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DATE: 8 December 2020

To: Members of the
**RENEWAL, RECREATION AND HOUSING POLICY DEVELOPMENT AND
SCRUTINY COMMITTEE**

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

Non-Voting Co-opted Members
Tajana Reeves, Bromley Youth Council

A meeting of the Renewal, Recreation and Housing Policy Development and Scrutiny
Committee will be held at Bromley Civic Centre on **WEDNESDAY 16 DECEMBER 2020**
AT 6.30 PM

PLEASE NOTE: This is a 'virtual meeting' and members of the press and public can see
and hear the Committee by visiting the following page on the Council's website: –
<https://www.bromley.gov.uk/councilmeetingslive>

Live streaming will commence shortly before the meeting starts.

MARK BOWEN
Director of Corporate Services

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

PART 1 AGENDA

Note for Members: Members are reminded that Officer contact details are shown on each
report and Members are welcome to raise questions in advance of the meeting.

STANDARD ITEMS

- 1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**
- 2 DECLARATIONS OF INTEREST**
- 3 QUESTIONS FROM COUNCILLORS AND MEMBERS OF THE PUBLIC
ATTENDING THE MEETING**

In accordance with the Council's Constitution, questions at special meetings are restricted to reports on the agenda and must be received by the Democratic Services Team within two working days of the normal publication date of the agenda - by **5pm on Thursday 10 December 2020**. Written replies will be provided.

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

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

HOLDING THE RENEWAL, RECREATION AND HOUSING PORTFOLIO HOLDER TO ACCOUNT

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

Portfolio Holder decisions for pre-decision scrutiny.

4a CONSIDERATION TO VARY CONTRACT FOR HYDROLOGICAL STUDY AND STRATEGY (Pages 5 - 10)

4b PROPOSED NON-IMMEDIATE ARTICLE 4 DIRECTIONS TO REMOVE PERMITTED DEVELOPMENT RIGHTS FOR UPWARDS EXTENSIONS IN SPECIFIED AREAS (Pages 11 - 30)

4c PROPOSED NON-IMMEDIATE ARTICLE 4 DIRECTIONS TO REMOVE PERMITTED DEVELOPMENT RIGHTS FOR OFFICE TO RESIDENTIAL DEMOLITION IN BROMLEY'S DESIGNATED OFFICE AND INDUSTRIAL AREAS, 19/11/2020 DEVELOPMENT CONTROL COMMITTEE (Pages 31 - 44)

5 PRE-DECISION SCRUTINY OF REPORTS DUE FOR DECISION BY THE LEADER

5a HOUSING SCHEME UPDATE
(Report to follow)

5b LAND APPROPRIATION - BUSHELL WAY AND ANERLEY
(Report to follow)

5c FUTURE OF THE CRYSTAL PALACE CONCERT PLATFORM (Pages 45 - 48)

5d AUTHORITY TO CREATE GRANT MECHANISM IN EVENT PERMITS FOR CRYSTAL PALACE PARK TRUST (Pages 49 - 58)

6 PRE-DECISION SCRUTINY OF EXECUTIVE REPORTS

6a UPDATE ON THE TRANSFER OF CRYSTAL PALACE PARK (Pages 59 - 66)

POLICY DEVELOPMENT AND OTHER ITEMS

7 HOUSING COVID RESPONSE UPDATE (Pages 67 - 72)

8 POST-COVID 19 LIBRARY SERVICE RECOVERY (Pages 73 - 98)

PART 2 (CLOSED) AGENDA

9 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.

Items of Business

Schedule 12A Description

10 PRE-DECISION SCRUTINY OF PART 2 (EXEMPT) REPORTS DUE FOR DECISION BY THE LEADER

10a HOUSING SCHEME UPDATE
(Report to follow)

Information relating to the financial or business affairs of any particular person (including the authority holding that information)

10b FUTURE OF THE CRYSTAL PALACE CONCERT PLATFORM (Pages 99 - 108)

Information relating to the financial or business affairs of any particular person (including the authority holding that information)

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Report No.
HPR2020/049

London Borough of Bromley

PART 1 - PUBLIC

Decision Maker: RENEWAL, RECREATION AND HOUSING PORTFOLIO HOLDER

For pre-decision scrutiny by the Renewal, Recreation and Housing Policy Development and Scrutiny Committee

Date: Wednesday 16th December 2020

Decision Type: Non-Urgent Executive Non-Key

Title: Consideration to vary contract for Hydrological Study and Strategy

Contact Officer: Lizzi Hewitt-Brown, Programme Manager - Regeneration
Tel: 020 8313 4097 E-mail: Lizzi.hewitt-brown@bromley.gov.uk

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

Ward: Crystal Palace

1. REASON FOR REPORT

- 1.1 In February 2020, the Council awarded Stirling Maynard a contract to undertake a Hydrological Study and Strategy at Crystal Palace Park. The core contract value was £57,250.
 - 1.2 In addition, Historic England provided a sum of £30,000 for additional surveys. This variation was authorised by the Chief Officer at the point of contract award.
 - 1.3 Stirling Maynard has identified a number of knowledge gaps and has made numerous recommendations for further work. An additional £60,000 may be available from Historic England to fund the high priority items.
 - 1.4 An exemption is requested to vary this below threshold contract by £90,000, increasing the value from £57,250 to a potential £147,250 (this includes Historic England's original £30,000 additional surveys budget).
-

2. RECOMMENDATION(S)

- 2.1 The Portfolio Holder is requested to:
 - Authorise an exemption to vary the contract value by £90,000.

Impact on Vulnerable Adults and Children

1. Summary of Impact: N/A

Corporate Policy

1. Policy Status: N/A.
 2. BBB Priority: Quality Environment.
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Financial

1. Cost of proposal: Potential value of contract is £147,250
 2. Ongoing costs: N/A.
 3. Budget head/performance centre: N/A
 4. Total current budget for this head: Current value of contract is £76,731
 5. Source of funding: £30,000 (LBB) £117,250 (Historic England, full value tbc)
-

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: No statutory requirement or Government guidance.
 2. Call-in: Call-in is applicable
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Crystal Palace Park received an estimated 1.4 million visitors per year
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes
2. Summary of Ward Councillors comments: Councillors would like to follow through with more detailed questions however they wish to support the recommendations in principle. Councillor Wilkins has commented that 'we now have a clear and deliverable road map which will result in multi-layered regeneration of CP Park for future generations.'

3. COMMENTARY

- 3.1 Stirling Maynard has been undertaking a Hydrological Study in Crystal Palace Park which will culminate in a strategy for improvements to park's water bodies.
- 3.2 The contract was awarded with a core value of £57,250: £30,000 of this was funded by the council, and £27,250 was funded by Historic England. Historic England provided a further £30,000 for 'additional surveys' to be identified and commissioned during the course of the contract.
- 3.3 The potential to vary the contract by £30,000 was authorised at the point of contract award - see 'Consideration for agreement to award the contract for Hydrological Study and Strategy'.
- 3.4 As part of the core contract, Stirling Maynard was required to identify gaps in knowledge and make recommendations for areas of further investigation to ensure the final strategy is as comprehensive as possible.
- 3.5 To date, £19,481 of the 'additional surveys' budget has been instructed, bringing the total contract value to £76,731.
- 3.6 Historic England has notified the council that further grant funding may be available. If possible, the funder is keen to commission the more high priority recommendations.
- 3.7 It was not expected that funds could be available past the £30,000. Therefore, Stirling Maynard did not make recommendations assuming they would result in further work.
- 3.8 Any more grant monies would have a ceiling value of £60,000 as Historic England is unable to fund more than 80% of project costs without authorisation at a national level.
- 3.9 While it is acknowledged that it is not best practice to vary a contract more than 50% of its original value, the core purpose and outcome of this project has not changed. Additionally, 80% of the funds would be provided by Historic England who are keen to undertake the works while the money is available.
- 3.10 This is a rare chance to harness monies that would otherwise be unavailable. It provides the opportunity to maximise the output of this commission while the council's financial contribution does not increase.

4. SUMMARY OF THE BUSINESS CASE

- i) The council's monetary contribution to this project is £30,000 and will not exceed this sum.
- ii) To date, Historic England has contributed £57,250 and could potentially offer a further £60,000.
- iii) The contract value is currently £76,731 and has the potential to increase to £147,250 if this exemption to vary is authorised.

4.1 SERVICE PROFILE/DATA ANALYSIS

4.1.1 N/A

4.2 OPTIONS APPRAISAL

- 4.2.1 Should this exemption to vary not be authorised, the priority recommendations will remain uncommissioned until a time that further funding is found.

4.3 PREFERRED OPTION

- 4.3.1 Authorise this exemption to increase the contract value by £90,000 (including the £30,000 authorised at contract award).

4.4 MARKET CONSIDERATIONS

- 4.4.1 It is understood that it is not best practise to vary a contract more than 50% of its original value. However, most of the additional surveys have been sub-contracted to Stirling Maynard. In so doing, Stirling Maynard has received multiple quotes ensuring that value for money has been achieved. It is expected that this will be the case with any further commissions.

5. STAKEHOLDER ENGAGEMENT

- 5.1 Key community groups have been involved to date on this project to ensure that informal knowledge has been captured and used where possible. This includes the Friends of Crystal Palace Dinosaurs and the Concert Platform Working Group.

6. PROCUREMENT AND PROJECT TIMESCALES AND GOVERNANCE ARRANGEMENTS

- 6.1 **Estimated Contract Value** – current value is £76,731
- 6.2 **Other Associated Costs** – potential contract value to be increased to £147,250
- 6.3 **Proposed Contract Period** – If this exemption to vary is authorised, it is likely that the contract period will be extended from 30th November 2020 to 31st March 2021.

7. SUSTAINABILITY AND IMPACT ASSESSMENTS

- 7.1 1.4 million visits are made to Crystal Palace Park each year.
- 7.2 This commission is a technical assessment of the water bodies in Crystal Palace Park but it will considerably enhance the council's understanding of the park. In so doing, better and more informed decisions can be made around necessary interventions that will safeguard the park's future for years to come.

