

RENEWAL, RECREATION AND HOUSING POLICY DEVELOPMENT AND SCRUTINY COMMITTEE

Minutes of the meeting held at 6.30 pm on 2 September 2020

Present:

Councillor Michael Rutherford (Chairman)
Councillor Suraj Sharma (Vice-Chairman)
Councillors Gareth Allatt, Julian Benington,
Kim Botting FRSA, Josh King, Alexa Michael and
Gary Stevens

Also Present:

Councillor Yvonne Bear, Councillor Aisha Cuthbert,
Councillor Ian Dunn, Councillor Peter Morgan and
Councillor Kieran Terry

1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

There were no apologies for absence; all Members were present.

2 DECLARATIONS OF INTEREST

No declarations of interest were received at the meeting.

3 QUESTIONS FROM COUNCILLORS AND MEMBERS OF THE PUBLIC ATTENDING THE MEETING

3a QUESTIONS FOR THE RENEWAL, RECREATION AND HOUSING PORTFOLIO HOLDER

A total of nine questions for written response were received. The Chairman indicated that one supplementary question in relation to the Portfolio Holder's response could be submitted. A copy of those questions, together with the Portfolio Holder's responses can be viewed as Annex A to these Minutes.

3b QUESTIONS FOR THE CHAIRMAN OF RENEWAL, RECREATION AND HOUSING PDS COMMITTEE

No questions were received.

4 NOTES ON ITEMS FROM THE CANCELLED RR&H PDS MEETING ON 25 MARCH 2020

RESOLVED that the Notes on items from the cancelled Renewal, Recreation and Housing PDS meeting on 25 March 2020 be noted.

5 MATTERS OUTSTANDING FROM PREVIOUS MINUTES

The Committee noted there were no outstanding actions from previous meetings.

6 PRE-DECISION SCRUTINY OF RENEWAL, RECREATION AND HOUSING PORTFOLIO REPORTS

6a CAPITAL PROGRAMME MONITORING – 1ST QUARTER 2020/21

Report FSD20063

On 8 July 2020, the Leader received a report summarising the current position on capital expenditure and receipts following the 1st quarter of 2020/21 and agreed a revised Capital Programme for the four year period 2020/21 to 2023/24.

Members considered changes agreed by the Executive and Leader in respect of the Capital Programme for the Renewal, Recreation and Housing Portfolio.

RESOLVED that the Portfolio Holder be recommended to note the changes agreed by the Leader on 8 July 2020.

7 PRE-DECISION SCRUTINY OF EXECUTIVE REPORTS

The Committee considered the following reports on the Part 1 agenda for the meeting of the Executive on 16 September 2020:

7a PROVISION OF HOUSING IN YORK RISE, ORPINGTON

This report was withdrawn from the agenda.

7b LAND APPROPRIATION

Report HPR 2020/023

Members were requested to consider matters in relation to the appropriation of land for Brindley Way following planning permission granted for the site on 31 July 2020.

The project was now entering the delivery phase, dealing with all the property aspects including rights and restrictive covenants.

The Interim Head of Regeneration confirmed that the development site was subject to restrictive covenants drawn up in 1927. During the application process, concerns regarding right of light for nearby properties were raised; this matter would be looked at through the rights of light process.

RESOLVED that:-

- 1 the report be noted and the Committee's comments be provided to Members of the Executive.**
- 2 The Executive be recommended to:-**
 - 2.1 exercise its powers of appropriation pursuant to Section 226 of the Town and Country Planning Act 1990;**
 - 2.2 resolve that it is the intention of the Council to appropriate the relevant land for planning purposes in order to engage Section 203 of the Housing and Planning Act 2017 in order to override the restrictive covenant, easements and other rights to enable the Council to carry out the development at Brindley Way; and**
 - 2.3 resolve to give delegated authority to the Director of Renewal, Recreation and Housing in consultation with the Portfolio Holder for Renewal, Recreation and Housing and the Director of Corporate Services to approach any affected parties to agree statutory compensation and ensure that all appropriate legal documents are completed.**

7c BROMLEY HIGH STREET IMPROVEMENTS

Report HPR2020/021

Following Member agreement in April 2020 to proceed with a revised improvement scheme in Bromley Town Centre, work had progressed and a design team had been appointed. To meet the programme aim of having the improvements in place before Summer 2021, for the crucial benefit of the local economy following the negative impact of Covid-19, officers requested changes to the original approval to enable the delivery deadline to be met.

The Chairman reported that the completion of the improvement work was time critical and needed to be in place before summer 2021.

Following a query from Councillor Cuthbert, the Director of Housing, Planning, Property and Regeneration confirmed that should authority be given to approve the design work at RIBA stages 2 and RIBA stages 4 in consultation with the Portfolio Holder for Renewal, Recreation and Housing, Councillors (particularly Ward Members) would be kept informed of progress on a regular basis.

The Chairman considered it was crucial that as much as possible was done post Covid-19 lockdown, to entice shoppers, diners, etc. back into Bromley Town Centre.

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Councillor Michael stated that any sculptural or statement piece to define the character of the town centre and contribute towards the sense of place and Bromley's unique identity, should be a sophisticated and tasteful design.

