide 102 amount of people a permanent dwelling.
- 3.9. The site is considered feasible to progress to the Design and Build (construction) phase (RIBA Stages 4-7), subject to planning permission being granted. This report recommends therefore that the Design and Build contract is entered into with Module-AR to develop and build the site, following a decision by LBB Planning. This report also outlines the engagement and the scheme proposals submitted to Planning.
- 3.10. This report also requests Executive authority to appropriate the land outlined on the plan at Appendix A for planning purposes, in order to facilitate the implementation of the proposal for the development of these 35 homes.

3.11. The Executive is requested in particular to note details below of how implementation of the proposal will make a significant contribution to the promotion and improvement of the economic, social and environmental well-being of the area.

4.0. SCHEME DEVELOPMENT AND ENGAGEMENT

4.1. The Local Plan Site Allocation is the starting point and the tender requirements reflected this:

- A development of 35 homes in line with the Local Plan, that will be planning compliant and can be delivered on site.
- Design options to be tested
- An agreed design with the Council that is sympathetic to the local surroundings.
- A modular development suitable for permanent occupation, an efficient build and for those living there
- Housing that meets the London Housing Space Standards.
- A range of dwelling sizes, including 10% wheelchair accessible housing on site.

4.2. The site has a number of physical constraints including steep banking with heavy and mature trees around the outskirts reducing the developable area of the site; a steep access road into the site; two retaining walls that need strengthening; is surrounded by development that is higher and overlooks the site; is an archaeological priority area; potential air raid shelters located underground; and, has existing wildlife and biodiversity on site. These all have physical and cost implications for the overall design.

4.3. The site context is predominantly residential, with community and commercial development to the east clustered around the nearby Orpington railway station. To the west of the site and north of the site is predominantly residential development. Crofton Halls and associated car parking lies to the east of the site on the opposite side of York Rise. To the south the site is bounded by the A232 Crofton Road. The site has a PTAL rating of 6a giving excellent transport links to Orpington train station.

4.4. Given the constraints and the Local Plan policy context, three design options were initially developed and tested for this site – these options were developed in conjunction with different service areas and requirements (for example, highways, emergency service/refuse access requirements). Following Ward member engagement, officers proceeded with the option of 35 homes with a mixture of maisonettes and flats and houses on site (see, Appendix B 'Option A'). Option A formed the basis of the public engagement set out in 'Engagement' below.

4.5. Option A comprises of the erection of a four-storey building consisting of fifteen apartments, a terrace of twenty maisonettes over three and four storeys along the front of York Rise and two two-storey houses to the right of the entrance, to provide 35 affordable homes in total centred around a 'village green'. This also included shared amenity space with children's play area, on site wheelchair car parking, cycle parking, space for refuse, a home- zone and landscaping.

5.0. ENGAGEMENT

5.1. Officers 'opened' public engagement by sending out a letter to 275 residents. See Appendix C, for the letter, inviting interested parties to attend an online public engagement event on April 26th and/or April 28th via Microsoft Teams. Given the Covid-19 restrictions, it was not considered safe to do a mass visit or meeting for all to attend.

5.2. During these online events, officers and RSS presented the history and context of the site, the proposed design was accompanied by visuals followed by 40 minutes of questions and answers. This provided residents with the opportunity to understand the development in further detail. 30-35 people attended across both events.

- 5.3. Following this, a Covid-19 safe site visit was arranged whereby an officer and the architect at the request of individuals met on site to discuss key concerns and to listen to those potentially affected by the development.
- 5.4. A dedicated email address was also set up and to date 35 written comments have been received. Officers have been in correspondence with residents and this has given residents the opportunity to regularly correspond with officers throughout.
- 5.5. Alongside this, the project team have engaged with Bromley Planners through the statutory processes (and other service areas such as Highways, Environment) via a pre-application and presented to the Development Control Committee, as applicants.
- 5.6. From the engagement above, the comments received centred on the following matters:
- Appearance, size and scale
 - Overlooking into gardens and relationship with surrounding area
 - Car parking
 - Sustainability and existing wildlife.
- 5.7. Following this active engagement stage, the design and layout has been adapted and improved to address as many concerns as possible whilst delivering a viable and policy compliant scheme. The design and layout submitted to Planning can be seen below (Appendix B, Option A).
- 5.8. The key changes from Option A are: the integration of the two semi-detached houses into the terrace and apartment building, creating additional green space and improving the relationship between the proposed development and the existing houses along 1-7 York Rise. Issues were raised concerning the relationship between the proposed and existing housing at 1-7. Appendix D shows a substantially improved relationship and design.
- 5.9. The height of the terraced housing has been reduced from three/four storeys to part two/ part three storeys reducing the overall massing and impact along York Rise.
- 5.10. To minimise the impact upon those in Yeovil Close, the apartment building has been set back further from the site boundary increasing the distance between the proposed and new development which will enable planting of more mature trees to act as natural screening. The internal layouts have also been designed so that living spaces do not look over these gardens; the location and size of windows has also been assessed to reduce overlooking and screening will be introduced to balconies to minimise any opportunity for overlooking and achieve optimum privacy for surrounding occupiers.
- 5.11. Site surveys have been undertaken to assess the sustainability and existing wildlife with the intention of retaining as many trees as possible without displacing the existing wildlife. The development will improve the sites biodiversity with landscaping features including new tree planting, additional planting in wild areas with indigenous plants and nesting boxes and invertebrate habitats. The development will add to the existing biodiversity within the surrounding area and the new buildings will feature sustainable drainage and attenuation measures. An ecological assessment has been undertaken which establishes the sites baseline condition and will assess biodiversity improvements delivered by the proposed development to ensure that local concerns are addressed.