8. POLICY CONSIDERATIONS

- 8.1 Crystal Palace Park is shown within various designations and policies in the Local Plan and the London Plan. There is outline planning permission in place for the 2007 Masterplan, which established the planning principles of the Regeneration Plan.
- 8.2 The Regeneration Plan requires a separate planning consent which was submitted in January 2020 and is being determined. Once granted, a substantial research and repair project will be undertaken on the Crystal Palace dinosaurs. The hydrological study and strategy will inform this project.

9. IT AND GDPR CONSIDERATIONS

9.1 A DPIA has previously been undertaken.

10. PROCUREMENT RULES

10.1 The report seeks a variation of the contract with Stirling Maynard, the value of the proposed variation being up to £90k.

10.2 This is a services contract and the value of this procurement falls below the thresholds set out in Part 2 of the Public Contracts Regulations 2015, so is only subject to Part 4 of the Regulations. While it is advisable to not exceed a variation of more than 50% of the original contract value (in accordance with the requirements of Regulation 72 for above-threshold contracts), it is permissible to do so with a below-threshold contract.

10.3 The Council's requirements for authorising a variation are covered in CPR 23.7 and 13.1. For a contract of this value, the Approval of the Chief Officer following Agreement by 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.

10.4 Following Approval, the variation must be applied via a suitable Change Control Notice, or similar, agreed with the Provider.

10.5 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 value of this contract variation is up to £90,000, including the £30,000 variation authorised at contract award. This will be fully funded from an additional contribution from Historic England and the further works will only proceed if that funding is secured.

11.2 The Council's original match funding contribution of £30,000 is funded from the café rental income revenue budget that is ring-fenced for regeneration works within the park each year. This is not affected and therefore there are no further financial implications of this contract exemption.

12. PERSONNEL CONSIDERATIONS

12.1 N/A

13. LEGAL CONSIDERATIONS

13.1 The Council has the legal power to hold, maintain and develop its landholdings and buildings in connection with its functions including powers available under various Parks and Open Spaces legislation. In furtherance of these powers the Council may provide and commission through a contract for consultancy services outlined in this report.

13.2 The commissioning of the services contract to provide a hydrological study and strategy for the lake systems at Crystal Palace Park is a public services contract within the meaning of the Public Contracts Regulations 2015, This report is seeking approval to vary the services contract awarded in February 2020 by adding additional services and costs. Due to value of the contract and the additional services falling below the relevant threshold a Regulation 72 compliant variation is not required. However, the variation must still comply with the EU

Treaty Principles of transparency, fairness and non-discrimination applied in a proportionate way.

- 13.3 The report has described the reasons and justification for the variation and in all the circumstances described the Treaty Principles would appear to have been followed.
- 13.4 The procurement comments to this report deals with compliance with the CPRs
- 13.5 Officers will need to ensure where applicable, CPR's are followed in relation to any related services or works contract and contracts are in conformity with any grant conditions.

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|---|---|
| Non-Applicable Sections: | 4.1, 12.1 |
| Background Documents: (Access via Contact Officer) | 6 th February 2020 - 'Consideration for agreement to award the contract for Hydrological Study and Strategy' |
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Report No.
HPR2020/040

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: RENEWAL, RECREATION & HOUSING PORTFOLIO HOLDER

Date: Wednesday 16 December 2020

(Previously discussed at the DCC meeting held on 19 November 2020)

Decision Type: Non-Urgent Non-Executive Key

Title: PROPOSED NON-IMMEDIATE ARTICLE 4 DIRECTIONS TO REMOVE PERMITTED DEVELOPMENT RIGHTS FOR UPWARDS EXTENSIONS IN SPECIFIED AREAS

Contact Officer: Ben Johnson, Head of Planning Policy and Strategy
E-mail: ben.johnson@bromley.gov.uk

Chief Officer: Tim Horsman, Assistant Director (Planning)

Ward: Bickley; Bromley Common and Keston; Chelsfield and Pratts Bottom; Chislehurst; Clock House; Copers Cope; Hayes and Coney Hall; Kelsey and Eden Park; Petts Wood and Knoll; Shortlands;

1. Reason for report

- 1.1 This report recommends that the Council makes 15 non-immediate Article 4 Directions to withdraw the permitted development (PD) rights which allow blocks of flats to extend upwards by up to two storeys to provide new residential units. These Directions would apply to the 13 Areas of Special Residential Character as shown in the Bromley Local Plan (January 2019); and to two discrete areas which fall within local views. The Directions would come into force at least 12 months after being made, subject to confirmation by the Renewal, Recreation and Housing Portfolio Holder after taking account of representations received.
- 1.2 The areas selected for the Directions are areas which add significant character and distinctiveness, linked to adopted policy in the adopted Local Plan. The Article 4 Directions would help to protect this character and distinctiveness which is a positive benefit for local amenity.
- 1.3 The report was previously discussed at a meeting of the DCC held on 19 November 2020. The DCC Minute for this item can be viewed at Annex A.

2. RECOMMENDATION(S)

2.1 That Members endorse the making of 15 non-immediate Article 4 Directions (covering the areas shown in the plan attached at Appendix 1) to withdraw the following permitted development rights granted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (“the GPDO”), Schedule 2:

- **Part 1, Class AA**
- **Part 20, Class A**
- **Part 20, Class AA**
- **Part 20, Class AB**
- **Part 20, Class AC**
- **Part 20, Class AD**

2.2 That Members note that the Portfolio Holder for Renewal, Recreation and Housing will be asked to authorise the making of 15 non-immediate Directions, and subsequent public consultation for a period of 6 weeks. The Directions will come into force 12 months from the day on which they are made, if they are subsequently confirmed following public consultation. Any confirmation of the Directions will be subject to a future decision.

Please see Addendum attached to this report.

Impact on Vulnerable Adults and Children

1. Summary of Impact: None

Corporate Policy

1. Policy Status: N/A
2. BBB Priority: Vibrant, Thriving Town Centres Regeneration:

Financial

1. Cost of proposal: No Cost
2. Ongoing costs: No Cost
3. Budget head/performance centre: Planning Policy and Strategy
4. Total current budget for this head: £0.568m
5. Source of funding: Existing Revenue Budget for 2020/21

Personnel

1. Number of staff (current and additional): 10fte
2. If from existing staff resources, number of staff hours: N/A

Legal

1. Legal Requirement: Article 4 and Schedule 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015
2. Call-in: Applicable: Further Details – Portfolio Decision

Procurement

1. Summary of Procurement Implications: None

Customer Impact

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

Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

Background and planning policy context

- 3.1 Six PD rights which allow the upwards extension of residential and mixed-use buildings have been recently introduced through amendments to the GPDO. These are:
- Part 1, Class AA - permits the enlargement of a dwellinghouse by the construction of new storeys on top of the highest existing storey of the dwellinghouse. Two storeys may be added if the existing dwellinghouse is two or more storeys tall, or one additional storey where the dwellinghouse consists of one storey.
 - Part 20, Class A – permits the construction of up to two additional storeys of new dwellinghouses immediately above the existing topmost residential storey on a building which is a purpose-built, detached block of flats.
 - Part 20, Class AA – permits construction of up to two new storeys of flats on top of detached buildings in commercial or mixed use, including where there is an element of residential use.
 - Part 20, Class AB - permits the construction of new flats on top of terrace buildings (including semi-detached buildings) in commercial or mixed (including residential) use; two storeys may be added if the existing building is two or more storeys tall, or one additional storey where the building consists of one storey.
 - Part 20, Class AC - permits the construction of new flats on top of terrace dwellinghouses (including semi-detached houses); two storeys may be added if the existing building is two or more storeys tall, or one additional storey where the building consists of one storey.
 - Part 20, Class AD - permits the construction of new flats on top of detached dwellinghouses; two storeys may be added if the existing building is two or more storeys tall, or one additional storey where the building consists of one storey.
- 3.2 There are a number of restrictions imposed on these new PD rights, as well as further considerations relating to how Development Plan policy applies to the assessment of prior approval assessments. Further information on the details of the PD rights are set out in two recent reports to Development Control Committee, the Upwards Extension Permitted Development Rights report¹ which was noted at the meeting held on 14 July 2020; and the Planning Legislation Update report² which was noted at the meeting held on 24 September 2020. At both of these meetings, members asked officers to investigate the potential for Article 4 Directions to remove the new PD rights in certain areas across the Borough.
- 3.3 Article 4 Directions allow authorities to withdraw the PD rights that would otherwise apply by virtue of the GPDO. An Article 4 Direction does not prevent the development to which it applies, but instead requires that planning permission be first obtained from the local planning authority for that development. This gives a local planning authority the opportunity to consider a proposal in more detail, i.e. assessing against policies in the Development Plan. The PD rights in question all require prior approval of certain issues, but this determination is limited and does not allow for full consideration against adopted Development Plan policies.
- 3.4 As set out in the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG), the use of Article 4 Directions should be limited to situations where they are necessary to protect local amenity and / or the wellbeing of the area. These criteria are not further defined in the NPPF or the PPG. The PPG notes that the potential harm that a Direction is intended to

¹ Available here:

<https://cds.bromley.gov.uk/documents/s50082500/UPWARDS%20EXTENSION%20PERMITTED%20DEVELOPMENT%20RIGHTSPART%201%20REPORT%20TEMPLATE.pdf>

² Available here: <https://cds.bromley.gov.uk/documents/s50083418/PLANNING%20LEGISLATION%20UPDATE%20-%20PERMITTED%20DEVELOPMENT%20RIGHTS%20AND%20CHANGES%20TO%20THE%20USE%20CLASSES%20ORDERP.pdf>

address should be clearly identified. For the Directions proposed in this report, justification is set out in the following sections.