RESOLVED that:-

- 1 the report be noted and the Committee's comments be provided to Members of the Executive.**
- 2 The Executive be recommended to:-**
 - 2.1 agree that the Director of Housing, Planning, Property and Regeneration has authority to approve the design work at RIBA stages 2 and RIBA stages 4 in consultation with the Portfolio Holder for Renewal, Recreation and Housing instead of the scheme returning to Committee at these points in the programme to enable speed of delivery. All Members (particularly Ward Members) should be kept informed of progress on a regular basis;**
 - 2.2 delegate the decision to proceed to procurement for the works contract at an estimated value of £1.055m to the Director of Housing, Planning, Property and Regeneration in consultation with the Portfolio Holder; and**
 - 2.3 delegate the decision to award the contract for the works contract referenced in 2.3 to the Director of Housing, Planning, Property and Regeneration in consultation with the Portfolio Holder.**

7d ADOPTION OF REGENERATION STRATEGY

Report HPR2020/020

Over the past year the Assistant Director, Culture and Regeneration had prepared the borough's first ever regeneration strategy. This strategy had been reviewed and fed into by the wider Council and external stakeholders. The strategy was now ready for formal scrutiny by Members in anticipation of its adoption.

The Interim Assistant Director of Culture and Regeneration reported that the Regeneration Strategy was developed to provide a new strategic approach to the regeneration of the borough over a 10 year period. Whilst the strategy did not endorse planning, officers had worked with the Planning Department to ensure thoroughness and synergy with the Local Plan.

A local economy plan post COVID-19 would be produced to incorporate changes in the way people lived, worked and shopped.

In response to a question from Councillor Cuthbert, the Director of Housing, Planning, Property and Regeneration, reported that the Regeneration strategy sat alongside other Council strategies such as the Building and Housing Association Strategies and work was being carried out to establish how this Strategy could support improvements to existing housing and the creation of new homes.

Referring to Section 2.2 (page 53) entitled 'Develop Bromley Town's contemporary cultural centre in the vicinity of the Churchill Theatre and Central Library', Councillor Michael referred to the Ripley Arts Centre which she considered to be a cultural asset and should be included in the report as part of the borough's offer. The Acting Assistant Director of Culture and Regeneration, informed Members that the Council worked with various cultural venues across the borough (including the Ripley Arts Centre) but it would be challenging to include them all in the Regeneration Strategy.

Councillors Botting and Allatt had sat as members of the Ripley Arts Centre Committee alongside Councillor Michael and agreed that the Centre should be included as a cultural offer in the borough.

The Acting Director of Culture and Regeneration reported that a wide range of organisations had been consulted on the Strategy and agreed to check whether the Ripley Arts Centre had been included.

Councillor Stevens was given assurance that as projects came forward, individual reports would be submitted to the Committee for consideration by Members.

Councillor Benington referred to the caption at the bottom of page 37 which indicated that the train ride from Bromley South Station to London Victoria took 16 minutes. He informed the Committee that a train journey from Orpington to London Bridge took 15 minutes and should, therefore, also be included.

In relation to the caption on page 36 stating that Bromley Town Centre was the 25th most potential of shopping areas in England, Councillor Morgan confirmed that based on Bromley's infrastructure and population etc., Bromley was the 25th best place for shopping. The Acting Assistant Director reported that the majority of large retailers would look to open shops and invest in areas listed in the top 50.

RESOLVED that:-

- 1 the report be noted and the Committee's comments be provided to Members of the Executive; and**
- 2 the Executive be recommended to approve the formal adoption of the Regeneration Strategy to provide a framework for the regeneration of the borough from 2020 to 2030.**

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7e BECKENHAM PUBLIC HALL FEASIBILITY STUDY

Report HPR2020/026

The Acting Assistant Director, Culture and Regeneration confirmed that this report followed the Committee's endorsement and Executive approval to carry out a feasibility study on Beckenham Public Halls. One of the options explored in the feasibility study was the consideration of whether Beckenham Library could be relocated to the Beckenham Halls. She clarified that this was never a feasibility study for the Beckenham Library site.

The Acting Assistant Director, apologised to the Committee, Ward Councillors and members of the public for the delay and late submission of this report. There had been some delays to the consultant's review as a result of Covid-19 and the regeneration team were confronted with significant capacity challenges as they supported the administration of the Government's Covid business grants. Given the public interest in this report, officers believed it would be appropriate to submit the report as soon as possible (being one week prior to the meeting), for Member consideration, noting that the Executive was the decision making body and any member of the public or Councillor questions could be submitted for the Executive meeting on 16 September.

The consultant's report was detailed and in parts complex, given the nature of what officers asked the consultants to cover in the feasibility study. However, the Executive Summary provided the overriding information.

The consultants had detailed the level of works required to the Beckenham Public Halls, which was greater than originally anticipated. In consideration of the potential relocation, the consultants concluded that whilst considering the physical location of the Public Halls to be more appropriate for a library, the costs of the relocation and works required would outweigh the now lower likely capita receipt of the existing library site. At the request of a member of the public, the existing library site was reviewed by Historic England for consideration as to whether the Library should be added to the list of Buildings of Special Architectural or Historical Interest – this review had been completed and the building was not added to the List.

In consideration of the feasibility study, the impact Covid-19 had on the potential sale of the existing library site and the greater costs of the works required to the Halls for suitable library locations, the recommendation was not to relocate the library but to consider other uses for the public Halls via lease disposal and to test the market for community and/or commercial use in the Halls with the surveys and up-to-date information now at officers' disposal.

The Director of Housing, Planning, Property and Regeneration confirmed that at present there were no proposals to relocate Beckenham Library.

The Chairman accepted the conclusion that the cost of renovating the Public Halls would outweigh the potential benefits and asked what options remained for the existing Beckenham Library. The Acting Assistant Director confirmed that a further piece of work on this matter would need to be undertaken in the future.