- 5.12. The proposed level of car parking on site is in line with the London Plan Policy T6 Car Parking. In accordance with Table 10.3 of Policy T.6 of the London Plan 20% of these parking bays will have active electric vehicle charging facilities. Given the site's excellent transport services and connectivity, proximity to a town centre, the policy requires this to be a car free development, except for 4 Blue-badge spaces. The impact of increasing car parking provision on site has substantial disbenefits upon the overall design, resulting in less green and children's play space, an overall reduction in wildlife and biodiversity to provide hard surfacing, and a loss in greater trees.
- 5.13. There are a number of mitigation measures in place - as the Council will manage and maintain this site, through the allocation policy and the tenancy agreements, it will be made clear that there is no parking provision provided on site. The surrounding streets are also in a Controlled Parking Zone restricting on streetcar parking. The car parking survey has established there is sufficient capacity in the surrounding streets to accommodate visitors on times outside of the CPZ restricted hours.
- 5.14. The engagement has been highly informative, and the final proposed development has been submitted to planning for determination. The proposed development is a planning policy compliant scheme that meets the Council's objectives of delivering a 100% affordable housing scheme on a brownfield, Council owned site.

6.0. ROAD ADOPTION

- 6.1. It is intended that the road will be adopted by Bromley Council. The site is served by an internal roadway accessed from York Rise. This will be built to an adoptable standard. The adopted site road will also be yellow lined to restrict parking; and enforcement will be possible by LBB parking officers, as with surrounding streets. Sufficient space has been incorporated into the design of the scheme to allow refuse, fire service and other emergency vehicles to be able to enter, turn on site and exit in forward gear. Officers have consulted with the LBB Highways team for specific road adoption measures.
- 6.2. Once the schemes design is finalised and planning permission has been granted, officers will start the road adoption process in accordance with the highways team. It will take one year for the road to be formally adopted, however; the decision to adopt the road can be made in a matter of six weeks because the landowner is the Council. As part of the road adoption process, LBB highways will publicise a notice explaining that the council intends to adopt this road, of which only the landowner can object too. No member of the public can object to this road adoption process. Additionally, road adoption consultants will undertake a site visit to assess the site. The costs of road adoption have been factored into the scheme development costs. The proposal will result in a positive benefit to the sites existing access and overall parking within the area.

7.0. COST ANALYSIS

- 7.1. The project has previously been agreed as a capital scheme with a budget allocated to it. This budget was based on a different scheme with lesser information. As set out in paragraph 4.2, the site has a number of constraints, which have been analysed and costed, and planning policy requirements. As part of the scheme design, the project team have analysed the build costs of the proposed scheme. The proposal is a high-quality residential scheme meeting all planning policy requirements.
- 7.2. Based on the timings of this proposal, this scheme is eligible for the GLA Building Council Homes for Londoners grant funding. This is tariff-based whereby the lowest affordable housing

rents are granted a higher subsidy per property. Officers recommend the scheme is set at 100% London Affordable Rent (LAR) given that this round of funding will not be available after October 2022 and that these rental levels are more achievable for many of those in housing need.

- 7.3. The design has been heavily tested within the public domain as the council delivering it; if the council is to dispose of these homes it would create a lack of distrust within the authority. The council doesn't currently have a five year land supply and the council has an active role to play in boosting this supply and the development of York Rise for the purposes of the HRA will essentially work towards addressing a lack of housing for Bromley residents while increasing the councils housing stock.
- 7.4. There has been cost analysis undertaken of the proposed design – the costs of which reflect the proposal as a comprehensive residential scheme providing homes for many generations to come. The construction of the site is also a complex site to develop with multiple abnormal construction costs, such as the air raid shelters, two retaining walls with structural concerns and drainage improvements; the re-grading of the access road to make it an accessible site for all vehicles; landscaping improvements as the site is currently predominantly hardstanding. Over and above these costs is the construction of the buildings proposed and the cost implication of various planning policies, such as private amenity space for each unit
- 7.5. As outlined in the Engagement section of this report, there has been concern of the design of the buildings and the overall quality of the proposal by residents and by LBB Planners, given the topography of the site and the impact it has on the streetscape. It is very important therefore that the design and appearance of the scheme is of a high quality.

