

Decision Maker: EXECUTIVE

Date: Wednesday 16th October 2019

Decision Type: Non-Urgent Executive Key

Title: Disposal of Y Blocks – Decision to Dispose of Open Space

Contact Officer: Michael Watkins Head of Asset and Investment Management
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Chief Officer: Sara Bowrey, Director of Planning, Regeneration and Housing

Ward: Bromley Town;

1. Reason for report

- 1.1 The Executive resolved, on the 11 July 2018, that the Y Blocks should be disposed of and further resolved on 30th April 2019 to accept an unconditional offer from a purchaser (identified in the Executive Part 2 Report of 30th April 2019) for the freehold title of the Y Blocks and associated land.
- 1.2 As part of the Y Blocks and associated land comprises of open space the Council has advertised its intention to the disposal of the open space land in a local newspaper for two consecutive weeks. The Council has also advertised its intention to appropriate the Y Blocks and associated land for residential use in accordance with the Town and Country Planning Legislation.
- 1.3 The Executive resolved on 30th April 2019 that the Y Blocks and associated land are to be appropriated from office to housing use. As that resolution was made in reference to an internal Report, this report-re-affirms that Resolution in a public format.
- 1.4 A number of objections were received in respect of both advertisements' and this report considers these with appropriate responses to mitigate concerns raised.

2. RECOMMENDATIONS

- 2.1 That the Executive notes that the Council has advertised the intention to dispose the open space land together with the intention to appropriate the buildings and land to residential use in both cases for two consecutive weeks in accordance with the relevant Legislation.**
- 2.2 That the Executive considers the objections made together with the responses' to these contained within the Report and formally agree to the Disposal of the Open Space Land.**
- 2.3 That the Executive considers the objections made together with the responses' to these contained within the Report and formally agrees to the appropriation of the buildings and land to residential use.**

Impact on Vulnerable Adults and Children

1. Summary of Impact: It is not considered that there will be any impact on Vulnerable Adults and Children.
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Corporate Policy

1. Policy Status: Existing Policy:
 2. BBB Priority: Excellent Council Quality Environment Vibrant, Thriving Town Centres:
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Financial

1. Cost of proposal: N/A
 2. Ongoing costs: N/A
 3. Budget head/performance centre: N/A
 4. Total current budget for this head: N/A
 5. Source of funding: N/A
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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: Section 123 Local Government Act 1972, Section 232 and 233 Town and Country Planning Act 1990 and S203 to 205 Housing and Planning Act 2016.
 2. Call-in: Applicable:
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Procurement

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

1. None
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes
2. Summary of Ward Councillor's comments: Ward Councillors have been briefed and are aware of the objections received. The contents of this report have been advised to them and an invitation to meet with the Purchaser as soon as contracts have been exchanged has been made and the Purchaser is enthusiastic to accept this offer.

3. COMMENTARY

Background:

- 3.1 The Y Blocks comprise of Anne Springman House and Joseph Lancaster House, which were originally built as Student Accommodation when the current Civic Centre site was a Teacher Training College. The buildings were latterly used as Office Accommodation by the Council, with occupation ceasing in 2012. It should be noted that the adjoining Palace Garden Park is part accessed from Rafford Way via the Y Blocks site.
- 3.2 The Executive resolved, on the 11 July 2018, that the Y Blocks as surplus to requirements should be disposed and further resolved on the 30th April 2019 to accept an unconditional offer from a purchaser (identified in the Part 2 Report of 30th April 2019 Executive) for the freehold title of the Y Blocks and associated land following an open market disposal exercise to provide residential accommodation.
- 3.3 The Executive further resolved that the Y Blocks and associated land are to be appropriated from office to housing use under Section 232 of the Town and Country Planning Act.
- 3.4 The Executive also agreed that as part of the Y Blocks and associated land comprises of open space land that the Council would need to advertise the disposal of the open space land in a local newspaper for two consecutive weeks and consider any objections made.
- 3.5 In relation to the disposal of Open Space a newspaper advert was published on 29th May 2019 and again on the 5th June 2019 to allow for a notice period of 2 weeks. The time to lodge objections expired 19th June 2019. With regard to the Appropriation a newspaper advert was published on 25th July 2019 and again on 1st August 2019. The time to lodge objections expired on the 14th August 2019.
- 3.6 The Council has received a total of 59 objections from Bromley residents in respect of the Intention to Dispose of Open Space Notice and 8 objections in respect of the Intention to Appropriate Notice. The Part 2 appendix summarises the objections received together with the names and contact details of those submitting. It should be noted that a number of objections were received after the expiry dates in both cases and for completeness these have been included within the number of objections received figures contained at 3.5.
- 3.7 These objections received can be summarised as follows:
- a) Planning concerns as to what is to be developed.
 - b) What exactly is being sold?
 - c) How will access to the Park be maintained?
 - d) Should the Council should dispose of the site?
 - e) The proximity of the Bishop's Palace to the land being sold.
 - f) How will the Rafford Way Grade 2 Listed Folly be safeguarded?
- 3.8 These points are considered below with appropriate responses to mitigate concerns raised.
- 3.9 **Planning** – many of the objections raised the point that as no planning application has yet been submitted, it is therefore difficult for objectors to see the worth of any scheme development. The Purchaser's intention is to, via Permitted Development conversion of the two buildings,

provide residential let apartments with a separate full planning application to provide additional floors to parts and exterior finishes. The scheme is based on 100% private let tenure housing. The purchaser intends to simultaneously submit prior approval for change of use under Permitted Development rights and submit a full Planning Application for the external improvement works to the buildings on exchange of contracts. In order to progress to this stage the Executive's resolution to dispose of this Open Space, should it so desire to do so, is required.

