

PORTFOLIO HOLDERS DECISION BACKGROUND PAPER

ASDA, LONDON ROAD, SWANLEY

Consent sought for Landlords approval to Sublet Part

Background

ASDA occupy the land in London Road Swanley under the terms of two leases dated 15th July 1983 & 1st November 1991.

Under the terms of these leases, there is an absolute prohibition against them being able to sublet part of the main store.

ASDA has now sought consent to sublet part of their main store to McDonalds, the extent of the proposed sublet is shown on the attached plan.

Planning Permission for this use was granted in December 2018.

Proposal

ASDA has proposed [REDACTED] if Sevenoaks District Council give consent as landlord in this instance.

The full terms provisionally agreed, subject to Portfolio Holders Decision, are as follows;

- SDC to grant a Licence to permit ASDA to underlet the area shown outlined in black on the Location Plan 7354 AEW 8776 0001, copy attached, to [REDACTED]
[REDACTED]
- Such consent will be for a period up to and including 4th August 2029 only.
- Both underlease and Sub- underletting to be outside the renewal provisions of the 1954 Act.
- Use to be in accordance with the Planning consent ref 18/03746.
- ASDA [REDACTED] to SDC upon completion of the Licence to Underlet, whether or not the underletting proceeds.
- ASDA to be responsible for SDC's reasonable legal fees & disbursements in connection with this matter. The undertenant's solicitor will provide an undertaking for these costs.
- ASDA to be responsible for a Surveyors fee of £500 +VAT (if applicable). The undertenant's solicitor will provide an undertaking for these costs.

██████████ will require the right for ██████████ to assign on the sub-underlease to other ██████████ without obtaining consent however, we would have covenants from Asda and ██████████ to rely on.

Recommendation

That Portfolio Holder's consent be granted for a Licence to Underlet part on the terms outlined be approved.

Leigh Keating

Property Asset Surveyor

13th December 2019