8.0. LAND APPROPRIATION

- 8.1. The purpose of the Appropriation for planning purposes is to ensure that the redevelopment of York Rise may benefit from the power in section 203 of the Housing and Planning Act 2016 to override all third-party rights including covenants and easements. The Act enables public bodies to implement this power where the demonstration of the use is demonstrably in the public interest and proportionate to the end being pursued.
- 8.2. The Council in developing its proposals has given due consideration to the third-party rights that are likely to be affected or injured as a result of the proposed redevelopment. The Council's legal advisers and consultants have reviewed the rights of adjoining property owners. At this stage, there may be any potential right of light injuries caused as a result of the redevelopment. A right to light survey will be completed and this will identify whether any rights have been infringed upon and potential costs for injuries will be identified.
- 8.3. To demonstrate the use of this power, the Act requires the Council to demonstrate the public interest and benefit. The site will provide 35 new affordable homes on a currently vacant site; affordable housing is in high demand in the borough and will generate economic and social benefits to the local community. The scheme is of a high quality design paying due regard to liveability and quality of life in the local area and to future occupiers; it promotes environmental benefits by being located in close proximity to a town centre with good public transport connections, in conformity with the Development Plan and meets sustainable development objectives. Overall, the public interest benefits generated by the redevelopment and regeneration far outweighs the potential infringement the scheme will cause to the private rights of third parties.
- 8.4. The land following Appropriation will be transferred to and administered from the General Fund Account to be administered under the Housing Revenue Account (HRA). Once the development has been completed the land will be appropriated as housing land. The Council

will not however lose the protection over the homes built whilst the land was appropriated for planning purposes, as such the newly built development would not be subject to an injunction (i.e. third parties whose rights have been injured as a result of the development will not be able to halt the development).

- 8.5. It should be noted that the Appropriation of the site for planning purposes will generate substantial public benefits which will far outweigh any injuries to the private rights of third parties.
- 8.6. Appropriation of the land for planning purposes would prevent any injunctions being sought by a party whose right may be interfered with and thereby preventing and delaying the proposed development. It will also ensure that the commercial and market attractiveness of the scheme is not diminished by the existence of injunctive rights which can frustrate the development.
- 8.7. Overall, the redevelopment is considered to have no detrimental impact on the surrounding residents. The re-development will regenerate the site with a significant need for investment and the upgrade will start to address some of the long-standing socio-economic problems faced by the surrounding local area and will significantly enhance the quality of the build environment of the surrounding area and will provide much needed affordable housing and as a result improve the life chances of the area's current and future residents.
- 8.8. Accordingly, it is considered that the public interest benefits generated by the redevelopment and regeneration far outweighs the potential infringement the scheme will cause to the private rights of third parties.

9.0. CONTRACT AWARD

- 9.1. Subject to the proposal being granted planning permission, officers recommend awarding a Design and Build contract award to Module-AR. The LHC NH2 Framework facilitates a two-stage contract whereby there is a break between the PCSA and the Design and Build contract. Module-AR submitted a tender that demonstrated their technical competence and ability in terms of managing and delivering dwellings utilising modern methods of construction.
- 9.2. There are some significant benefits of modern methods of construction, this includes large parts of the development being undertaken in the factory environment that is not inhibited by weather, in addition the units can be fully tested in a safe environment. The primary benefit is the speed of development, with building work-streams occurring simultaneously. There are also benefits in terms of being less intensive construction management wise lessening the impact for neighbouring residents. The proposed units are energy efficient, compliant with all building standards and regulations. As required as part of the tender, the dwellings will be accredited by the Build Offsite Property Assurance Scheme (BOPAS), with a minimum life span of 60 years.
- 9.3. Following the successful completion of the PCSA, it is now recommended to proceed to award a contract to Module-AR for the design and build of 35 homes at an estimated contract value of £8.1m. The contract award value is based on the cost analysis completed to date during the PCSA stage. Officers would enter into a contract with Module-AR subject to the determination at planning. If the scheme is not granted permission, officers would not enter into a contract with Module-AR. The timing of this is important to ensure that the programme set out below can be met as mobilisation of the contract and the particulars will take place following planning and before start on site.

10.0. PROGRAMME

10.1. Indicative schedule of works - pending the recommendations of this Report, the indicative timescales are set out below:

November 2020-January 2021	Tender for D&B Contractor to be Awarded by Delegated Authority, pending approval of this award.
December 2020	LBB entered into Agreement with GLA for Grant and acquired Investment Partnership status.
February-May 2021	Officers work with appointed contractors and project group to develop design and layout. Further surveys and other site investigations. Engagement with local residents and Ward Members on site proposals. Pre- Application with Planning. Full planning application submission to Planning.
June 2021	Executive decision for contract award subject to Planning decision.
August 2021	Decision to be determined by LBB Development Control Committee.
September 2021 – December 2021	Subject to decision by Planning – Council enters into Design and Build Contract with contractors. Commence RIBA stage 4
January 2022	Site Works commence.
December 2022	Site Works completed.

11.0. RECOMMENDATIONS

11.1. The recommendations outline approval for additional capital funding for the proposed residential scheme submitted to Planning and outlined in Para 14. Residential development of 35 homes at York Rise has been agreed by the Council through the Local Plan and previously as a capital project (Report ref. HPR2020/037). A new proposal has been developed, meeting the Council's need to deliver more affordable homes with a planning policy compliant proposal.

11.2. The second recommendation is to agree a contract award to Module-AR at an estimated total contract value of £8.1m, subject to planning permission being granted. The scheme proposals have been submitted to Planning and are under consideration currently. Once determined, under delegated authority, the Council will enter into a Design and Build contract with specialist contractors, Module-AR.