- 3.5 Provided that the local authority considers it expedient, an Article 4 Direction can cover an area of any geographic size, from a specific site to a local authority-wide area. PPG advises that any Direction removing PD rights where prior approval powers are available to control PD should have particularly strong justification.
- 3.6 Article 4 Directions can be made with immediate effect or to take effect following a period of notice to remove compensation liability (non-immediate). This report recommends that the Council issues 21 non-immediate Article 4 Directions with a 12-month notice period, in order to reduce the Council's liability to compensate landowners affected by the removal of PD rights. This is discussed further in the legal implications of this report.
- 3.7 Prior to coming into force, the Council must confirm whether it intends to proceed with the Directions, based on consideration of representations received. The decision on whether to confirm will be taken by the Portfolio Holder for Renewal, Recreation and Housing.
- 3.8 During the 12-month notice period, the PD rights would continue to apply. If the Directions are confirmed, following this notice period any upwards extensions within the areas covered by the Directions would require full planning permission.
- 3.9 The Secretary of State for Housing, Communities and Local Government has the power to revoke or modify Article 4 Directions at any time.
- 3.10 There is a range of national, London and local planning policies that are considered material to any decision of whether it is expedient to make an Article 4 Direction.
- 3.11 The NPPF is underpinned by three overarching objectives, relating to the economic, social and environmental pillars of sustainable development; the social objective refers to the need to foster a well-designed and safe built environment. Paragraph 9 of the NPPF states that: "Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area."
- 3.12 Paragraph 118(e) sets out a policy approach to encourage upwards extensions, which predates the introduction of the upwards extension PD rights. It is notable, however, that the policy approach set out in the NPPF refers explicitly to compliance with local design policies and standards, reflecting the importance that such policies have in terms of guiding suitable development in keeping with local character.
- 3.13 Section 12 of the NPPF sets out national planning policy for achieving well-designed places. Paragraph 124 sums up the importance of good design: "The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."
- 3.14 Paragraph 127 sets out criteria that should be addressed in planning policies and decisions to ensure development is well designed. This criteria includes ensuring that developments:
 - a) *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
 - b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*

- c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

3.15 Further guidance is set out in the PPG. The PPG highlights the importance of effective and early engagement with local communities and the local planning authority, to ensure good design is achieved. It states that “planning policies can set out the design outcomes that development should pursue as well as the tools and processes that are expected to be used to embed good design.”³

3.16 The PPG is also clear that “[a] plan’s vision and objectives can be used to set out the types of place(s) which the plan aims to achieve, how this will contribute to the sustainable development of the area and how this translates into the expectations for development and investment, including design.”⁴

3.17 The PPG should be read alongside the National Design Guide⁵. Good design is set out in the National Design Guide under 10 characteristics, including:

- Context - the location of the development and the attributes of its immediate, local and regional surroundings. Well-designed places are based on a sound understanding of the features of the site and the surrounding context, using baseline studies as a starting point for design; integrated into their surroundings so they relate well to them; influenced by and influence their context positively; and responsive to local history, culture and heritage.
- Identity – The identity or character of a place comes from the way that buildings, streets and spaces, landscape and infrastructure combine together and how people experience them. It is not just about the buildings or how a place looks, but how it engages with all of the senses. Local character makes places distinctive. Well-designed, sustainable places with a strong identity give their users, occupiers and owners a sense of pride, helping to create and sustain communities and neighbourhoods.
- Built form – the three-dimensional pattern or arrangement of development blocks, streets, buildings and open spaces. It is the interrelationship between all these elements that creates an attractive place to live, work and visit, rather than their individual characteristics. Together they create the built environment and contribute to its character and sense of place.
- Homes and buildings - well-designed homes and buildings are functional, accessible and sustainable. They provide internal environments and associated external spaces that support the health and wellbeing of their users and all who experience them. Successful buildings also provide attractive, stimulating and positive places for all, whether for activity, interaction, retreat, or simply passing by.

³ Paragraph: 002 Reference ID: 26-002-20191001, available here: <https://www.gov.uk/guidance/design>

⁴ Paragraph: 003 Reference ID: 26-003-20191001, available here: <https://www.gov.uk/guidance/design>

⁵ Available here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/843468/National_Design_Guide.pdf

- 3.18 Looking forward, the ‘Planning for the Future’ white paper⁶ sets out potential reforms of the planning system to streamline and modernise the planning process, including a strong focus on design. While the white paper is not yet relevant material consideration relating to the justification of an Article 4 Direction, it is useful context to understand the Government’s likely approach to design issues in the planning system. Pillar two of the white paper - Planning for beautiful and sustainable places – states that: “planning should be a powerful tool for creating visions of how places can be, engaging communities in that process and fostering high quality development: not just beautiful buildings, but the gardens, parks and other green spaces in between, as well as the facilities which are essential for building a real sense of community.”
- 3.19 The white paper also cites the Building Better, Building Beautiful Commission report, noting that it found that “[t]oo many places built during recent decades fail to reflect what is special about their local area or create a high quality environment of which local people can be proud.”
- 3.20 At the London level, the new draft London Plan policy D3 sets out a design-led approach which requires consideration of design options to determine the most appropriate form of development that responds to a site’s context and capacity for growth. Development proposals should, inter alia:
- enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions; and
 - respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character.
- 3.21 Local planning policy set out in the Bromley Local Plan. One of the Local Plan’s key objectives relates to design and the public realm; it aims to ensure that new development of all kinds is well designed, safe, energy efficient and complements its surroundings, respecting the existing scale and layout.
- 3.22 Several Local Plan policies relating to housing development, including residential extensions, require development to be consistent with local character. Policies 41, 42 and 44 relate to areas within and adjacent to conservation areas; and identified Areas of Special Residential Character (ASRCs), all of which are (or are adjacent to) areas with special character and appearance. With regard to the ASRCs, these are important local designations where new development is required to respect, enhance and strengthen their special and distinctive qualities. Appendix 10.6 of the Local Plan gives detailed descriptions of designated ASRCs, detailing what makes them special and distinctive.
- 3.23 Policy 48 of the Local Plan requires developments which may impact on the skyline to demonstrate how they will protect or enhance the quality of the views, vistas, gaps and skyline. This includes 10 views of local importance, five landmarks and two major skyline ridges.

Proposed Article 4 Directions – justification and evidence

- 3.24 This section of the report sets out areas which have been considered for potential Article 4 Directions to remove upwards extension PD rights, setting out an assessment of the merits for these areas and whether or not they are considered to justify the making of an Article 4 Direction(s). The areas considered are those which relate to Local Plan policy areas which

⁶ Available here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/907956/Planning_for_the_Future_web_accessible_version.pdf

could be adversely affected by the PD rights; and areas put forward for consideration by members.

Areas of Special Residential Character

3.25 As noted above, ASRCs are a designation in the adopted Local Plan. They have been justified based on their special and distinctive qualities and were recently found sound by an independent planning inspector as part of the Local Plan examination. There are 13 ASRCs across the Borough, comprising 421 hectares of land (less than 3% of the total area of the Borough). There are over 4,000 properties in total within the ASRCs.

3.26 Two background papers⁷ prepared in support of the ASRC policy ahead of the Local Plan examination provide further clear evidence of the value of the ASRCs.

3.27 Both the Local Plan policy and the detailed supporting evidence highlight the importance of the ASRCs to the character of the Borough. All ASRCs have been assessed against the following criteria and found to warrant designation:

- There should be a sufficient number of properties to form an area of distinctive character. The areas should be well established, readily identifiable and coherent,
- The majority of properties should have the same readily identifiable characteristics (e.g. spatial standards, similar materials, well landscaped frontages),
- The boundary should be easily defined and defensible; and
- The areas defined should be primarily residential in character.

3.28 The ASRCs provide significant benefits in terms of local amenity by ensuring that the distinctive character and high-quality environments of the areas are maintained. The new PD rights have the potential to significantly affect the ASRCs, undermining their distinctive characteristics and adversely impacting local amenity. These potential impacts are considered to justify the making of Article 4 Directions to remove the new PD rights in the ASRCs.

Local views and landmarks

3.29 As noted above, Local Plan policy 48 identifies 10 views of local importance, five landmarks and two major skyline ridges. Development which may impact on these views must demonstrate how it will protect or enhance the view quality. The PD rights have significant potential for impacting on designated views; the views reinforce a sense of place and add significant amenity value in their localities, and the PD rights could harm this local amenity. The addition of extra storeys can block or obscure views; or introduce an obtrusive element which detracts from the overall quality of the view; this is particularly the case where PD rights may be utilised in the foreground of a view.

3.30 Officers have assessed all 10 views of local importance, five landmarks and two major skyline ridges, to determine whether the PD rights could adversely affect the view designations; this assessment was based on the following methodology:

- Site visit or virtual site visit to determine scope of the view and potential impacts.
- Assessment of areas which may affect the views, particularly in the foreground. This includes checking the extent of conservation areas and using historic maps to determine the extent of

⁷ Local Plan Background Paper - Potential Areas of Special Residential Character Spatial Character Assessments (September 2015), available from: https://www.bromley.gov.uk/download/downloads/id/3088/sd52_potential_asrcs_-_spatial_character_assessments_2015.pdf; and Local Plan Background Paper - Proposed North Copers Cope Road and The Knoll Areas of Special Residential Character Spatial Character Assessments (November 2016), available from: https://www.bromley.gov.uk/download/downloads/id/3089/sd53_north_copers_cope_rd_and_the_knoll_asrcs_-_character_assessments_2016.pdf

pre-1948 properties in the area, which would prevent use of the PD rights and mean that impacts would not materialise. It also includes a rough assessment of building typologies within the view, as different types of building allow different maximum heights.

- 3.31 Of the 10 local views, only one was considered to justify an Article 4 Direction, the view of Croydon town centre from Village Way, Beckenham. This view is a street-level view looking down Crossways Road from the junction of Village Way and Stone Park Avenue. An Article 4 Direction is proposed covering properties at 154-156 Village Way, and 9-23 and 16-28 Crossways Road. Upwards extensions on these properties could potentially impinge on the local view, including the periphery of the view.
- 3.32 Of the five landmarks, only one was considered to justify an Article 4 Direction, the view of St. Edmund of Canterbury RC Church on Village Way, Beckenham. Looking north along Village Way, the landmark becomes visible near the junction with Bramerton Road, but because of the topography and street layout, the view is not likely to be obscured until further north. An Article 4 Direction is proposed covering properties at 24-84 Village Way, as upwards extensions on these properties could obscure views of the landmark at various points along Village Way.
- 3.33 Of the two skyline ridges, neither is considered to justify an Article 4 Direction, largely because a lot of the foreground of the views fall within areas where the use of the PD rights is precluded (e.g. conservation area, SSSI).

