

Decision Maker: EXECUTIVE

For Pre-Decision Scrutiny by the Environment PDS Committee on:

Date: 12th July 2017

Decision Type: Non Urgent Executive Non-Key

Title: THE PRIORY, ORPINGTON - RELEASE OF PARK LAND AND CAR PARK

Contact Officer: Michael Watkins, Manager - Strategic Property
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Chief Officer: Executive Director of Environment & Community Services

Ward: Orpington;

1. Reason for report

Approval is sought for the release of an area of land and formal removal of a designated Car Park currently contained within The Priory Gardens, Orpington. The released land and car park will then form part of the demised premises within the Lease to V22 for The Priory Building and former Library in Orpington. As the release of these assets is linked to the disposal of The Priory which is within the Resources Portfolio, the Council's constitution requires an Executive Approval as two Portfolio areas are impacted. The decision to lease The Priory and former library to V22 was scrutinised by the Executive and Resources PDS on 12 October 2016.

2. RECOMMENDATION(S)

- 2.1 That the Executive agrees to the release of Park Land and removal of the Priory Car Park so as to form a new demised area to be leased to V22 in accordance with the Resources Portfolio Holder's previous decision to lease The Priory and former library to V22 Plc.
- 2.2 To note that no objections were received following the publication of a Statutory Notice of Intention to Dispose of Open Space relating to the loss of land at the Priory Gardens to be included within the demised area of the V22 Lease.
- 2.3 On the basis that the existing property generates an income which would no longer be received, the Executive be recommended to agree that the capital receipt be set aside to increase the Council's Investment Fund to enable the purchase of investment properties to generate alternative revenue income or that the money be put into the Council's Parallel Fund or some other form of investment.

Impact on Vulnerable Adults and Children

1. Summary of Impact: There is not considered to be an impact on Vulnerable Adults and Children as a consequence of this decision.
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Corporate Policy

1. Policy Status: Existing Policy:
 2. BBB Priority: Excellent Council
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Financial

1. Cost of proposal: A capital receipt of £250k will be generated from the disposal of The Priory and adjacent former library.
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Personnel

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

1. Legal Requirement: Statutory Requirement: Local Government Act 1972 Section 123 (2A)
 2. Call-in: Applicable:
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Procurement

1. Summary of Procurement Implications: N/A
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Customer Impact

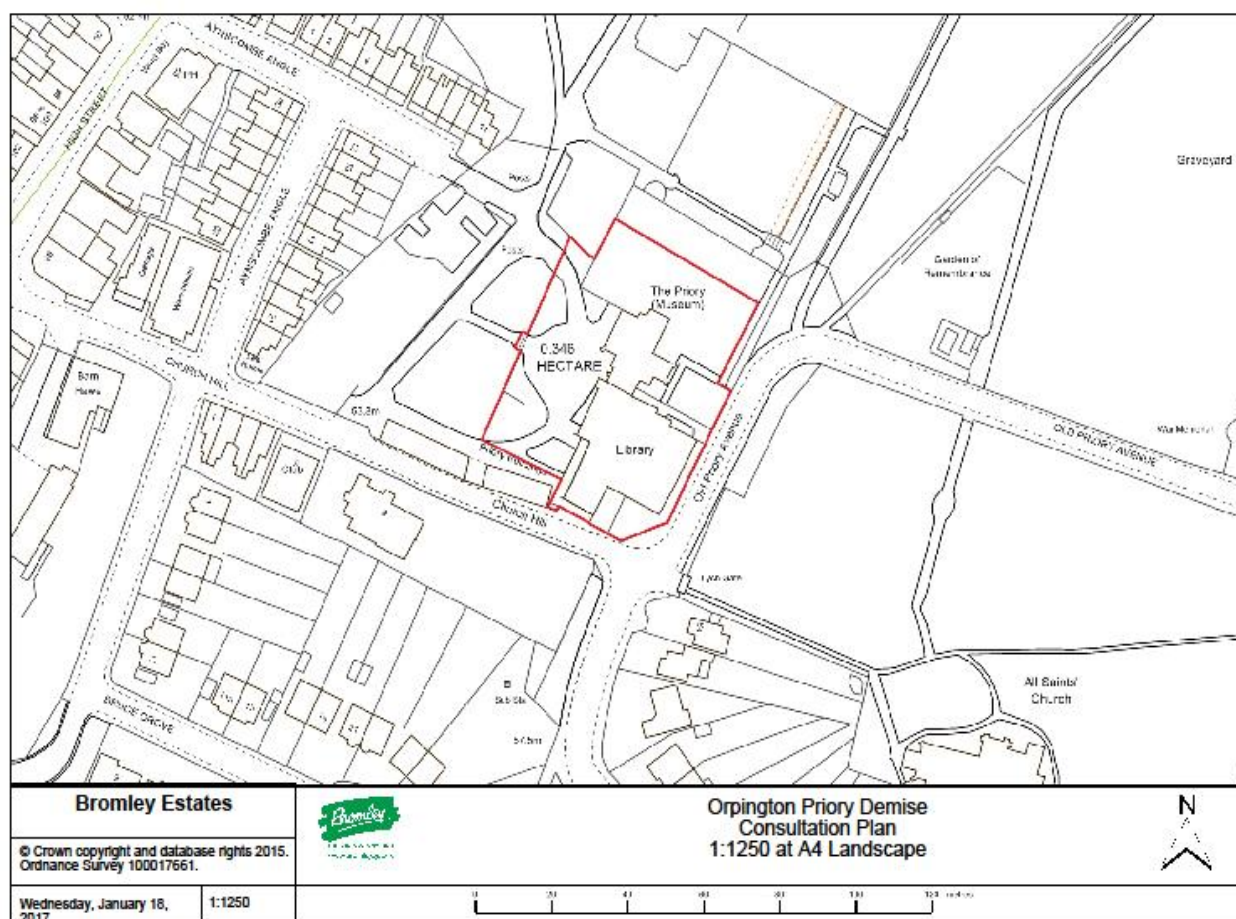
1. Estimated number of users/beneficiaries (current and projected): N/A
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Ward Councillors were consulted as to the decisions to make the asset surplus to requirements in June 2015 and the subsequent decision to lease the asset to V22 in October 2016. The requirement to undertake a statutory consultation to Dispose of Open Space relating to the loss of land at the Priory Gardens to be included within the demised area of the V22 Lease is considered to be part of that lease grant decision and as no objections were received, Ward Members were not consulted.