- 11.3. The third recommendation is to appropriate this site from the General Fund into the HRA which would allow the Council to discharge its homelessness duty rather than being used for temporary accommodation. The Council's interest in the land shown on the plan at Appendix A can be appropriated for planning purposes under section 122 of The Local Government Act 1972 and section 237 of the Town and Country Planning Act 1990, both as amended.
- 11.4. The Director of Corporate Services is authorised to deal with all necessary legal arrangements to effect and bring into implementation the appropriation set out in this report.
- 11.5. Authority is delegated by the Executive to the Director of Housing, Planning and Regeneration in conjunction with and in consultation with the Portfolio Holder to take all of the necessary steps to appropriate the site shown in the plan at Appendix A and to manage the implications arising therefrom and to deal with any compensation issues.

11.6. Subject to planning permission being granted

12.0. IMPACT ON VULNERABLE ADULTS AND CHILDREN

- 12.1. The proposal will deliver homes for those in temporary accommodation, supporting vulnerable adults and children in the community.

13.0. POLICY IMPLICATIONS

- 13.1. The proposal will deliver affordable housing to meet the Council's wider temporary accommodation needs.

14.0. FINANCIAL IMPLICATIONS

- 14.1. At its meeting in July 2019 in considering the award of the now terminated contract, the Executive agreed the addition of the scheme to the Capital Programme with an estimated value of £6m, funded by £2.5m from the Housing Investment Fund and £3.5m from the Investment Fund earmarked reserves.
- 14.2. In November 2020, it was agreed by the Portfolio Holder that up to £350k be allocated for consultants to carry out design work, assessments and costings. If the scheme eventually progresses, then the costs of the surveys and consultants will be charged to the capital scheme. £277k has been spent on the PCSA works and £23k on site surveys.
- 14.3. This report requests a supplementary capital estimate of £2.1m to a total of £8.1m based on the estimated scheme costs set out in the part 2 report.
- 14.4. Having learnt from previous housing schemes, it is prudent to allow for a sufficient contingency on both the construction and LBB costs, especially in light of various concerns regarding the supply and cost of materials which are going up significantly due to the current economic climate/impact of the Covid-19 pandemic. A contingency of 5% is being allocated given the current uncertainty.
- 14.5. Following the decision to re-open the Housing Revenue Account (HRA), the Council has the option to appropriate this site from the General Fund into the HRA which would allow the Council to discharge its homelessness duty rather than being used for temporary accommodation. There are various rent levels that could be used, but the two main ones are the London Affordable Rent, a social rent which is currently eligible for £100k grant per unit from the GLA, or Local Housing Allowance levels, an affordable rent which is not currently eligible for GLA grant.

14.6. In order to let at affordable rent levels rather than social rent, the Council would also need to meet one of the following requirements:

- (a) a housing supply delivery agreement between that provider and the Homes and Communities Agency (now known as Homes England) or the Greater London Authority and the accommodation is permitted by that agreement to be let at an affordable rent;
- (b) an agreement between a local authority and the Secretary of State and the accommodation is permitted by that agreement to be let at an affordable rent; or
- (c) the Secretary of State, Homes England or the Greater London Authority has agreed that it is appropriate for the accommodation to be let at an affordable rent.

14.7. The table below summarises the financial implication of appropriating into the HRA at either of the two rent levels above, using current 40-year Public Works Loan Board (PWLB) rates for comparative purposes:

	London Affordable Rent £'000	Local Housing Allowance £'000
<u>Capital</u>		
Build cost	8,072	8,072
Land appropriation value	2,250	2,250
Section 106	-758	-758
GLA grant	-3,500	0
Total capital financing requirement	6,064	9,564
1 beds	14	14
2 beds	17	17
3 beds	4	4
	35	35
Average net cost per unit	173	273
<u>Revenue</u>		
Annual rent	-302	-436
Annual management costs	118	118
Annual loan repayment	228	360
Total annual surplus (-) / deficit (+)	44	42
Annual savings on TA	-224	-224
Total net revenue impact	-180	-182
NPV over 40 yrs (excl. TA savings & property value)	-1,146	-2,226
NPV over 40 yrs (TA savings)	-5,597	-5,597
Payback period (excl. TA savings)	33 years	31 years

- 14.8. Setting rents at Local Housing Allowance results in the highest net capital cost, but also results in the highest Net Present Value and shortest payback period (assuming build costs and land transfer is repaid over 40 years). However, as set out in paragraph 7.2, it is recommended that rents are set at London Affordable Rent for these schemes. This will allow the Council to benefit now from GLA grants which may not be available in the future (or at the same level). It is also recognised that these rent levels are also truly affordable for some tenants.
- 14.9. It should be noted that by appropriating the land into the HRA, the market value of the land is charged to the HRA. Although this is not an actual capital receipt, it does mean that the General Fund can incur more capital expenditure without needing to borrow through an adjustment to the Capital Financing Requirement. At present, the land transfer value is estimated at £2.25m.
- 14.10. It is proposed that the revised scheme (including the land appropriation value) will be financed as follows:

	£'000
Previously agreed capital cost	6,000
Financed by:	
Housing Investment Fund	2,500
Investment Fund	3,500
	<u>6,000</u>
Revised scheme cost (inc. land value)	10,322
Financed by:	
GLA grant	3,500
Section 106 contributions	758
Internal borrowing	6,064
	<u>10,322</u>

- 14.11. As the Investment Fund and Housing Investment Fund are General Fund earmarked reserves which have been allocated for long term investments, it is proposed that these are used for the £6,064k internal loan from the General Fund to the HRA, and that interest is charged at 2.16%, which is the 40 year rate that the Council could borrow from the Public Works Loan Board. This internal borrowing could be refinanced in future, for example when considering the financing of future housing schemes.
- 14.12. Although there is a shortfall of net income in the HRA for the first 6 years at LHA rents or 9 at LAR rents, this then becomes a surplus as a result of rent increases assumed at 2% per annum. This shortfall can be covered by the surpluses from other schemes that have been agreed. Surpluses in future years will be ringfenced within the HRA for major repairs and future capital expenditure.