Local green space

- 3.34 Policy 56 of the Local Plan identifies a number of local green spaces. These are green areas or open spaces which have been demonstrated to have particular value and significance to the local community which they serve because of special qualities set out in their Statement of Significance (provided at appendix 10.8 of the Local Plan). Views are one component of the rationale for these spaces; some of the Statements of Significance refer to views from the local green space.
- 3.35 Officer assessment of views from all relevant spaces suggests that none of the views would be impacted by the PD rights. Upwards extensions could be visible in some of the views, but this would not be within the foreground and would therefore be unlikely to cause harm to the 'special qualities' of the local green spaces, which Local Plan policy 56 seeks to resist. Taking this into account, it is considered that the potential impacts are limited and would not justify an Article 4 Direction.

Agricultural buildings

- 3.36 Agricultural buildings are those used for agriculture purposes, agriculture being defined as per section 336 of the Town and Country Planning Act 1990. There are existing and longstanding PD rights which allow the change of use of agricultural buildings to residential (Part 3, Class Q of the GPDO), commercial (Part 3, Class R of the GPDO) or education use (Part 3, Class S of the GPDO), although there are restrictions and a requirement to seek prior approval of certain issues. The new upwards extension PD rights do not apply directly to agricultural buildings. In the case of former agricultural buildings converted to residential:

- Part 1 Class AA and Part 20 Class A PD rights are not permitted if the residential use was granted through Part 3 Class Q PD rights.
- Part 20 Class AA, AB and AC PD rights do not apply to buildings which were not in C3 use/mixed use as of 5 March 2018; therefore, it would not now be possible to use agricultural PD rights to convert to residential/commercial use and then subsequently use PD rights for upwards extensions. The upwards extension PD rights could only be used on any converted agricultural buildings which were occupied for C3 use on or before 5 March 2018; a search of

previous planning applications for the conversion of agricultural buildings shows a very limited number of conversions to residential or commercial use in recent years. Also, Class AB and AC PD rights relate to terraced buildings; converted agricultural buildings would be unlikely to meet the definition of 'terrace building' set out in the GPDO.

- 3.37 Taking into account these issues, plus the fact that the PD rights themselves have a number of other restrictions which may preclude use of PD rights to convert agricultural buildings, it is considered that the potential impacts are limited and would not justify an Article 4 Direction.

Green Belt

- 3.38 Over half of Bromley is covered by the Green Belt. Local Plan policy 49 reflects the NPPF with fundamental aim to prevent urban sprawl by keeping land permanently open and ensuring that the essential characteristics of openness and their permanence are ensured. The policy identifies types of development that are appropriate within the Green Belt, which includes extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. Certain other forms of development are also not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt; this includes the re-use of buildings provided that the buildings are of permanent and substantial construction.
- 3.39 In principle, the upwards extension PD rights are not considered inherently harmful to the Green Belt, particularly in terms of harm to local amenity and wellbeing that would need to be justified to support the making of an Article 4 Direction. If there was a strong likelihood that the upwards extension PD rights would cause adverse impacts, it can reasonably be assumed that this would have led to restrictions set out in the GPDO or specific prior approval test. As it stands, there is no restriction or prior approval test related to openness.
- 3.40 It is important to note that some of the GPDO restrictions would cover large parts of the Green Belt.
- 3.41 Taking into account these issues, it is considered that an Article 4 Direction covering the Green Belt would not be justified.

Bungalows

- 3.42 At the meeting of Development Control Committee on 24 September 2020, members requested investigation into a possible Article 4 Direction to protect bungalows from upwards extension, as this type of accommodation was much sought after by the older population and those people wishing to downsize their property in later life.
- 3.43 Officers have considered the potential for such a Direction. It is noted that there is no information on the extent of bungalows across the Borough. Regardless, it is unlikely that many bungalows would be restricted for use by older people, therefore many cannot be guaranteed as a supply of older persons accommodation, given that people of any age could live in them. Therefore, there is no strong justification for an Article 4 Direction on the grounds that it provides a supply of older persons accommodation.
- 3.44 In terms of other impacts, it is noted that one-storey buildings can only extend upwards by one storey, which may limit any impacts to a degree.
- 3.45 Taking these factors into account, it is considered that there is no justification for an Article 4 Direction specifically removing PD rights from bungalows.

Town centres

- 3.46 The Local Plan has a number of policies relating to Town Centres; one of the key aims of these policies is to ensure that the retail and commercial character of these areas is maintained. Residential uses in close proximity to commercial uses can affect their future commercial operation, for example by restricting the ability of certain types of businesses to operate due to concerns about noise and amenity impacts.
- 3.47 The upwards extension PD rights have the potential to introduce a significant number of residential units into town centres. It is noted there are specific prior approval categories which allow assessment of the impacts of noise from any commercial premises on the intended occupiers of the new dwellinghouses; and the impacts of the introduction of, or an increase in, a residential use of premises in the area on the carrying on of any trade, business or other use of land in the area. The PD rights will also not result in the loss of existing premises, unlike the office to residential demolition PD rights which result in wholesale loss of commercial premises.
- 3.48 Taking into account these issues, it is considered that an Article 4 Direction covering town centres would not be justified.

4. POLICY IMPLICATIONS

- 4.1 As set out in the main body of this report, there could be significant adverse impacts on local amenity resulting from upwards extensions in specific areas linked to Local Plan designations, if the proposed Article 4 Directions are not put in place. This could undermine elements of the Development Plan.
- 4.2 The proposed Directions will restrict housing supply to a degree, but this is likely to be of limited impact in terms of restricting the amount of new residential units created, and hence the effect on the Council's ability to meet housing targets is limited. The areas subject to the Directions cover a very small proportion of the total area of the borough, which leaves a significant amount of land where PD rights would continue to apply. The potentially significant impacts on local amenity, identified in this report, would outweigh this potentially limited impact on housing supply, in terms of the deciding whether it is expedient to pursue Article 4 Directions in the areas proposed.
- 4.3 The quality of the housing created must also be considered alongside any impact on housing supply. The creation of new housing is not just a numbers game; it is essential that new housing is fit for purpose in order to ensure sustainable development, for example ensuring appropriate sustainable design measures to mitigate climate change. PD rights have become synonymous with poor quality, small homes. As Article 4 Directions would require planning permission to be secured for such developments in the future, this will ensure delivery of higher quality residential units and assist with the delivery of sustainable development in the borough. It is recognised that the Government have indicated that minimum space standards will be required for new housing developed through PD rights, but, important as these standards are, this will not guarantee the development of high quality housing; only full application of Development Plan policy can do this.
- 4.4 Prior approval permissions have often been used as a 'fallback' position, whereby developers secure prior approval permission and then subsequently apply for full planning permission for a more comprehensive development on the same site, noting that if this permission was not granted then there is an extant prior approval that can be delivered. Fallback positions can be material considerations in the determination of planning applications although the weight given would depend on whether the applicant has secured the prior approval permission; it is not enough to just highlight that prior approval permission could be sought, as there is no guarantee prior approval will be granted. Where prior approval permission has been granted, an applicant

would also need to demonstrate that there is a realistic intention to implement the prior approval, for the fallback to be given weight. It is noted that development granted through the upwards extension PD rights must be completed within three years of the date of grant of prior approval, which will factor into any consideration of the weight given to a fallback position.

- 4.5 The impacts of the COVID-19 pandemic are currently uncertain, but it is noted that it could have significant impacts on housing supply in particular. However, such impacts are not yet evident, for example through higher commercial vacancies or impacts on housing delivery statistics. If impacts do materialise, this does not necessarily have implications for the Directions, as these impacts could be a material consideration in a future planning application. However, the PPG notes that it is important for local planning authorities to monitor any Article 4 Directions regularly to make certain that the original reasons the Directions were made remain valid. Therefore, the impact of the COVID-19 pandemic, as well as other positive and negative impacts, will be an ongoing consideration to help determine whether the Directions should remain in place.

5. FINANCIAL IMPLICATIONS

- 5.1 This report recommends 15 non-immediate Article 4 Directions which will ensure that compensation liability is removed. This requires a 12-month notice period to be given, before the Directions come into effect. During this period, the PD rights would continue to apply, and landowners might take advantage of these rights. However, if the Council were to remove these rights with immediate effect, any refusal of planning permission could result in compensation liability. Compensation can be claimed based on abortive expenditure or other loss or damage directly attributable to the withdrawal of PD rights; this could include differences in land value between an existing and extended property, which could be substantial.
- 5.2 Costs associated with publishing and consulting on the Article 4 Directions will be met by Planning Policy and Strategy and the Council's legal services department.

6. LEGAL IMPLICATIONS

- 6.1 Article 4 (1) of the GPDO allows local Planning authorities to withdraw certain PD Rights. The procedure for putting in place an Article 4 Direction is set out in Schedule 3 of the GPDO. The Council's legal services department will be responsible for making and publicising the Directions, in line with the statutory requirements set out in the GPDO. This includes a period of at least 3 weeks to allow for representations to be made on the proposed Directions; it is the intention to consult on the proposed Directions for 6 weeks to allow ample time for interested parties to respond. Any representations received must be taken into account before making any decision whether to confirm the Directions.
- 6.2 There is also a requirement for serving notice on owners and occupiers of every part of land within the areas to which the Directions relate, unless the local planning authority considers that the number of owners or occupiers within the area to which the direction relates makes individual service impracticable. The proposed Directions together encompass around 4,500 properties (which includes instances where there are numerous properties within a single building). This level of notification is considered to be impracticable, hence individual notice will not be given. Notice will be given by local advertisement and site notice, as per the other requirements of the GPDO.
- 6.3 The GPDO requires notice of the proposed Directions to be given as soon as practicable. Due to the current COVID-19 restrictions, it may not be practicable to give notice as per the GPDO requirements. In such instances, the Council will seek to issue notice following the lifting of the

COVID-19 restrictions. This is considered to be a practical and pragmatic approach as advocated in the Chief Planners Letter of 20 March 2020⁸.