Councillor King expressed his concern that the need for maintenance and repair of the Public Halls was due to the Council not spending money to maintain the building which went against the principles of 'Building a Better Bromley'. He reported that various residents' groups had also expressed concerns. Relocation of the library to the Public Halls would result in a 40% reduction in book stock. Councillor King also questioned whether the option to lease the Halls as a commercial site was viable; the building would need to be refurbished and community groups may be excluded from the Halls in the future. Clock House Ward Members had raised concerns. The report did not give any further direction on the existing library site. For all the reasons given above, Councillor King did not support the option to lease Beckenham Public Halls.

The Director, Planning, Housing, Property and Regeneration acknowledged that there was currently a maintenance backlog and the Public Halls repairs had been reported. A full asset review of the building was being undertaken. The option to lease the Public Halls was for testing the market and if this proved to be successful, the contract would include an element of community use.

The Acting Assistant Director, Culture and Regeneration agreed to circulate details of the current position with the present tenant of the club who had a protected tenancy. She confirmed that officers had liaised with the tenant throughout the entire process.

The Chairman's preference was for Option 6 – To go out to the market to advertise a leasehold disposal of the Public Halls with Option 4 – Sell the freehold title for Beckenham Public Hall, to be held as a comparison when considering the leasehold option.

Councillor Morgan clarified that the basic difference between Options 6 and 4 was that community use could be protected with a lease whereas community use would be lost if the freehold title was sold.

Councillor Michael considered Option 6 to be the way forward. This option guaranteed that the building would be refurbished and community use protected. She also emphasised the need to carry out maintenance and repair work to the existing Beckenham Library building if it is going to remain a library and not be demolished for affordable housing. Cllr Michael requested that a further piece of work to consider the necessary work for the existing Beckenham Library building be brought to a future meeting of the RR&H PDS Committee.

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Issues around Beckenham Library needed to be addressed and a future report on maintenance and upkeep of the existing library site would be submitted to a future meeting of this Committee.

RESOLVED that:-

- 1 the report be noted and the Committee's comments be provided to Members of the Executive; and**
- 2 the Executive approve the recommendation to undertake a lease disposal for Beckenham Public Hall which would be in return for investment in the building and the provision of community use in the new facility as described in Section 3.16 of this report. The cost of proceeding with this option has been estimated at £35k maximum for the required professional services and marketing of the site.**

Councillor King's vote against the recommendation was noted.

POLICY DEVELOPMENT AND OTHER ITEMS

8 CONTRACT REGISTER

Report HPR2020/018

Members considered an extract from May 2020's Contracts Register which provided key information relating to contracts within the Renewal, Recreation and Housing Portfolio with a total value greater than £50k.

Members also considered additional confidential information set out in the accompanying Part 2 (Exempt) report which included commentary on each contract to inform Members of any issues or developments.

RESOLVED that:-

- 1) the report be noted; and**
- 2) the additional confidential information set out in the accompanying Part 2 (Exempt) report be noted.**

9 PROVISION OF LIBRARY SERVICES - CONTRACT PERFORMANCE REPORT

Report HPR2020/022

Members considered an update on the Provision of Library Services contract with Greenwich Leisure Limited (GLL) over the last six months of operation. The value of the contract over a 10 year period was £40,908,465.

The report updated Members on the performance of the contractor since the previous report in March 2020.

The report demonstrated how the contractor had delivered the service in line with the contract specification and key performance indicators.

The Principal Client, Libraries informed the Committee that the report covered the period from January-June 2020. This unprecedented period saw the closure of libraries in March due to COVID-19 and the report addressed the pre-Covid period, closure and service recovery and how libraries had adapted. GLL Managers, Diana Edmonds and Rebecca Gediking were in attendance to answer Member questions.

Referring to the number of complaints received about the service, Councillor Allatt asked how many were justifiable. Members were informed that many related to the refurbishment of Central Library however, customers appeared to adapt well and accepted the changes. Letters had also been received from customers who were happy with the refurbishment. A number of complaints concerned the knock-on effect of the union strike action.

Councillor Allatt requested that an appendix giving details of the top 20 complaints and resolutions be included in future reports.

During lockdown GLL had created and developed the online 'Library Without Walls' offer, which included book groups, crafts and story time. Summer activities were looked at and a You Tube page had been developed. Staff remained positive and had enjoyed participating in the expansion of services.

Further work on the introduction of 'Zoom' chats for isolated mums was also being undertaken.

It was confirmed that during and following lockdown, members of the public were able to join libraries on line.

It was noted that many customers had migrated to using e-books during lockdown along with e-audio and downloads etc. However, if this trend were to continue, there would be no reduction in the physical book stock.

Referring to the statement that 10.6% of the population of Bromley used their library card to borrow an item in 2019, Councillor Benington asked how this figure compared with other libraries. The Principal Client, Libraries agreed to circulate these details following the meeting.

Members were informed that the Summer Reading Challenge did take place. The official count for take-up of this activity had been extended until schools' October half-term break.

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Following lockdown, some libraries had re-opened with limited hours of operation however, Bromley Central Library, Beckenham, Orpington and Biggin Hill Libraries were all open 9.30 am – 5.30 pm.

It was anticipated that certain activities and services would become operational again from 14 September. Ms Gediking agreed to provide Members with details of the timeline for returning to a fully operational service.

Ms Gediking also agreed to contact Councillor Cuthbert in regard to the 'Tackling Loneliness Strategy in Bromley'.

Councillor Michael referred to stock purchasing (page125 of the report) and was informed by Ms Edmonds that customers were the influence behind what books were bought as there was no point in having books on shelves that were of no interest to customers.