15.0. FINANCIAL AND WIDER RESOURCE IMPLICATION WITH REGARD TO THE PROPOSED APPROPRIATION

- 15.1. The review of third-party rights indicates that there is a risk of injunction from those third parties whose rights may be injured however third parties may seek damages.
- 15.2. These damages are likely to be of a significant value but also the existence of injunctive rights would jeopardise and hold to ransom the regeneration if the Council did not appropriate the land for planning purposes.
- 15.3. On appropriation for planning purposes the value of compensation is calculated as the diminution in value of the third party's property as a result of the development. The Council is confident, because of the significant investment being made in regenerating the site, that the

redevelopment will enhance the value of the properties on and around the site, in which case there may be potentially minimal and or no compensation due. The Council intends to seek indemnity insurance to cover any compensation due. The premium for the insurance policies is expected to be within the existing project budget and may require additional funding.

- 15.4. The appropriation of the site is required to extinguish the rights or objection, and the potential delay that may be caused to the regeneration scheme. Whilst the appropriation does not prevent any claims for compensation, it limits it to 6 years and with the improvements the regeneration will make to the area, the financial loss is likely to be minimal.

16.0. PERSONNEL IMPLICATIONS

- 16.1. There is adequate resource to procure and lead the development of the scheme. The Council, however, does not have the requisite skills to deliver this scheme and therefore must go out to the market for specialist consultancy services.

17.0. LEGAL IMPLICATIONS

- 17.1. Contract/Procurement Law

- 17.2. This framework is open for use by all English local authorities including the Council. Accordingly, the Council may use that framework according to the rules of that framework, including use of relevant Call-Off Contract terms and conditions.

- 17.3. Officers may wish to consult Legal Services to check call off terms and conditions, if they wish to do so.

18.0. PROCUREMENT IMPLICATIONS

- 18.1. This report seeks to direct award a contract to Module-AR at an estimated total contract value of £8.1m, using the LHC, NH2 Framework, for a design and build of 35 homes.

- 18.2. In accordance with Clause 3.5 of the Contract Procedure Rules, the Head of Procurement has been consulted regarding the use of the Framework. The award will be conducted in line with 7.4 of the Council's Contract Procedure Rules. As the value of the contract is above the UK thresholds, it must be conducted in line with cl. 33 of the Public Contracts Regulations 2015.

- 18.3. The Council is able to make use of the Framework and has been properly included on the Contract Notice.

- 18.4. For the requirements set out above, the method of direct award can be used under the terms of the framework.

- 18.5. As the contract value is over £25k, an award notice will need to be published on Contracts Finder. As the contract value is over the EU Thresholds, an OJEU award notice must be published

- 18.6. The Council's Contract Procedure Rules require the following for authorising an award via a framework for a contract of this value; the Approval of the Executive following Agreement by the Portfolio Holder, Chief Officer, the Assistant Director Governance & Contracts, the Director of Corporate Services and the Director of Finance must be obtained. In accordance with CPR 2.1.2, Officers must take all necessary professional advice.

- 18.7. The actions identified in this report are provided for within the Council's Contract Procedure Rules, and the proposed actions can be completed in compliance with their content. In accordance with CPR 2.1.2, Officers must take all necessary professional advice.

19.0. PROPERTY-APPROPRIATION LAW

19.1. In order for section 237 of The Town and Country Planning Act 1990 as amended by Section 203 of the Housing and Planning Act 2016 to apply to all of the land to be appropriated, all of the Council's interests must be held for planning purposes. It is therefore necessary to appropriate the freehold interest the subject of the proposed appropriation for planning purposes under section 122 of the Local Government Act 1972 as amended.

20.0. HUMAN RIGHTS

20.1. The Human Rights Act 1998 incorporated into domestic law the European Convention on Human Rights ("The Convention"). Specific rights protected by the convention include, amongst others:

20.2. The right of everyone to the peaceful enjoyment of their possessions which can only be impinged upon in the public interest and subject to relevant national and international laws.

20.3. The right to a private and family life, home and correspondence, which can only be impinged upon in accordance with the law and where such encroachment is necessary in the interests of national security, public safety or economic well-being of the country.

20.4. The above rights would be affected by the use of appropriation for planning purposes. However, the European Court has recognised that "regard must be had to the fair balance that has to be struck between competing interests of the individual and of the community as a whole. Any interference with a Convention right must be necessary and proportionate.

20.5. In light of the significant public benefit which would arise from the implementation of the proposed regeneration dealt with in this report and the fact that owners and occupiers within the sites have been contacted or will be contacted regarding the regeneration and will, should the land to be appropriated, qualify for compensation in terms of the general law, the Council has concluded that it would be appropriate to resolve to appropriate the land for planning purposes.