3.10 **What is being sold?** – It would appear that a number of objections were made on the premise that the Council was selling the Palace Park. The Plan attached at Appendix 1 details the extent of the disposal site and the retained Palace Park together with Rafford Way. The Plan was referenced in the advertisement but was not available on-line – however it was available on request at the Civic Centre Office Reception. Consequently a number of residents assumed that the Council was either selling part of the Palace Complex or parts of the Public Park. The Y Blocks and associated land are not contained within the designated Palace Park, however the Park is accessed from Rafford Way through the Y Blocks site. A condition of the disposal, which the purchaser has fully accepted, is the need to provide unfettered pedestrian access to the park through the site on the same basis as the rest of the Council's Parks.

3.11 **Park Access** - Access through the Y Blocs site will be on the same basis as the rest of the Council's Parks. These times are as follows and the purchaser will also erect signage to this effect.

Jan to Mar	07.00-18.30hrs
April to June	07.00-21.30hrs
July to Sept	07.00-21.00hrs
Oct to Dec	07.00-18.00hrs

The Plan at Appendix 1 shows a Point A and a Point B. This will be the main protected route from Rafford Way existing entrance to the Park and vice a versa. As currently accessed that route will via the existing pathway between the two buildings on the site.

3.12 **Should the Council should dispose of the site?** – A number of objectors have stated that the site should not be disposed of but demolished and returned to the Park as Open Space. Also that the land in question may be designated as Urban Open Space or Local Green Space, the Assistant Director Planning has confirmed that the land is not designated as either of these in the 2019 Local Plan. The Executive resolved, on the 11 July 2018, that the Y Blocks as surplus to requirements should be disposed and further resolved on the 30th April 2019 to accept an offer subject to the Executive firstly considering objections following publication of its Intention to Dispose of Open Space Notice and Intention to Appropriate Notice.

3.13 **The proximity of the Bishop's Palace to the land being sold** – Reference was made in a number of objections that the area of land is within the setting of the listed Bishop's Palace and the separately listed Folly and that the existing Y Blocks are harmful to this historic setting particularly as they intervene and obstruct views from one listed building to the other and consequently any redevelopment proposals should factor in this consideration or demolition be considered to return the site to Parkland. Historic England provide some guidance of curtilage listing which suggests that they would not be considered as curtilage listed structures. This view is taken on the basis that the Old Palace was listed in 1955, most likely prior to the construction of the Ann Springman and Joseph Lancaster buildings which are not mentioned in the list descriptions and appear to be of 1970s construction. The guidance also refers to 3 legal tests to assess whether a building is to be considered curtilage listed; this includes a) physical layout of the listed building and the structure, b) ownership and c) use or function. The buildings would not be relevant to this 3rd test as they did not exist at the time of listing. Furthermore as with the

decision to dispose of the site, The Executive resolved, on the 11 July 2018, that the Y Blocks as surplus to requirements should be disposed and further resolved on the 30th April 2019 to accept an offer subject to the Executive firstly considering objections following publication of its Intention to Dispose of Open Space Notice and Intention to Appropriate Notice.

3.14 **How will the Rafford Way Grade 2 Listed Folly be safeguarded?** The listed Folly contained within the Rafford Way entrance will be included within the disposal. However as a listed structure the preservation of it will become the responsibility of the purchaser. The Folly is further protected by its English Heritage designation and also the Council’s Conservation Team responsibilities of monitoring such structures.

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

It is not considered that there will be any impact on Vulnerable Adults and Children.

5 POLICY IMPLICATIONS

The Council’s aims include being an authority which manages its assets well.

6 FINANCIAL IMPLICATIONS

6.1 Financial commentary was provided within the Executive Part 2 Report of 30th April 2019.

7. PERSONNEL IMPLICATIONS

N/A

8. LEGAL IMPLICATIONS

8.1 In order to appropriate the land the Council followed the statutory procedure in accordance with s232(1) & (4) of the Town and Country Planning Act 1990 (“TCPA”). Consequently the Council published its Notice of Intention to Appropriate in the local newspaper for two consecutive weeks together with the requisite period for receiving objections.

8.2 The Council can appropriate the office buildings for residential use pursuant to s232(1) of the TCPA.

9. PROCUREMENT IMPLICATIONS

N/A

Non-Applicable Sections:	PERSONNEL IMPLICATIONS and PROCUREMENT IMPLICATIONS
Background Documents: (Access via Contact Officer)	