RESOLVED that the performance of the service provider in the last six months of the contract be noted.

10 BIDS TERMS OF REFERENCE

REPORT HPR2020/017

Members considered the Business Improvement Districts' (BIDs) Terms of Reference document.

RESOLVED that the report be noted and the BIDs' terms of reference be endorsed.

11 RENEWAL, RECREATION AND HOUSING PDS COMMITTEE WORK PROGRAMME (NOVEMBER 2020-MARCH 2021)

Report CSD20083

Members reviewed the RR&H PDS work programme for the period November 2020 to March 2021.

The following reports were added to the Work Programme:-

- (i) Section 21 Evictions (November); and
- (ii) Bromley Town Supplementary Guidance (January).

RESOLVED that the work programme for the period November 2020 to March 2021 be noted.

PART 2 (CLOSED) AGENDA

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 moved that the press and public be excluded during consideration of the items of business listed below as it was 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

The Committee considered the following reports on the Part 2 agenda for the meeting of the Executive on 16 September 2020:-

13a TRANSFORMING BROMLEY: APPROACH TO BUILDING HOMES IN BROMLEY

Report HPR2020/024

This confidential report proposed an approach to developing and building Council owned housing stock and provided an update on the developments approved to date.

RESOLVED that the report be noted and the Committee's comments be provided to Members of the Executive.

13b REDEVELOPMENT OF CHISLEHURST LIBRARY AND DISPOSAL OF LAND AT 36 VINSON CLOSE, ORPINGTON

Report HPL2020/00

This report contained confidential information in relation to the redevelopment of Chislehurst Library and the disposal of land at 36 Vinson Close, Orpington.

The Chairman announced that it was in the public's interest for the background details contained in the report to be made available to the public. It was therefore decided that those details be brought forward and discussed in the Part 1 public section of the agenda. The remaining confidential information would still be considered under the Part 2 (Exempt) section of the agenda. The public information (Part 2 redacted report) can be viewed as Annex B to these Minutes.

The Director of Housing, Planning, Property and Regeneration reported that approval to dispose of this site and re-provide the library was originally made

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in 2014. The site was previously marketed and sold but the deal fell through after many years. Since then, the site had been remarketed and this report confirmed the outcome of the marketing exercise and the Executive Committee would be requested to make a decision on the preferred bidder. Designs and re-provision of the library would be subject to consultation. The actual planning application would be subject to full public consultation in line with planning legislation.

The Portfolio Holder for Renewal, Recreation and Housing assured the Chairman it was always intended that a temporary library would be provided during construction of the new site following which a new library would be established.

Councillor Sharma thanked officers, Cushman and Wakefield and colleagues for consulting with Members throughout this process. The Chislehurst Society had conducted a poll and he was confident that the proposals would be well received by members of the public.

Councillor Stevens was informed by the Portfolio Holder that the temporary library would be situated at the car park site behind the Post Office on the opposite side of the road to the current library. The new library would be comparable to the existing one in terms of book stock etc.

The timescale for the construction of the new build was estimated to be around 18 months.

Members were informed that following consideration of the 16 expressions of interest received (including scrutiny of pre-applications), only three were deemed viable.

RESOLVED that the report be noted and the Committee's comments be provided to Members of the Executive.

14 PART 2 (EXEMPT) POLICY DEVELOPMENT AND OTHER ITEMS

14a CONTRACT REGISTER

Members considered the Part 2 (Exempt) report containing commercially sensitive information in relation to the accompanying Part 1 report HPR2020/018.

RESOLVED that the report be noted.

The meeting ended at 8.15 pm.

Chairman

QUESTIONS FROM MEMBERS OF THE PUBLIC FOR WRITTEN RESPONSE BY THE PORTFOLIO HOLDER FOR RENEWAL, RECREATION AND HOUSING

Question 1: From Alison Stammers, Chair of Chislehurst Town Team

On behalf of the residents of Chislehurst, we should like to know:-

- when the report from Cushman and Wakefield regarding Chislehurst Library will be available,
- whether it will be available to the public, and if not, why not
- when the decision will be made as to the chosen developer of Chislehurst Library,
- who exactly will be making that decision, and
- the criteria upon which that decision is being made.

Portfolio Holder's Response

Thank you for your question. The Library site has recently been marketed by Cushman and Wakefield on behalf of the Council with the aim of utilising the site so that it can be redeveloped to incorporate a new library facility. A number of commercial bidders have made offers for the site for a variety of different uses all including the provision of a new library facility. As with all offers received, the Council through its Officers and advisors, have to ensure that such offers provide the best consideration for the Council and are deliverable and credible. A report will be submitted to the September Executive with recommendations as to which offer to proceed with. As the bids received are commercially confidential this report will be in a Part 2 Format and therefore not available to the public. Should the Executive agree to the recommendations of the report then the successful bidder will be announced shortly afterwards.

Question 2: From Susan Sulis

PUBLIC ACCESS TO PLANNING & BUILDING CONTROL APPLICATION CASE FILES AND BACKGROUND INFORMATION

Please specify which classes of information above, NOT available on the Council's website Register, are legally withheld from the public under FOI Act 2000, Environmental Information Regulations 2004, Inspire Regulations 2009, Local Government (Transparency Requirements) (England) Regulations 2015, (or any other legislation), and identify the relevant exemption clauses?

Portfolio Holder's Response

There is not a list of document types that is legally withheld from the public although some categories of document (such as Councillor correspondence) are not routinely made available on the register of planning applications as they may be exempt. Where requests for information not provided on the website are made, we consider these on a case by case basis against the relevant legislation, providing such information wherever possible.