20.6. The Council is of the view that there is a compelling case in the public interest that the regeneration should outweigh the private interests held by third- parties affected by the proposed appropriation. It is also believed that the use of the appropriation for planning purposes powers to achieve the Council's regenerative objectives are proportionate to interfere with any possible third-party rights that may be affected in terms of human rights.

21.0. OVERRIDING EXISTING RIGHTS

21.1. Section 237 of the 1990 Act as amended authorises the erection, construction or maintenance of any building or work on land which has been acquired or appropriated by a local authority for planning purposes if it is done in accordance with planning permission, even if it involves interference with an interest or right such as an easement or a right of light.

21.2. The effect of this section is to ensure that where land is owned by a local authority and held for planning purposes then existing rights, which could prevent the development of that land from proceeding, can be overridden. The powers contained in section 237, as amended, do not remove any legitimate rights of owners or occupiers to compensation which may arise from the loss of such rights but does remove the potential for injunctive action

21.3. GENERAL

- i) "Appropriation" is the formal process by which the Council changes the designated purpose for which a piece of land is held, from one statutory purpose to another.
- ii) Appropriation cannot be achieved informally by looking at how a Council deals with a piece of land either as a matter of practicality or by implication.
- iii) It is a precondition that any land to be appropriated for planning purposes must be no longer required for the purpose it was held prior to that appropriation.
- (iv) Whether this is the case is properly a matter for the Council's decision-making in weighing up alternative demands on resources in each circumstance but is a question that must be formally considered and in the words of the Constitution "declared surplus" even if in regeneration projects however this condition is almost always self-evidently satisfied.

21.4. Section 122 of the Local Government Act 1972 permits appropriation of Council land which is no longer required for the purpose for which it is held to another statutory purpose (i.e. for which the Council could acquire land).

21.5. If any of land the subject of appropriation consist of or form part of open space the Council cannot do so unless it has advertised its intention to do for two consecutive weeks in a local newspaper and specifically considered any objections received pursuant to Section 122 (2A) of the Local Government Act 1972.

21.6. "Open Space "is defined to mean "any land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground"

Non-Applicable Sections:	[List non-applicable sections here]
Background Documents: (Access via Contact Officer)	Appendix A - Site Plan Appendix B - Option A Appendix C - Letter to residents Appendix D- Proposed scheme design

22.0. APPENDICES

22.1. Appendix A- Site Plan



22.2. Appendix B- Option A

Previous site layout



Current village green proposal





Housing, Planning & Regeneration
Civic Centre, Stockwell Close, Bromley, BR1 3UH

Telephone: (020) 8464 3333
Internet: www.bromley.gov.uk
Email: Housing.development@bromley.gov.uk

Dear Resident,

We are writing to inform you of a proposed housing development at the vacant site on York Rise, Orpington, BR6 8PR. We are currently developing the design in preparation of submitting a planning application and are seeking your views.

The intention of the scheme is to provide 35 permanent, new high-quality, much needed homes for Bromley residents. The Council is working in partnership with off-site manufacturing specialists Module-AR, and award-winning Rivington Street Studio Architects, to deliver and design this scheme.

The design and layouts are currently under development (please see overleaf); the designs so far are focused around a 'village green' with a children's play area, wild planting areas, swift boxes and an existing oak tree. Due to the site's excellent public transport links, the development will promote a low-car/low-carbon lifestyle with electric vehicle charging and plentiful bike parking, refuse and recycling areas.

We welcome your views

Due to the Covid-19 restrictions, we will be hosting two online engagement events via Microsoft Teams. All engagement will take place prior to the submission of a full Planning Application to ensure your views are heard and considered as part of the proposal. The engagement events will take place:

- Monday 26th April at 6:00pm - 7:00pm;
- Wednesday 28th April 2021 at 6:00pm - 7:00pm.

Please confirm your attendance by emailing Housing.development@bromley.gov.uk with the reference 'York Rise Planning Application' and preferred date.

Further information will also be provided online at <https://www.rivingtonstreetstudio.co.uk/projects/housing/york-rise/>

We will keep you informed at each stage of this scheme providing regular updates on the works that are taking place.

Yours faithfully,

The Regeneration Team
Housing, Regeneration and Planning
London Borough of Bromley
Civic Centre, Stockwell Close, Bromley BR1 3UH



Director: Sara Bowrey

22.4. Appendix D- Proposed scheme design

22.4.1 Below figure of the terrace proposed, west elevation



22.4.2 Below figure of apartments proposed north elevation



22.4.3 Current site layout



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Report No.
HPR2021/034

London Borough of Bromley

PART ONE – PUBLIC

Decision Maker: **EXECUTIVE**

For pre-decision scrutiny by the Renewal, Recreation & Housing PDS Committee on

Date: **RRH PDS: Wednesday 16th June 2021**
Executive: Wednesday 30th June 2021

Decision Type: Non Urgent Council Key

Title: **BECKENHAM PUBLIC HALL LEASE DISPOSAL, BECKENHAM**

Contact Officer: Deborah Wood, Regeneration Manager
02083134896, email: Deborah.Wood@bromley.gov.uk

Chief Officer: Sara Bowrey, Director of Housing, Planning and Regeneration

Ward: Copers Cope

1. REASON FOR REPORT

- 1.1 This report updates Members on the Beckenham Public Hall lease disposal, the progress to date and recommendations to bring the project forward.