3. COMMENTARY

- 3.1 Members may be aware that in June 2015 the Executive resolved that The Priory and adjacent Library be declared surplus to requirement and authority was given to market the site for disposal.
- 3.2 The outcome of a marketing exercise and review of submissions received from a Community Bid were discussed at the 12 October 2016 Executive and Resources PDS with the recommendation that the Council enter into negotiations for a 125 year lease of The Priory and adjoining Library building to V22 Plc for their proposed use as a Community based Arts Centre with Studios.
- 3.3 The Resources Portfolio Holder subsequently gave his agreement to the recommendation on 28 October 2016.
- 3.4 Once the lease has been granted V22 Plc will undertake the necessary Planning submissions to secure Planning Consent for their proposed use of the premises as a Community based Arts Centre and Studios.
- 3.5 Lease terms have been broadly concluded and the negotiated area for the demise of V22 is shown below. The draft lease will be sent to V22 Plc's solicitors following the expiry of call in.



- 3.6 0.346 Hectares of Land currently contained within the Priory Gardens is proposed to be included within V22's demised area. Consequently a Notice of Intention to Dispose of Open Space was published in the local press in accordance with S123 (2A) of the Local Government Act 1972. The Notice was advertised twice on the 8 and 15 February 2017 stating objections should be made to the Council by 24 February.
- 3.7 No objections were received by the due date nor have any objections been received subsequently. V22 had previously contacted the Friends of Orpington Priory and Gardens to share their proposals with them. These included a commitment (contained within the Lease) to allow continued public access across the land to be contained within the demise to the Priory Gardens.
- 3.8 The Car Park located at the front of The Priory will cease to be a Public Car Park on completion of the V22 Plc Lease.

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

- 4.1 There is not considered to be an impact on Vulnerable Adults and Children as a consequence of this decision.

5. POLICY IMPLICATIONS

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

6. FINANCIAL IMPLICATIONS

- 6.1 On completion of the lease, a capital receipt of £250k will be received.
- 6.2 There will be a net loss of income of £3k from the disposal of the car park. The 2017/18 budget has already been adjusted to reflect this.
- 6.3 As this net income will no longer be received, the Executive is requested to agree that the capital receipt be set aside to increase the Council's Investment Fund to enable the purchase of investment properties to generate alternative revenue income.

LEGAL IMPLICATIONS

- 7.1 By virtue of Section 123 of the Local Government Act 1972 (as amended) the Council is required to give formal notice of its intention to dispose of Open Space and consider any objections to the proposed disposal.
- 7.2 The Notice was advertised twice in the local press on the 8 and 15 February 2017 stating that objections should be made to the Council by 24 February. No objections were received by that date or subsequently.

Non-Applicable Sections:	Personnel Implications Procurement Implications
Background Documents: (Access via Contact Officer)	N/A