Question 3: From Susan Sulis

THE BUILDING ACT 1984 REQUIREMENT OF AN OWNER INTENDING TO DEMOLISH A BUILDING TO GIVE NOTICE TO THE LOCAL AUTHORITY UNDER SECTION 80.

Over the past 3 years:-

- (a) how many Section 80 Notices have been received by the Council?
- (b) how many Section 81(5) Notices has the Council issued as part of it's statutory duty to inform owners and occupiers of any buildings adjacent to the buildings to which Section 80 Notices apply?

Portfolio Holder's Response

We have received 123 Section 80 notices from 20th August 2018 until 20th August 2020. We therefore would have issued 123 Section 81 notices. These are sent out to the server of the Section 80 notice and also The Fire Safety team, Environment Agency, and Council's Environmental Health department.

Question 4: From Alisa Igoe

CHISLEHURST LIBRARY

Could you kindly tell me why details, especially initial discussions, of the possible sale and redevelopment of Chislehurst Public Library have never been publicly available and the item only ever discussed within the restricted part of the Committee meetings?

Portfolio Holder's Response

This report deals with the bids received to dispose of the site. Whilst some background information will be made public by way of a verbal update at the meeting, information concerning the offer is commercially sensitive as it relates to financial affairs of the authority and other persons and therefore exempt under category 3 of the Access to Information Procedure Rules.

Question 5: From Alisa Igoe

CHISLEHURST LIBRARY

The Portfolio Holder said 21 January the redevelopment could continue for 2 years. Do the Council still plan for the subsequent temporary library to be sited in the High Street car park and exactly how many parking spaces will be lost for that period in that and the Library car park combined?

Portfolio Holder's Response

The successful bidder is required to provide temporary provision for the library during the redevelopment. The final details and location are still to be determined and will form part of the design and planning stages. Such proposals will be detailed and consulted on in due course.

Question 6: From Michael Roberts, Consultant, Millngate Properties Limited

REDEVELOPMENT OF CHISLEHURST LIBRARY

The discussion should be open to public scrutiny as it relates to proposed development for which The London Borough of Bromley may grant itself planning permission (Regulation 3, Town & Country Planning General Regulations 1992).

Portfolio Holder's Response

When a planning application is received for the site it will be publicised in the usual manner in accordance with legislation, which would normally be via letters to adjoining properties and a site notice and all comments received would be taken into account in the determination of the application.

Question 7: From Michael Roberts, Consultant, Millngate Properties Limited

CHISLEHURST LIBRARY

There needs to be a full and detailed assessment to demonstrate that best value for the Council has been achieved.

We therefore trust that the Committee will take the above fully into consideration in making a decision regarding the proposed Chislehurst Library re-development.

Portfolio Holder's Response

The Council instructed Cushman and Wakefield to carry out a competitive marketing process to achieve best consideration. This included mailouts to over 3000 developers, listings on Cushman and Wakefield website and a public notice being placed to invite bids in the Estate Gazette. The Council is satisfied that it has achieved best consideration as per its statutory obligation under Section 123 of the Local Government Act 1972.

Question 8: From Richard Gibbons, Bromley Living Streets committee member

Regeneration Strategy - Would the Portfolio Holder kindly provide lists of stakeholder consultees and responders; advise when public consultation will occur; and explain how strategy takes account of Coronavirus induced 'new normal' with, for example, increased online living, working from home, rise in [Pedestrian Pound](#), and the Prime Minister's [Gear Change](#) vision?

References:

The Pedestrian Pound: the business case for better streets and places

<https://www.livingstreets.org.uk/media/3890/pedestrian-pound-2018.pdf>

Gear Change: a bold vision for cycling and walking

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/904146/gear-change-a-bold-vision-for-cycling-and-walking.pdf

Portfolio Holder's Response

The Regeneration Strategy is a roadmap for the Council over the next 10 years with regards to key regeneration plans. Whilst the strategy is not a statutory document and

does not require formal public consultation, a draft of the strategy was shared with a range of stakeholders for comments including those from the business community, leisure, community and heritage sector. The Council fully recognises the importance of what may be a 'new normal' in the wake of the current pandemic and indeed how this may have accelerated change for how we live, shop and work etc. The Council over the next few months will be working on an Economic and Development Growth Plan, which will support the Regeneration Strategy, and will include more detail in relation to recovery from the pandemic. With regards to specific elements, such as Gear Change, the Council's existing Transport Policy deals with many of these aspects:-

https://www.bromley.gov.uk/info/200107/transport_policy/535/local_implementation_plan

The Council has also implemented temporary measures in the wake of the pandemic to help facilitate more pedestrian and cycling options where possible:-

<https://cds.bromley.gov.uk/documents/s50082088/ES20029.pdf>

Question 9: From Richard Gibbons, Bromley Living Streets committee member

BIDS Terms of Reference - Would the Portfolio Holder kindly clarify if the fee waiver is for 4 (item 1.3) or 2 (item 4.5.2) road closures per annum per BID, as stated in [Enc 1](#)?

Reference:

Terms of Reference: The relationship between the Council and Business Improvement Districts in the borough

<https://cds.bromley.gov.uk/documents/s50083009/Enc%201%20for%20BIDs%20Terms%20of%20Reference.pdf>

Portfolio Holder's Response

The fees will be waived for a maximum of 2 road closures per annum per BID.