2. RECOMMENDATION(S)

The Renewal, Recreation and Housing PDS Committee are asked to:

- 2.1 Note and comment on the report

Members of the Executive are asked to:

- 2.2 Approve the lease disposal.
- 2.3 Authorise and delegate authority to the Director of Housing, Planning and Regeneration in consultation with the Portfolio Holder to progress the lease disposal negotiations, including agreeing to and settling the final detailed terms.
- 2.4 Authorise the Director of Corporate Resources to agree, settle, negotiate and complete the legal documentation and any other ancillary legal documents arising thereto and to sign and complete them on behalf of the Council.

Corporate Policy

1. Policy Status: Not applicable.
 2. BBB Priority: Building a Better Bromley Priority: Quality Environment, Vibrant Thriving Town Centres Regeneration.
-

Financial

1. Cost of proposal: N/A
 2. Ongoing costs: None. Recommended option will result in reduced revenue costs
 3. Budget head/performance centre: Regeneration
 4. Total current budget for this head: £152k
 5. Source of funding: Existing Revenue Budget 2021/22
-

Staff

1. Number of staff (current and additional): N/A
 2. If from existing staff resources, number of staff hours: N/A
-

Legal

1. Legal Requirement: Statutory Requirement:
 2. Call-in: Applicable:
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Before the COVID-19 outbreak the Beckenham Public Hall had 52 hours of regular bookings every week, across the three halls within the building, with an average of 12 attendees per session. It is envisaged that by finding a commercial partner to restore the Public Hall that the usage of the three halls in the building could be significantly increased.
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments?
Officers are awaiting comments from the Copers Cope councillors. Given that the Public Hall was previously part of a feasibility study involving Beckenham Library, Clock House councillors have been asked for their comments. The comments from Clock House councillors were broadly positive. However, there were some reservations about the limited number of responses to the expression of interest exercise. Clock House councillors also wanted further assurances about community access.

3. BACKGROUND

- 3.1. Beckenham Public Hall is a Grade II listed property located on Bromley Road in the Beckenham Town Centre Conservation Area. As part of the Council's Regeneration Strategy, the future and best use of the site is under consideration.
- 3.2. The property is owned by the Council and it is leased to MyTime Active and The Club. The Club is a local members group with historical links to the property. The two leaseholders have separate points of access. MyTime Active run the main part of the building for hall hire. The occupation of the property has been analysed and it was found that in 2018/19 before the COVID-19 outbreak, the Beckenham Public Hall had 52 hours of regular bookings every week, across the three halls within the building, with an average of 12 attendees per session.
- 3.3. In November 2019, the Executive agreed to proceed with a feasibility study to consider the best use of the Beckenham Public Hall building, focused on whether it could accommodate a relocated Beckenham Library. The purpose of the feasibility study was to assess the business case for delivering affordable housing on the current library site, relocating the library service to Beckenham Public Hall and addressing the conservation deficit for the Beckenham Public Hall. The feasibility study set out the scope of works required to restore the property, an itemised cost plan for the works and design options.
- 3.4. This study concluded in June 2020 with a report being taken to the Members of the Executive in September 2020 (Report ref: HPR2020/026). In the September 2020 report a number of options were presented with a recommendation to undertake a lease disposal which would be in return for investment in the building and the provision of community use in the improved facility. The other options were subsequently discounted to proceed with the lease disposal. The reasons for recommending this option are clearly set out in Report HPR2020/026. The lease disposal does not include the relocation of the library, as it was agreed that the library will remain in its current situ in Beckenham.

4. LEASE DISPOSAL – EXPRESSION OF INTEREST

- 4.1. Following the agreed recommendation, Officers proceeded with the initial steps for a lease disposal to gauge interest from the market. To do this, Officers undertook a market research exercise and engaged with Cushman & Wakefield and Property to develop a brief and scope for the Expression of Interest (EoI). Officers were mindful of the current economic climate given the uncertainty that the COVID-19 pandemic has wrought in terms of businesses remaining intact, the property market generally and the ability for people to convene and to use buildings.
- 4.2. The EoI advertised the grant of a full repairing and insuring lease to the tenant for a commercial purpose with a minimum requirement of community use at reduced hiring rates set at 15%. It was made clear in the EoI that The Club would become a subtenant and that residential use would not be acceptable.
- 4.3. The EoI was published on the Bromley Council Website and in the Estates Gazette on 29th January 2021, running until 1st April 2021.

4.4. The Eol requested companies present an outline business case to the Council in how they would meet the following criteria:

- Addressing the maintenance backlog works.
- Providing a minimum threshold of 15% community use.
- Implementing a sustainable business model.
- Demonstrating experience and a track record.
- Funding the works.

4.5. The Council received multiple enquiries and submissions in response to the Eol.

4.6. Officers recommend proceeding with one of the offers, which best meets the criteria of the Eol and the Council's statutory obligations under Section 123 of the Local Government Act 1972, whilst also protecting the future of a heritage asset for community use. The commercial details are set out in the Part 2, non-public report.

5. COMMUNITY ACCESS

5.1. Officers sought further clarifications from the companies/organisations that submitted responses to the Eol regarding community access. After receiving these clarifications Officers are in a position to make a recommendation to the Executive.