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| <p>Non-Applicable Sections:</p> | <p>IMPACT ON VULNERABLE ADULTS AND CHILDREN</p> <p>PERSONNEL IMPLICATIONS</p> <p>PROCUREMENT IMPLICATIONS</p> |
| <p>Background Documents: (Access via Contact Officer)</p> | <p>The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 - https://www.legislation.gov.uk/ukxi/2020/632/regulation/22/made</p> <p>The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020 - https://www.legislation.gov.uk/ukxi/2020/755/contents/made</p> <p>The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 3) Order 2020 - https://www.legislation.gov.uk/ukxi/2020/756/contents/made</p> <p>Development Control Committee report, 14 July 2020, Upwards Extension Permitted Development Rights - https://cds.bromley.gov.uk/documents/s50082500/UPWARDS%20EXTENSION%20PERMITTED%20DEVELOPMENT%20RIGHTSPART%201%20REPORT%20TEMPLATE.pdf</p> <p>Development Control Committee report, 24 September 2020, PLANNING LEGISLATION UPDATE – PERMITTED DEVELOPMENT RIGHTS AND CHANGES TO THE USE CLASSES ORDER - https://cds.bromley.gov.uk/documents/s50083418/PLANNING%20LEGISLATION%20UPDATE%20-%20PERMITTED%20DEVELOPMENT%20RIGHTS%20AND%20CHANGES%20TO%20THE%20USE%20CLASSES%20ORDERP.pdf</p> |

⁸https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/875045/Chief_Planners_Newsletter_-_March_2020.pdf

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Addendum

On 19 November 2020, Development Control Committee recommended that the Portfolio Holder for Renewal, Recreation and Housing authorises the making of 15 Article 4 Directions to remove the following Permitted Development (PD) rights in designated Areas of Special Residential Character (ASRC) and two specified local views:

- Part 1, Class AA
- Part 20, Class A
- Part 20, Class AA
- Part 20, Class AB
- Part 20, Class AC
- Part 20, Class AD

Following discussion, the Committee considered that the proposed Direction for the Petts Wood ASRC should be an immediate Direction, with the remaining 14 Directions to be non-immediate Directions.

Subsequent to the Committee meeting, officers have checked the relevant regulations and note that immediate Article 4 Directions can only be put in place for certain types of PD right¹; this includes Part 1 PD rights but not Part 20 PD rights. Therefore, the Committee's recommendation cannot be implemented exactly as requested.

Following further discussion with the Committee Chairman, it is proposed that:

- One immediate Direction is put in place to remove Part 1, Class AA PD rights in the Petts Wood ASRC;
- One non-immediate Direction is put in place to remove Part 20, Class A; Part 20, Class AA; Part 20, Class AB; Part 20, Class AC; and Part 20, Class AD PD rights in the Petts Wood ASRC; and
- 14 non-immediate Directions are put in place to remove the following PD rights in all ASRCs (except Petts Wood) and the two local views specified in paragraphs 3.31 and 3.32 of the report:
 - Part 1, Class AA
 - Part 20, Class A
 - Part 20, Class AA
 - Part 20, Class AB
 - Part 20, Class AC
 - Part 20, Class AD

¹ Set out in Schedule 3, Part 2(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

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DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held at 6.30 pm on 19 November 2020

Present:

Councillor Alexa Michael (Chairman)
Councillor Yvonne Bear (Vice-Chairman)
Councillors Vanessa Allen, Katy Boughey, Mark Brock,
Kevin Brooks, Peter Dean, Simon Fawthrop, Christine Harris,
Charles Joel, Russell Mellor, Tony Owen, Angela Page,
Richard Scoates, Melanie Stevens and Michael Turner

Also Present:

Councillors Kieran Terry and Pauline Tunnicliffe

50 PROPOSED NON-IMMEDIATE ARTICLE 4 DIRECTIONS TO REMOVE PERMITTED DEVELOPMENT RIGHTS FOR UPWARDS EXTENSIONS IN SPECIFIED AREAS

REPORT HPR2020/040

Members considered whether 15 non-immediate Article 4 Directions should be made to withdraw permitted development rights (PDRs) which allowed blocks of flats to be extended upwards by up to two storeys to provide new residential units. The Directions would apply to the 13 Areas of Special Residential Character shown in the Bromley Local Plan (January 2019) and to two discrete areas which fell within local views. The Directions would come into force 12 months from the date the Directions were made, subject to confirmation by the Renewal, Recreation and Housing Portfolio Holder.

Councillor Fawthrop suggested that as there was only one block of flats in the Petts Wood Area of Special Residential Character (ASRC) which was located on the ASRC boundary, the Petts Wood Article 4 Direction could be made immediately. The Head of Planning Policy and Strategy explained that the proposed Article 4 Direction also applied to dwelling houses that were two or more storeys high. While the Article 4 Direction could be made immediately, he was concerned that this would raise the risk of the Council having to pay costly compensation. He confirmed that properties built prior to 1948 were exempt. As the majority of properties were built prior to that date, Councillor Fawthrop proposed that the Article 4 Direction for Petts Wood be made immediately. Councillor Mellor agreed that there was a valid case for making immediate Directions and seconded the motion

The Head of Planning Policy and Strategy agreed to consult with the legal team in regard to the risk of compensation.

Members RESOLVED:-

- 1) to endorse the making of 14 non-immediate Article 4 Directions (covering the areas shown in the plan attached at Appendix 1 except for the Petts Wood ASRC) to withdraw the following permitted development rights granted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (“the GPDO”), Schedule 2:**
 - Part 1, Class AA
 - Part 20, Class A
 - Part 20, Class AA
 - Part 20, Class AB
 - Part 20, Class AC
 - Part 20, Class AD

- 2) to note that the Portfolio Holder for Renewal, Recreation and Housing would be asked to authorise the making of 14 non-immediate Directions and subsequent public consultation for a period of 6 weeks. The Directions would come into force 12 months from the day on which they were made if they were subsequently confirmed following public consultation. Any confirmation of the Directions would be subject to a future decision.**

- 3) to endorse the making of one immediate Article 4 Direction (covering the Petts Wood ASRC) to withdraw the following permitted development rights granted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (“the GPDO”), Schedule 2:**
 - Part 1, Class AA
 - Part 20, Class A
 - Part 20, Class AA
 - Part 20, Class AB
 - Part 20, Class AC
 - Part 20, Class AD

- 4) to note that the Portfolio Holder for Renewal, Recreation and Housing would be asked to authorise the making of one immediate Direction for the Petts Wood ASRC.**

Following the meeting, the Head of Planning Policy and Strategy checked the regulations and noted that they did not allow an immediate Direction to be put in place for the new Part 20 PD rights. They did however, allow for immediate

Directions relating to Part 1 PD rights, so an immediate Direction to remove Part 1, Class AA PD rights in the Petts Wood ASRC could be made.

As the making of the Directions was a Portfolio Holder decision, it was recommended that an addendum be added to the report submitted to the Portfolio Holder explaining the situation and recommending that a non-immediate Direction for Petts Wood ASRC be put in place to remove Part 20 PD rights and an immediate Direction to remove Part 1 PD rights in the Petts Wood ASRC. Non-immediate Directions would be made to cover the remaining ASRCs and views proposed in the report and agreed by the Committee.

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Report No.
HPR2020/041

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: RENEWAL, RECREATION AND HOUSING PORTFOLIO HOLDER

Date: DCC: 19 November 2020

(Discussed at the DCC meeting held on 19 November 2020)

Decision Type: Non-Urgent Non-Executive Key

Title: PROPOSED NON-IMMEDIATE ARTICLE 4 DIRECTIONS TO REMOVE PERMITTED DEVELOPMENT RIGHTS FOR OFFICE TO RESIDENTIAL DEMOLITION IN BROMLEY'S DESIGNATED OFFICE AND INDUSTRIAL AREAS

Contact Officer: Ben Johnson, Head of Planning Policy and Strategy
E-mail: ben.johnson@bromley.gov.uk

Paul Mellor, Planner
E-mail: paul.mellor@bromley.gov.uk

Chief Officer: Tim Horsman, Assistant Director (Planning)

Ward: Bromley Common and Keston; Bromley Town; Copers Cope; Cray Valley East; Cray Valley West; Darwin; Kelsey and Eden Park; Orpington; Penge and Cator; Plaistow and Sundridge;

1. Reason for report

- 1.1 This report recommends that the Council makes 20 non-immediate Article 4 Directions to withdraw the permitted development (PD) right for demolition of purpose-built detached buildings used for offices (B1a office, B1b research and B1c light industrial) together with their replacement with a single detached block of flats or a single dwellinghouse. These Directions would apply to the three Business Improvement Areas (BIA) in Bromley Town Centre; the majority of Strategic Industrial Locations (SIL) and Locally Significant Industrial Sites (LSIS); and all three Office Clusters, all as shown in the Bromley Local Plan (January 2019). The Directions would come into force at least 12 months after being made, subject to confirmation by the Renewal, Recreation and Housing Portfolio Holder after taking account of representations received.
- 1.2 The areas selected for the Directions are key areas for the retention and promotion of offices, research and light industrial uses. The Article 4 Directions would accompany the existing

Directions which remove office to residential PD rights within the Business Improvement Areas; and the pending Article 4 Directions which will remove office to residential within the three Office Clusters (once they come into effect, if confirmed). It is considered expedient to restrict the operation of the new office to residential demolition PD right in the key areas outlined above due to the strategic importance of these designated areas. The Directions will thereby avoid harmful impacts upon economic development and ensure any development within the areas is properly planned in line with the policies in the adopted Local Plan.