Report No.
HPL2020/00

London Borough of Bromley

PART 1 – PUBLIC REPORT

Decision Maker: EXECUTIVE

Pre-decision Scrutiny by RRH PDS (2 Sept 2020)

Date: Wednesday 8 July 2020

Decision Type: Non -Urgent Executive Key

Title: **Redevelopment of Chislehurst Library and Disposal of Land at 36 Vinson Close, Orpington**

Contact Officer: Michael Watkins, Assistant Director - Strategic Property
Michael.Watkins@bromley.gov.uk 0208 313 4178

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

Ward: Chislehurst and Orpington

1. Reason for report

- 1.1 This report seeks the Executive's approval to the disposal of the Chislehurst Library site to Prime Developments to create a new Medical Health Centre and replacement Library on the site.
- 1.2 The report also seeks the Executive's approval to dispose of a small piece of land at 36 Vinson Close, Orpington to an adjoining landowner, Acklam Developments.

2. RECOMMENDATIONS

The Executive is recommended to:

- 2.1 Note the marketing exercise undertaken by Cushman & Wakefield in respect of the disposal of Chislehurst Library site and the evaluation of bids received and to agree to the disposal of the site, subject to Planning, to Prime Developments.
- 2.2 To delegate Authority to the Director of Housing, Planning and Regeneration, with approval from the Portfolio Holder for Resources, to conclude the Heads of Terms and enter into a Development Agreement with Prime Developments for a new Medical Centre and Library, conditional upon the grant of planning permission to be approved by the Council and completion by the Tenant of the construction works for the consented scheme.

- 2.3 The Heads of Terms will include an obligation on Prime Developments to transfer the new Library, constructed to shell and core specifications, to the Council on a 999 year lease at a peppercorn rent.
- 2.3 To delegate Authority to the Director of Housing, Planning and Regeneration, with approval from the Portfolio Holder for Resources, to conclude the Heads of Term and enter into a Development Agreement with Prime Developments for the construction of a new Medical Centre and Library with the contractual provision that once the scheme is developed, Prime Developments will grant 999 year lease of the Library to the Council at a peppercorn rent.
- 2.4 To agree the future fit out of the new library at an estimated cost of £1M and to add this scheme to the Capital Programme, funded from the disposal capital receipt; in the event that costs of the library fit-out exceed the estimated £1M, a subsequent report will be submitted to the Executive.
- 2.5 To note and agree to the payment of disposal and legal fees detailed at 3.26.
- 2.6 To agree to the sale of land at 36 Vincent Close to Acklam Developments on an unconditional basis.
- 2.7 To note the independent valuation confirming that the purchase price offered by Acklam exceeds the open market valuation.
- 2.8 To note that the Council will receive the benefit of nomination rights to the Socially Rented element of the Affordable Housing provision within the consented Acklam Development Scheme.

Impact on Vulnerable Adults and Children

1. It is considered that there will be an impact on Vulnerable Adults and Children as users of the Councils Portfolio to receive services from.
-

Corporate Policy

1. Policy Status: Existing Policy:
 2. BBB Priority: Excellent Council Quality Environment A Council that Manages its Assets well
-

Financial

1. See Section 6
-

Personnel

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: Section 123 Local Government Act 1972
 2. Call-in: Applicable:
-

Procurement

1. Summary of Procurement Implications: There are no Procurement implications in this Report.
-

Customer Impact

1. Well managed buildings will improve customer experience.
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes
2. Summary of Ward Councillors comments: Ward Members are supportive of these proposals.

3. COMMENTARY

BACKGROUND

- 3.1 This report seeks the Executive's approval to the disposal of the Chislehurst Library site to Prime Developments to create a new Medical Health Centre and replacement Library on the site and also approval to dispose of a small piece of land at 36 Vinson Close, Orpington to an adjoining land owner, Acklam Developments.

Chislehurst Library

- 3.2 Cushman & Wakefield were instructed on behalf of Bromley Council to dispose of the Chislehurst Library Site, situated on Red Hill, Chislehurst, BR7.
- 3.3 The site extends to circa 0.44 acres and currently comprises a part one, part two storey library building and public car parking comprising 36 spaces. There is a 15-year lease (commencing 1st November 2017) to Greenwich Leisure Limited who currently operate the library.
- 3.4 As part of the disposal, the incoming purchaser will be required to construct a replacement library as part of their scheme with the new library facility to be leased back to the Council on a 999-year lease at a peppercorn rent. During the construction period an interim library facility will be provided by the developer to ensure continuity of services for the local community. The Council has been advised that this is permitted within the terms of the lease with Greenwich Leisure Limited.
- 3.5 In order to best ensure the Council's key objective of having new library facilities delivered for them on the original site, C&W were instructed to invite offers on a Subject to Planning basis. The selected purchaser would be obliged to build out the consented scheme under a development agreement and on completion of the purchaser's construction works and lease to the Council of the new Library.
- 3.6 The site has been the subject of an overt marketing process that drew interest via a database, electronic and print publications, resulting in a first stage 'Expressions of Interest' on 20th February 2020 and then a Second Round process on 12th June 2020 following further planning due diligence.
- 3.7 The period between shortlisting from the expressions of interest stage in February 2020, and the second-round process in June 2020 straddled the Covid-19 Pandemic and subsequent 'lockdown' for the country. The delay between these two bid dates however, was pre-agreed with the Council's planning department to allow them time to provide pre-application response and therefore the pandemic has not had any material impact to the timings of this marketing process to date.