6. EXISTING LEASE ARRANGEMENTS

6.1. Under the provisions of the MyTime lease the Council can exercise the landlord's break in order to give notice to MyTime. The notice period is a minimum of 12 months.

6.2. Whilst under the terms of the lease, the Council terminating the lease early means there is no requirement on the tenant to return the property in a comparable state as they would have had to by the end of the lease, there are no material concerns over the state of the property that Members and Officers are not otherwise sighted on through previous condition surveys.

7. PROGRAMME

7.1. Outlined in the table below is the indicative programme:

Obtain Executive approval.	June 2021
Commence formal negotiations with the recommended party.	July 2021
Serve notice to MyTime.	Q3 2021
Enter into an agreement to lease with the recommended party.	Q4 2021
New leaseholder to seek appropriate approvals including Listed Building Consent.	Q1/Q2 2022

Planning and Listed Building Consent granted	Q3/Q4 2022
New leaseholder to commence works.	Q1 2023
New leaseholder to start operating.	Q4 2023

8. OPTIONS

8.1. In September 2020 report, ref: HPR2020/026, set out six possible options for how to proceed with the Beckenham Public Hall:

- Option 1 - Maintain the status quo. This would require the Council to undertake significant maintenance works. The 2020 condition survey for the Public Hall, estimates the current maintenance and future maintenance required to cost £880,000 - This sum does not include contingency, inflation or Contractor preliminaries. The quantity surveyor for the library feasibility study estimated that with fees and contingency included the maintenance works would cost £1,093,000. Out of this sum, the works deemed to be an immediate priority were estimated to cost £500,000.
- Option 2 - Mothball Beckenham Public Hall. As per Option 1 this would require a significant cost outlay from the Council for the urgent maintenance works.
- Option 3 - Undertake maintenance works needed to update the Beckenham Public Hall facilities. This would require the Council to invest circa £1m, as per Option 1.
- Option 4 - Sell the freehold title for Beckenham Public Hall (The sale of the public hall is likely to generate a capital receipt for the Council >£1m, however, the opportunity to control the future use of the site and protect its current community use would be limited to Planning Policy constraints and protections)
- Option 5 - Relocate the Library Service to Beckenham Public Hall, demolish the existing library and build houses on the existing Beckenham Library site
- Option 6 - To go out to the market to advertise a leasehold disposal of the Beckenham Public Hall subject to the grant of a full repairing and insuring lease to the tenant for a commercial purpose with some community use.

8.2. The Executive agreed at this point to pursue option 6. Having completed this exercise, the recommendation is to continue to proceed with Option 6, the lease disposal which will ensure:

- The critical and planned maintenance works to protect an important heritage asset are undertaken (at nil cost to the Council)
- The property is refurbished to provide a high quality multi-functional space to benefit the community,
- The property will generate a revenue stream (following the rent free period) for the Council to support the delivery of other services within the Borough.

9. RECOMMENDATION(S)

9.1. Members of the Executive are asked to:

- Approve the lease disposal.
- Authorise and delegate authority to the Director of Housing, Planning and Regeneration in consultation with the Portfolio Holder to progress the lease disposal negotiations, including agreeing to and settling the final detailed terms.
- Authorise the Director of Corporate Resources to agree, settle, negotiate and complete the legal documentation and any other ancillary legal documents arising thereto and to sign and complete them on behalf of the Council.

10. STAKEHOLDER ENGAGEMENT

- 10.1. The Council previously undertook a feasibility study for Beckenham Public Hall, for which extensive public engagement was undertaken.
- 10.2. Officers are keeping the Beckenham Public Hall leaseholders informed and updated.
- 10.3. As part of the planning process the new leaseholder would have to undertake public consultation.

11. PROCUREMENT AND PROJECT TIMESCALES AND GOVERNANCE ARRANGEMENTS

- 11.1. The programme is set out in Section 7. In terms of governance, the Regeneration department will continue to work with Property and Legal to progress the lease disposal, with regular updates given to the Portfolio Holder.

12. POLICY CONSIDERATIONS

- 12.1. Building a Better Bromley Priority: Quality Environment, Vibrant Thriving Town Centres Regeneration.

13. PROCUREMENT RULES

- 13.1. There are no procurement implications.

14. FINANCIAL CONSIDERATIONS

- 14.1. Please refer to Part 2, non-public report.

15. PERSONNEL CONSIDERATIONS

- 15.1. N/A.

16. LEGAL CONSIDERATIONS

- 16.1. The Council has power under Section 123 of the Local Government Act 1972 to dispose of land for the best consideration that can reasonably be obtained based on open market value.

16.2. The Local Government Act 1972:General Disposal Consent 2003 removes the requirement for a local authority to seek specific consent from the Secretary of State for any disposal of land where the local authority considers that the purpose for which the land is to be disposed is likely to contribute to the achievement of any one or more of the well-being criteria in the Local Government Act 2000:

- (i) the promotion or improvement of economic well-being;
- (ii) the promotion or improvement of social well-being;
- (iii) the promotion or improvement of environmental well-being; and the “undervalue”

(i.e. the difference between the unrestricted value of the interest to be disposed of and the consideration accepted) is £2,000,000 or less.

Non-Applicable Sections:	Procurement Rules, Personnel Considerations
Background Documents: (Access via Contact Officer)	HPR2020/026

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