- 1.3 The report was previously discussed at a meeting of the DCC held on 19 November 2020. The DCC Minute for the item can be viewed at Annex A.
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2. RECOMMENDATION(S)

- 2.1 That Members endorse the making of 20 non-immediate Article 4 Directions to withdraw the permitted development right granted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (“the GPDO”), Schedule 2, Part 20, Class ZA, which permits a single detached building comprising uses falling within Class B1(a) (office), Class B1b (research) or Class B1c (light industrial) to be demolished and replaced with a residential (Use Class C3) use. The areas in which the Article 4 Directions will apply are shown in the plan attached at Appendix 1.**
- 2.2 That Members note that the Portfolio Holder for Renewal, Recreation and Housing will be asked to authorise the making of 20 non-immediate Directions, and subsequent public consultation for a period of 6 weeks. The Directions will come into force 12 months from the day on which they are made, if they are subsequently confirmed following public consultation. Any confirmation of the Directions will be subject to a future decision.**

Impact on Vulnerable Adults and Children

1. Summary of Impact: None
-

Corporate Policy

1. Policy Status: N/A
 2. BBB Priority: Vibrant, Thriving Town Centres Regeneration:
-

Financial

1. Cost of proposal: No Cost
 2. Ongoing costs: No Cost
 3. Budget head/performance centre: Planning Policy and Strategy
 4. Total current budget for this head: £0.568m
 5. Source of funding: Existing Revenue Budget for 2020/21
-

Personnel

1. Number of staff (current and additional): 10fte
 2. If from existing staff resources, number of staff hours: N/A
-

Legal

1. Legal Requirement: Article 4 and Schedule 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015
 2. Call-in: Applicable: Further Details – Portfolio Decision
-

Procurement

1. Summary of Procurement Implications: None
-

Customer Impact

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

Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

Background and planning policy context

- 3.1 Office to residential PD rights were first introduced in May 2013, allowing existing B1a offices to change use to residential use through a light touch prior approval process which only allowed consideration of highways impacts, flood risk and land contamination. Further prior approval categories relating to noise impacts and provision of adequate natural light were subsequently introduced.
- 3.2 Bromley has experienced significant losses of offices as a consequence of this PD right; In total, approximately 53,000sqm of office floorspace has been granted approval since May 2013. To limit the impact of the PD right, Article 4 Directions were made and came into force in 2015; these Directions removed the PD right in designated Business Improvement Areas in Bromley Town Centre. Further Directions have also been made to remove the PD right in designated office clusters; if confirmed, these Directions will come into force in July 2021.
- 3.3 Variations to the office to residential PD right have been mooted since 2015, with a particular focus on a new PD right allowing the demolition of office buildings and its replacement with a new residential building. There have been a number of consultations on the principle and detail of this proposal.
- 3.4 The new PD right has now been introduced – Part 20, Class ZA – which permits the demolition of any building comprising a single purpose-built detached block of flats, and any other single detached building comprising premises established for B1(a), B1(b) or B1(c)¹ uses (or for any combination of them); and its replacement by a single building comprising a purpose-built detached block of flats, or a purpose-built detached dwellinghouse. There are a number of restrictions imposed on this new PD right. The Planning Legislation Update report which was noted by Development Control Committee on 24 September 2020 provides further details².
- 3.5 Article 4 Directions allow authorities to withdraw the PD rights that would otherwise apply by virtue of the GPDO. An Article 4 Direction does not prevent the development to which it applies, but instead requires that planning permission be first obtained from the local planning authority for that development. This gives a local planning authority the opportunity to consider a proposal in more detail, i.e. assessing against policies in the Development Plan. The PD right in question requires prior approval of certain issues, but this determination is limited and does not allow for full consideration against adopted Development Plan policies.
- 3.6 As set out in the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG), the use of Article 4 Directions should be limited to situations where they are necessary to protect local amenity and / or the wellbeing of the area. These criteria are not further defined in the NPPF or the PPG. The PPG notes that the potential harm that a Direction is intended to address should be clearly identified. For the Directions proposed in this report, justification is set out in the following sections. The draft London Plan and latest GLA economic publications explicitly support boroughs introducing Article 4 Directions to protect significant areas against losses from PD rights. This also supports Bromley's existing Direction in BIAs and the pending Directions in the newly designated office clusters.

¹ The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) refers to the former Use Classes, prior to the change to the Use Classes Order which came into effect on 1 September 2020. This is a transitional provision and the Government have noted their intention to update the GPDO by summer 2021 to incorporate references to the new use classes.

² Available here: <https://cds.bromley.gov.uk/documents/s50083418/PLANNING%20LEGISLATION%20UPDATE%20-%20PERMITTED%20DEVELOPMENT%20RIGHTS%20AND%20CHANGES%20TO%20THE%20USE%20CLASSES%20OR%20DERP.pdf>

- 3.7 Provided that the local authority considers it expedient, an Article 4 Direction can cover an area of any geographic size, from a specific site to a local authority-wide area. PPG advises that any Direction removing PD rights where prior approval powers are available to control PD should have particularly strong justification.
- 3.8 Article 4 Directions can be made with immediate effect or to take effect following a period of notice to remove compensation liability (non-immediate). This report recommends that the Council issues 21 non-immediate Article 4 Directions with a 12-month notice period, in order to reduce the Council's liability to compensate landowners affected by the removal of PD rights. This is discussed further in the legal implications of this report.
- 3.9 Prior to coming into force, the Council must confirm whether it intends to proceed with the Directions, based on consideration of representations received. The decision on whether to confirm will be taken by the Portfolio Holder for Renewal, Recreation and Housing.
- 3.10 During the 12-month notice period, the office-to-residential demolition PD rights would continue to apply. If the Directions are confirmed, following this notice period any demolition and replacement of buildings in office/research/light industrial use to residential within the areas covered by the Directions would require full planning permission.
- 3.11 The Secretary of State for Housing, Communities and Local Government has the power to revoke or modify Article 4 Directions at any time.
- 3.12 There is a range of national, London and local planning policies that are considered material to any decision of whether it is expedient to make an Article 4 Direction.
- 3.13 At a national level, paragraph 80 of the NPPF sets out that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. It states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 3.14 Paragraph 81 sets out a number of requirements which apply to the development of planning policies, including a need to set out a clear economic vision and strategy for their area which positively and proactively encourages sustainable economic growth; and to set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period. The policies set out in the Bromley Local Plan, including the policies identifying Business Improvement Areas, Strategic Industrial Locations, Local Significant Industrial Locations and office clusters, are consistent with these aspects of the NPPF.
- 3.15 Paragraph 81 also states that policies should be flexible enough to accommodate needs not anticipated in the plan, and to enable a rapid response to changes in economic circumstances. The policies set out in the Local Plan are considered sufficiently flexible to respond in such instances.
- 3.16 The PPG requires local planning authorities to prepare a robust evidence base to understand existing business needs, which will need to be kept under review to reflect local circumstances and market conditions. Bromley's Development Plan is underpinned by robust evidence of need (discussed below).
- 3.17 At the London level, the new draft London Plan expects that Outer London will see growth in office and light industrial employment and notes the importance of ensuring sufficient space to support the growth of new start-up companies and to accommodate SMEs. Development Plans and development proposals should support the provision of space suitable for SMEs in light of strategic and local assessments of demand and supply.
- 3.18 Policy E1 outlines that improvements to the quality, flexibility and adaptability of office space should be supported by new office space, refurbishments and mixed-use developments.

- 3.19 Policy E1 Part E states that existing viable office floorspace capacity outside specific Central Activities Zone identified locations should be retained. The policy supports borough Article 4 Directions in locally identified office clusters, to ensure that office functions are not undermined by office to residential PDR and to protect local amenity or the wellbeing of an area.
- 3.20 Policy E2 encourages the provision and protection of Class B uses at a range of sizes and rents to meet the needs of a range of enterprises and start-ups.
- 3.21 Policy E4 requires the provision and maintenance of a sufficient supply of land in London to meet the current and future demand for industrial and other related functions. Policies E5 and E6 relate to SIL and LSIS land respectively and encourage the proactive management of these designated areas to continue to sustain them as London's largest concentrations of industrial land and the intensification of the use of these sites for industrial purposes is encouraged. It is noted that policies E5 and E6 are subject to Directed Changes by the Secretary of State. The main impact of these changes is the removal of the principle of 'no net loss' of industrial uses within SIL and LSIS; and the removal of the Borough industrial land categories. The changes do not affect the underlying principles of policies E4, E5 and E6, which aim to retain, enhance and provide additional industrial capacity across SIL, LSIS and non-designated industrial sites, through a plan-led approach.
- 3.22 The adopted London Plan protects industrial land in SIL and LSIS but allows for some release in line with benchmarks set out in the Land for Industry and Transport SPG. The scale of release allowed depends on specific borough groupings; Bromley is identified as a 'restricted transfer' borough; Boroughs in this category are encouraged to adopt a more restrictive approach to the transfer of industrial sites to other uses and set appropriate evidence based criteria to manage smaller non-designated sites. The Bromley Local Plan policies noted below were deemed consistent with this approach.
- 3.23 Local planning policy set out in the Bromley Local Plan identifies the key areas for economic growth in the Borough, including office and industrial areas. There are a number of applicable policies which will apply to proposals which come forward in these areas (e.g. Local Plan Policies 80-85). Business Improvement Areas and Office Clusters (which are already subject to Article 4 Directions as noted above) are two Local Plan designations which seek the retention and promotion of office premises and floorspace. SIL and LSIS each have applicable policies within the Local Plan that seek to safeguard industrial uses that fall within Use Class B use in these areas.
- 3.24 The proposed Article 4 Directions will include:
- the BIA areas within Bromley Town Centre;
 - the majority of the SIL with the exception of the Foots Cray/Ruxley Corner section as this has very limited floorspace within the relevant Class B1a, B1b and B1c uses, and therefore is not considered to justify the making of a Direction;
 - LSIS across the Borough which have significant amounts of B1 floorspace; and
 - All three office clusters. Each of the clusters falls within an identified renewal area; Masons Hill falls within the Bromley Common renewal area, and Crayfield Business Park and Knoll Rise both fall within the Cray Valley renewal area. The Local Plan (policies 13 and 14) seeks to maximise opportunities for enhancement and improvement of the renewal areas and requires developments in renewal areas to maximise their contribution to economic, social and environmental improvements. Policies 16 and 17 relate specifically to the Bromley Common and Cray Valley renewal areas respectively.
- 3.25 Other non-designated offices were also considered for potential Directions, including a number of sites within Bromley Town Centre. Directions for these sites was considered unnecessary as they were unlikely to meet the requirements set out in the GPDO, e.g. they are not located within solely B1 use, they were had a footprint in excess of 1,000sm or were constructed post 1990.