Marketing Campaign

- 3.8 Bromley Council instructed Cushman & Wakefield to bring the site to the market in December 2019. Due to the proximity to the Christmas and New Year holidays, the site was initially marketed from 13th December 2019 to parties who had previously registered their interest in the site, alongside parties Cushman & Wakefield knew to be active in the area.
- 3.9 The formal campaign was launched on 7th January 2020, following the Christmas break, and comprised a mailout to the full Cushman & Wakefield database of over 3,000 developers alongside listing on the Cushman & Wakefield website.
- 3.10 An advert was subsequently published in the Estates Gazette on 18th January 2020, with email advertising also being sent to the Estates Gazette wide contact base of subscriber in the weeks that followed.

3.11 This four-pronged approach ensured that the site had full market exposure before expressions of interest being called for by Thursday 20th February 2020.

Expressions of Interest

3.12 C&W requested the following information was submitted with each expression of interest:

- Initial scheme proposals (use class & tenure mix, massing, initial design etc.)
- Confirmation that the requested Council facilities have been understood and accommodated
- Confirmation of due diligence undertaken to date and due diligence to be undertaken during the next stage, if shortlisted.
- Proof of financial covenant / funding
- Experience and relevant track record

3.13 C&W received a total of 16 expressions of interest, with the primary use classes being pursued by interested parties to be delivered in conjunction with the Councils library primarily being either residential accommodation, or retail (food store), whilst a single submission was received for a medical use.

Shortlist Refinement

3.14 The initial shortlist stood at eight and C&W encouraged the reduction of this shortlist to three parties. C&W advised that formulating fully worked offers for the opportunity requires parties to invest time, resources and money into advancing their schemes. To ensure the shortlisted parties undertake the level of work required to allow us to conclude on a preferred party, the advice received was to reduce the number of participants sufficiently so that shortlisted parties feel there is a high enough chance of them being selected to speculatively pursue the opportunity.

3.15 A shortlist of five or less parties was deemed suitable to achieve this, whilst also enabling the Council to engage with each party to ensure that their key objectives and requirements are being accommodated for as scheme designs advance.

Round 2 Process

3.16 Following the selection of the shortlist, eight parties were informed that they were invited to participate in the second stage process and informed of their requirements to conduct a pre-application.

3.17 A program was agreed with C&W and parties were informed they were to request a pre-application at the earliest possible convenience, with a view to submitting second round submissions by 2nd April 2020. This process was encouraged to give the shortlisted parties the opportunity to undertake significantly more due diligence, advance their scheme design and put forward a financial offer. All shortlisted parties were required to take pre-application advice from the Council, and this would provide the opportunity to make scheme amendments and advance scheme designs. The process was designed to enable the Council and C&W to make a selection based on the most deliverable partner, assessing financial receipt against the proposed scheme and likelihood of success through planning.

Pre-Application Process

- 3.18 As detailed above, the pre-application process took place virtually across May 2020. C&W engaged with the shortlisted parties across this period and fed the advice back to the Council for continuity of reporting across the campaign

Bidder Analysis

- 3.19 A total of three second round bids were received.
- 3.20 Following the submission of the second stage proposals C&W and Officers together with Ward Members and the Portfolio Holder for Regeneration reviewed the bids focusing on the following criteria:
- Council Requirements: Interim library and New Facility provided. Refinement of the grading from Round 1 to indicate location of library. Amber indicates compliant on space but predominantly located other upper floors.
 - Scheme Planning Risk: Further assessment is to be made of these factors. All schemes represent planning risk, particularly in light of the knock down approach. We have made assessments on use, housing tenure and scale to provide a broad assessment. The grades are relative to each other and therefore green is not representative of nil risk.
 - Financial Receipt: Given the disparity in the levels provided we have graded the highest as a green submission, the other positive financial receipts as amber and nil considerations as red. Nil considerations, particularly in light of the bulk and massing required create significant transaction risk.
 - Financial Covenant: Whilst the companies included all provide good track record in delivery and of sufficient scale, we have ranked the proposals by the ability to transact in cash or for the requirement of debt. Whilst debt would be introduced at the point of a planning permission it should still be flagged as a potential risk due to the requirement to hand back the library.
 - Track Record: All parties have a track record of delivering planning and construction for projects of this nature.
- 3.21 Consequently the consensus view arrived at the conclusion of the assessment of all the bids was that Prime was the strongest and most realistic offer with which to progress.
- 3.22 Careful consideration and Legal view was sought in light of Section 123 best consideration obligations for a disposal of the site.
- 3.23 It was decided that the Prime bid should formally be accepted, since although it was not the highest offer in financial terms, it was not conditional upon extraneous factors such as the exercise of an option to acquire additional land or on obtaining finance for the development at some unspecified time in the future and was be therefore perceived to be the best offer reasonable obtainable. In addition the Prime offer included a delivery of a Medical Centre for the benefit of the Chislehurst community.
- 3.24 The Executive are therefore recommended to accept and progress with the Prime offer.
- 3.25 The Executive are further recommended to delegate Authority to the Director of Housing, Planning and Regeneration, with approval from the Portfolio Holder for Resources, to conclude the Heads of Term and enter into a Development Agreement with Prime Developments for the new Medical Centre and Library with the contractual provision that once the scheme is

developed Prime Developments will acquire the site and they in turn will grant a 999 year lease to the Council for the Library at a peppercorn rent.

- 3.26 Disposal fees of £60K and Legal Fees of £25K are to be met by Prime, with 50% of these being paid on Exchange of Contracts together with a 10% Deposit with the remainder being paid on the grant of Planning consent. The Executive is recommended that these will then need to be paid to C&W at these points.

36 Vinson Close, Bromley, BR6 0EG

- 3.27 The Council have been approached by Acklam Developments to purchase a piece of land owned by the Council which is edged by the Red Line in the Plan below. Acklam Developments own the adjoining land edged with the Pink Line and are seeking to enlarge the site with rear access to increase the value of their proposed development.



- 3.28 Acklam Developments have also agreed to provide the LBB with nomination rights for the Social Rented Affordable element within the proposed development at 208-212 High Street, Orpington should their offer for the land purchase be accepted.
- 3.29 Cushman & Wakefield have been engaged to negotiate with Acklam Developments on the proviso any costs incurred with the review and potential disposal of the land sit with Acklam Developments.
- 3.30 The property is 'white land', outside of any specific policies within the Local Plan. The site sits outside of the Town Centre but within an area of archaeological importance. The site is not restricted protected for any specific use and residential led redevelopment looks the most appropriate use for the site given its immediate setting. Orpington Town Centre seeks to encourage mixed use development above an active frontage at ground floor level to the High Street, which we understand is broadly in keeping with the Acklam Development proposals for the neighbouring asset but as stated do not govern the subject site.
- 3.31 Therefore, a residential led approach, with or without the Acklam land looks to be the most appropriate future use for the subject land.
- 3.32 Acklam have proposed the following assessment of the LBB land (red) to derive their proposals. They have proposed an assessment based on both a housing scheme and an apartment scheme:

Option	Accommodation Type	Units	Storeys	Sq ft (NSA)
1	House	1	2.5	1,250
2	Flats	2	2.5	1,300

- 3.33 Cushman & Wakefield have reviewed the LBB ownership and measured the land to extend to 0.1 acres. The site sits in a row of low-rise housing, with a step up in height witnessed on the western side (the Royal Mail facility), albeit set back from the road frontage. The land to the east comprises two semi-detached single storey dwellings, whilst much of the road are two storey residential dwellings.
- 3.34 Cushman & Wakefield are satisfied the assessment of development potential is in line or indeed in advance of the approach adopted for valuation or in the open market.
- 3.35 The Acklam proposals and offer for the subject land seem well reasoned, fair and in the opinion of Cushman & Wakefield provide a fair level of financial upside on the subject property in isolation.
- 3.36 It is considered unlikely the Acklam proposals are to receive a major upside through the inclusion of the Council land, nor does a ransom position exist. Cushman & Wakefield are supportive of the Acklam opinion of OMV for the site.
- 3.37 Therefore, as specialist advice has been sought and a valuations appraisal has been undertaken demonstrating that the Acklam offer is considerably in excess of the Council's advisors view to OMV, the Executive is therefore recommended to dispose of this site to Acklam Developments.

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

- 4.1 It is considered that there will be not be an impact on Vulnerable Adults and Children as users of the Councils Portfolio to receive services from these recommendations.

5 POLICY IMPLICATIONS

- 5.1 The Council's aims include being an authority which manages its assets well.

6 FINANCIAL IMPLICATIONS

- 6.1 The recommended financial offer from Prime Developments for the Chislehurst Library site will result in a capital receipt. The Council's estimated disposal costs of £85k will be reimbursed by the developer. Completion of the development is anticipated by March 2023, subject to Planning.
- 6.2 The development includes the delivery of a new library to shell and core finish, with fit out costs estimated to be up to £1m. This scheme, which is expected to commence in post completion and have a duration of circa 3-4 months will need adding to the Capital Programme in and Members are requested to agree to fund the cost from the capital receipt. In the event that the estimated fit out costs exceed £1m as project details are refined, then a further report to the Executive will be submitted.
- 6.3 The library is currently operated by GLL as part of the Library Service contract. The future running costs of the new library are expected to be less than the current facility and are therefore not anticipated to impact on the contract price.
- 6.4 Completion is anticipated to be in the next 3-4 months.

7. PERSONNEL IMPLICATIONS

7.1 There are no Personnel implications contained within this report.

8. LEGAL IMPLICATIONS

8.1 Under section 123 of the Local Government Act 1972, a local authority has the power to dispose of land. The main caveat to this power is that the council must not do so for “a consideration less than the best that can be reasonably obtained”. This is interpreted as being the best price achievable in the open market.

8.2 The focus of the duty is on the outcome rather than any particular process being followed. That said, if a disposal were to be challenged, the Courts are likely to find the duty to obtain best consideration has not been complied with where:

- there is a failure to take proper advice;
- proper advice has been obtained but there has been a failure to follow it for reasons that cannot be justified; or
- advice has been obtained and followed, but the advice is so plainly wrong that the Council either knew or ought to have known it was acting unreasonably

8.3 In respect of the Chislehurst Library disposal the Council has retained the services of suitable disposal agents to act on its behalf and consequently the risk to the Council would be mitigated in respect of 8.2 above.

8.4 There is a current General Consent (the General Disposal Consent (England) 2003), which gives consent to the disposal of any interest in land at less than best consideration where the council considers it will help it to secure the promotion or improvement of the economic social or environmental well-being of its area, subject to the condition that the undervalue (i.e. the difference between the consideration obtained and the best consideration that can reasonably be obtained) does not exceed £2million

8.5 The Chislehurst Library disposal would fall within this consent as the provision of a new Medical Centre will promote or improve the economic and social well-being of the Chislehurst area.

8.6 In respect of the Vincent Close disposal, again the Council has employed a firm of Chartered Surveyors to provide valuation advice and expertise as to the Acklam development offer.

9. PROCUREMENT IMPLICATIONS

9.1 There are no Procurement implications within this report

Non-Applicable Sections:	Personnel and Procurement
Background Documents: (Access via Contact Officer)	

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