Proposed Article 4 Directions – justification and evidence

- 3.26 Class ZA PD rights have the potential to significantly undermine planning policies to promote economic growth and could lead to a diminution of office and light industrial stock in the Borough. The PD right does include a number of restrictions which could help mitigate the impact to some degree, especially compared to previously introduced office to residential PD rights; the introduction of these rights in 2013 had very limited restrictions and uptake was significant and led to huge losses of office floorspace. However, the restrictions do not adequately mitigate the potential impacts.
- 3.27 As noted above, Article 4 Directions can be put in place to remove PD rights in certain areas, but they will require strong justification where prior approval powers are available. Officers consider that there is justification to introduce the following Article 4 Directions to remove Class ZA rights in areas which correlate with various office and industrial designations in the Local Plan:
- BIAs within Bromley Town Centre – these areas provide good quality purpose-built offices to create a high quality business environment for the retention of existing businesses and new business development. The BIAs cover part of London Road, Bromley North Station and Elmfield Road/Bromley South. The BIAs currently comprises approximately 60,000 sqm of office floorspace.
 - SILs - although the SILs are primarily industrial B2 and B8 areas, together the SILs in Bromley comprise approximately 6,000 sqm of office floorspace and 6,500 sqm of light industrial floorspace (Class B1c).
 - LSISs – directions are proposed for LSIS that significant amounts of Class B1a, B1b and B1c floorspace, which is the majority of designated LSISs³. Collectively the areas comprise approximately 5,500 sqm of office floorspace (Class B1a), 600 sqm of research floorspace (Class B1b) and 6,000 sqm of light industrial floorspace (Class B1c)
 - Office Clusters at Masons Hill, Knoll Rise and Crayfields Business Park. These office Clusters comprise approximately 24,000 sqm of office floorspace.
- 3.28 Maps of the proposed Article 4 Direction areas can be found at Appendix 1.
- 3.29 The Directions are considered necessary as the PD right has the potential to cause significant harm to local amenity and wellbeing. The areas identified above contribute significantly to the borough's commercial function; loss of office or light industrial floorspace The PD rights compromise the ability of the Council to plan properly to ensure that uses which contribute significantly to economic growth are protected, and to ensure that local wellbeing is maintained. In practical terms, without the Directions there is a very real potential for the loss of jobs and the loss of employment capacity to accommodate future employment need, which is projected to increase over the lifetime of the draft London Plan. This is not just due to the loss of individual premises but also the cumulative impacts from loss of multiple premises, which would undermine the core business function of the commercial areas in question.
- 3.30 The designations and policy preparation for the proposed Directions were supported by an evidence base including several economic and employment land studies. These studies included the following employment-based requirements for additional floorspace for the borough:
- Bromley Retail, Office Industry and Leisure Study (DTZ 2012)⁴: projected need for 121,000 sqm of office floorspace, between 2006 and 2031. The findings of the study are approaching a decade old but updated regional evidence suggests that there continues to be a strong requirement for new office space in the Borough. The study suggests a decline in demand for

³ Article 4 Directions are not proposed for LSISs which do not contain much/any B floorspace – these are Biggin Hill and Oakfield Road

⁴ Available from: https://www.bromley.gov.uk/download/downloads/id/1590/retail_office_industry_and_leisure_study_-_final_report_march_2012.pdf

warehousing/manufacturing space with a surplus of such space against demand. However, updated regional evidence paints a different picture; in the years since the study was produced, demand for such space has increased significantly, as has its importance to the local and regional economy.

- Stimulating the Economy Study (GL Hearn 2013)⁵: potential requirement for over 250,000 sqm of office floorspace, between 2011 and 2031. The study considers that there will be a net requirement for additional industrial/warehouse land over the same period.
- Planning for Growth in Bromley – Cray Business Corridor Study (URS 2014)⁶: 28,800 sqm net additional office floorspace required in the Cray Business Corridor, between 2013 and 2031 (based on a medium growth scenario). The study projects a loss of industrial space in the area over the same period, but also notes that *“the Cray Corridor displays good strategic characteristics for accommodating industrial and logistical businesses and there is significant occupier demand for space at this location as evidenced through consultations and surveys... therefore there is not expected to be a significant net loss of B1c/B2/B8 land or space within this study area location over the plan period.”*

3.31 In addition to this local evidence base, studies are routinely prepared at a strategic level to inform the Greater London Authority’s planning work including the draft new London Plan. Recent studies have included the following floorspace requirements specific to Bromley borough:

- London Office Floorspace Projections (Peter Brett Associates 2014)⁷: projects a range of 78,000 - 103,000 sqm of office floorspace required (depending on employment densities and use of frictional vacancy rates), between 2011 and 2036. These projections informed the Further Alterations to the London Plan adopted in 2015.
- London Industrial Land Supply and Economy Study (2015) (AECOM)⁸: this study underpins the protective approach toward industrial land set out in the draft new London Plan, as opposed to the approach in the adopted London Plan which sets out specific benchmark levels for releasing industrial land between 2011-2031. Figure 2-17 and table 2-8 of the study highlights the actual release of industrial land compared to the adopted London Plan benchmark, showing it to be considerably more than the cumulative annual benchmark over 2010-2015, and over two-thirds of the total benchmark up to 2031. Bromley has a significantly lower vacancy rate (5.4%) than the London average (9.8%) which suggests that available space is at a premium (supported by table 4-7 which shows a large increase in industrial rental values, which exceeds the increase in office rental values). Bromley’s vacancy rate is below the usual frictional vacancy level of 8% which allows for effective operation of the market, i.e. churn of businesses vacating space and new businesses moving in.
- GLA Economic Evidence Base for London (GLA Economics, 2016)⁹: found that Bromley’s contribution to construction, distribution, transport, accommodation and food services remains strong as a proportion of London’s overall output.
- London Office Policy Review (LOPR) 2017 (CAG and Ramidus 2017)¹⁰: the 2017 LOPR is the principal evidence base document which underpins the office policies in the draft new London Plan. It projects a demand for 122,009 sqm (GIA) of office floorspace in Bromley between 2016 and 2041, based on projected office-based employment levels. This is a significant increase on the previous LOPR (published in 2012) which projected around 80,000sqm between 2011 and 2036. These projections are not disaggregated within the borough but it is considered that a significant proportion would be delivered in designated areas set out in the Local Plan, where office

⁵ Available from: https://www.bromley.gov.uk/download/downloads/id/1589/stimulating_the_economy_study_-_final_report_january_2013.pdf

⁶ Available from: https://www.bromley.gov.uk/download/downloads/id/2187/planning_for_growth_-_cray_valley_corridor_study.pdf

⁷ Available from: <https://www.london.gov.uk/file/18777/download?token=9lnaCBWe>

⁸ Study available from: https://www.london.gov.uk/sites/default/files/industrial_land_supply_and_economy2015.pdf; Appendices available from: https://www.london.gov.uk/sites/default/files/appendices_-_london_industrial_land_supply_economy_study.pdf

⁹ Available from: https://www.london.gov.uk/sites/default/files/economic_evidence_base_2016.compressed.pdf

¹⁰ Available from: https://www.london.gov.uk/sites/default/files/london_office_policy_review_2017_final_17_06_07.pdf

use is prioritised. It is noted that the identified office supply in the borough only totals a quarter of the projected employment-based office floorspace projections. The LOPR 2017 also includes trend based forecasts, which project a loss of floorspace; however, it is important to note that any past trends are skewed by the policy framework of the time and also the office to residential PD rights which have led to significant losses of office floorspace (as paragraph 6.2.18 of the LOPR recognizes). Much of the losses that have informed the trend-based approach involved the loss of occupied premises; figure 7.13 shows that PD approvals in Bromley (as of the end of the 2015 FY) involved the loss of over 10,000 sqm of occupied space which disrupted/displaced over 1,000 jobs. The LOPR highlights that vacancy rates in Bromley have been consistently low (under 5%) and availabilities have remained low up to 2015. The LOPR outlines that small office units in particular should be protected in Bromley (figure 6.4).

- London Industrial Land Demand report (CAG, 2017)¹¹: this report outlines a strong demand and tight supply of industrial land across London; the report informs the draft London Plan industrial policies, particularly those policies which seek retention of industrial land. The report projects a reduction in demand for floorspace across London between 2016-2041, based on both employment and trend-based projections. However, in Bromley there is a projected increase in industrial floorspace using both methods, highlighting the importance such space has for the local economy. The report recommends that Local Authorities include stronger policies and utilise Article 4 Directions to protect important industrial areas as part of their long-term planning strategy.
- London Employment Sites Database (LSED) (CAG, 2017)¹²: LSED is a database that records recently completed employment developments and those in the pipeline in London. It is therefore a useful mechanism for identifying whether capacity exists to accommodate projected jobs projections. Table 5.1 identifies a total capacity to accommodate 6,600 jobs, 2,600 of which are office jobs.

3.32 Despite the variety of projections in local and regional studies, they all show a consistently strong employment-based demand for additional office and light industrial floorspace, for the life of Bromley's Local Plan.

3.33 At a national level, the Government's Industrial Strategy (2018)¹³ sets out a framework to co-ordinate a wide range of economic policies to respond to a series of 'grand challenges'. Meeting these challenges is essential in order to increase productivity and to meet the needs of future industries. The Industrial Strategy proposes a series of Local Industrial Strategies that build on local strengths and deliver economic opportunities. The Evidence Base for London's Local Industrial Strategy (2020)¹⁴ presents clear, robust and comprehensive evidence on London's economy with a view to supporting the overall objective of achieving inclusive growth in London. The report highlights London's employment growth over the past 10 years, including a 4.9% increase in jobs from 2015-2018 and an increase in labour productivity of 1.6% and GVA increase of 23.7% from 2010-2017. Business start-up rates remain high in London, with cheaper outer London locations being important for SMEs. Bromley has been, and will continue to be, an important contributor to London's economic output.

3.34 Overall, the designated areas to be covered by the Directions contain over 100,000 sqm of office and light industrial floorspace. Further loss of space in the designated areas could reduce opportunities for fledgling businesses to secure space, and could also mean that existing businesses looking to grow are not retained as they may be forced to look outside the borough for additional space. It also means that any potential agglomeration benefits are likely to be lost, which could have a significant impact on the local economy.

¹¹ Available from: https://www.london.gov.uk/sites/default/files/ilds_revised_final_report_october_2017.pdf

¹² Available from: https://www.london.gov.uk/sites/default/files/lesd_final_report_may_2017.pdf

¹³ Available from:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/664563/industrial-strategy-white-paper-web-ready-version.pdf

¹⁴ Available from: <https://www.london.gov.uk/sites/default/files/lis-evidence-base-final.pdf>

3.35 The introduction of residential premises could also pose a threat as it increases the risk of noise and disturbance complaints due to locating incompatible uses next to one another, and hence causing negative impacts on the amenity of these businesses. For industrial uses in particular, both the type of operation and propensity for greater numbers of vehicle trips by large vehicles means they are specifically unsuited to being located adjacent to residential uses.

4. POLICY IMPLICATIONS

4.1 As set out in the main body of this report, there could be significant adverse impacts on local amenity and wellbeing resulting from the loss of office, research and light industrial floorspace, if the proposed Article 4 Directions are not put in place. This could undermine elements of the Development Plan, particularly economic policies set out in the Local Plan and draft new London Plan. For those office, research, light industrial and industrial uses that continue to operate in designated areas where new housing is developed through PD, they could experience significant adverse impacts in terms of effective business operation and possible expansion. The prior approval for Class ZA does allow some consideration of this but it is not the equivalent to a full assessment against Development Plan policy.

4.2 The proposed Directions will restrict housing supply to a degree, but this is likely to be of limited impact in terms of restricting the amount of new residential units created, and hence the effect on the Council's ability to meet housing targets is limited. The areas subject to the Directions cover 0.803 square kilometres (0.53% of the total area of the borough), which is a small proportion and leaves a significant amount of land where PD rights would continue to apply. The potentially significant economic impacts on designated office and industrial areas, identified in this report, would outweigh this potentially limited impact on housing supply, in terms of the deciding whether it is expedient to pursue Article 4 Directions for the proposed areas.

4.3 The quality of the housing created must also be considered alongside any impact on housing supply. The creation of new housing is not just a numbers game; it is essential that new housing is fit for purpose in order to ensure sustainable development, for example ensuring appropriate sustainable design measures to mitigate climate change. PD rights have become synonymous with poor quality, small homes. As Article 4 Directions would require planning permission to be secured for such developments in the future, this will ensure delivery of higher quality residential units and assist with the delivery of sustainable development in the borough. It is recognised that the Government have indicated that minimum space standards will be required for new housing developed through PD rights, but, important as these standards are, this will not guarantee the development of high quality housing; only full application of Development Plan policy can do this.

4.4 The industrial areas to be covered have a distinct commercial function and are not considered to be the most suitable areas for delivery of housing. Regardless of this, while the Directions would remove PD rights, they would not remove the potential for housing in all of these areas entirely, for example as part of a mixed-use redevelopment or intensification in BIA or office clusters, as the relevant policies does not preclude housing in principle where the employment use of the sites is not undermined. Requiring housing to come through the full planning permission route is more likely to deliver sustainable development which has economic, social and environmental benefits, in line with the objectives of the Development Plan.

4.5 It is noted that the changes to the Use Classes Order could also affect office supply, given that former B1 uses are now within Use Class E and in most cases will be free to move to any other use within Class E. However, the impact of this potential change is not analogous to the potential impact of the PD right in terms of impacts; both would involve the loss of office/light industrial space but the PD right would lead to full loss of commercial use whereas change within Class E is likely to have adverse impacts on office and light industrial supply but will at least help to retain a commercial function within specified areas. The introduction of residential use through Class ZA could also cause adverse impacts due to residential and commercial uses being in close proximity. This can be considered to a degree through prior approval and relevant policies such as those relating to agent

of change could be material to the prior approval assessment, but ultimately the PD right does heighten the risk of adverse impacts and does not offer the same protection against these issues as the full suite of policies in the Development Plan, applied to a planning application.

- 4.6 Prior approval permissions have often been used as a ‘fallback’ position, whereby developers secure prior approval permission and then subsequently apply for full planning permission for a more comprehensive development on the same site, noting that if this permission was not granted then there is an extant prior approval that can be delivered. Fallback positions can be material considerations in the determination of planning applications although the weight given would depend on whether the applicant has secured the prior approval permission; it is not enough to just highlight that prior approval permission could be sought, as there is no guarantee prior approval will be granted. Where prior approval permission has been granted, an applicant would also need to demonstrate that there is a realistic intention to implement the prior approval, for the fallback to be given weight. It is noted that development granted through the office to residential demolition PD rights must be completed within three years of the date of grant of prior approval, which will factor into any consideration of the weight given to a fallback position.
- 4.7 The impacts of the COVID-19 pandemic are currently uncertain, but it is noted that it could have significant impacts on the local economy and housing supply in particular. However, such impacts are not yet evident, for example through higher vacancies. If impacts do materialise, this does not necessarily have implications for the Directions, as these impacts could be a material consideration in a future planning application. However, the PPG notes that it is important for local planning authorities to monitor any Article 4 Directions regularly to make certain that the original reasons the Directions were made remain valid. Therefore, the impact of the COVID-19 pandemic, as well as other positive and negative impacts, will be an ongoing consideration to help determine whether the Directions should remain in place.

5. FINANCIAL IMPLICATIONS

- 5.1 This report recommends 20 non-immediate Article 4 Directions which will ensure that compensation liability is removed. This requires a 12-month notice period to be given, before the Directions come into effect. During this period, the PD rights would continue to apply, and landowners might take advantage of these rights. However, if the Council were to remove these rights with immediate effect, any refusal of planning permission could result in compensation liability. Compensation can be claimed based on abortive expenditure or other loss or damage directly attributable to the withdrawal of PD rights; this could include differences in land value between office and residential, which could be substantial.
- 5.2 Costs associated with publishing and consulting on the Article 4 Directions will be met by Planning Policy and Strategy and the Council’s legal services department.

6. LEGAL IMPLICATIONS

- 6.1 Article 4 (1) of the GPDO allows local Planning authorities to withdraw certain PD Rights. The procedure for putting in place an Article 4 Direction is set out in Schedule 3 of the GPDO. The Council’s legal services department will be responsible for making and publicising the Directions, in line with the statutory requirements set out in the GPDO. This includes a period of at least 3 weeks to allow for representations to be made on the proposed Directions; it is the intention to consult on the proposed Directions for 6 weeks to allow ample time for interested parties to respond. Any representations received must be taken into account before making any decision whether to confirm the Directions.
- 6.2 There is also a requirement for serving notice on owners and occupiers of every part of land within the areas to which the Directions relate, unless the local planning authority considers that the number of owners or occupiers within the area to which the direction relates makes individual service impracticable. The proposed Directions together encompass over 1,500 properties (which

includes instances where there are numerous properties within a single building). This level of notification is considered to be impracticable, hence individual notice will not be given. Notice will be given by local advertisement and site notice, as per the other requirements of the GPDO.

6.3 The GPDO requires notice of the proposed Directions to be given as soon as practicable. Due to the current COVID-19 restrictions, it may not be practicable to give notice as per the GPDO requirements. In such instances, the Council will seek to issue notice following the lifting of the COVID-19 restrictions. This is considered to be a practical and pragmatic approach as advocated in the Chief Planners Letter of 20 March 2020¹⁵.

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|---|---|
| Non-Applicable Sections: | IMPACT ON VULNERABLE ADULTS AND CHILDREN PERSONNEL IMPLICATIONS PROCUREMENT IMPLICATIONS |
| Background Documents: (Access via Contact Officer) | Bromley Local Plan 2019 - https://www.bromley.gov.uk/download/downloads/id/4768/bromley_local_plan.pdf The London Plan 'Intend to Publish' version, December 2019 - https://www.london.gov.uk/sites/default/files/intend_to_publish_-_clean.pdf National Planning Policy Framework (February 2019) - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf |

¹⁵[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/875045/Chief_Planners_Newsletter - March 2020.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/875045/Chief_Planners_Newsletter_-_March_2020.pdf)

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held at 6.30 pm on 19 November 2020

Present:

Councillor Alexa Michael (Chairman)
Councillor Yvonne Bear (Vice-Chairman)
Councillors Vanessa Allen, Katy Boughey, Mark Brock,
Kevin Brooks, Peter Dean, Simon Fawthrop, Christine Harris,
Charles Joel, Russell Mellor, Tony Owen, Angela Page,
Richard Scoates, Melanie Stevens and Michael Turner

Also Present:

Councillors Kieran Terry and Pauline Tunnicliffe

51 PROPOSED NON-IMMEDIATE ARTICLE 4 DIRECTIONS TO REMOVE PERMITTED DEVELOPMENT RIGHTS FOR OFFICE TO RESIDENTIAL DEMOLITION IN BROMLEY'S DESIGNATED OFFICE AND INDUSTRIAL AREAS

REPORT HPR2020/041

Members considered the making of 20 non-immediate Article 4 Directions to withdraw the permitted development (PD) right for demolition of purpose-built detached buildings used for offices (B1a office, B1b research and B1c light industrial) together with their replacement with a single detached block of flats or a single dwelling house. The Directions would apply to the three Business Improvement Areas (BIA) in Bromley Town Centre; the majority of Strategic Industrial Locations (SIL) and Locally Significant Industrial Sites (LSIS); and all three Office Clusters, all as shown in the Bromley Local Plan (January 2019). The Directions would come into force at least 12 months after being made, subject to confirmation by the Renewal, Recreation and Housing Portfolio Holder after taking account of representations received.

The Chairman emphasised the need for office and industrial spaces to be protected.

Councillor Mellor was opposed to the conversion of office/industrial use to residential use. Buildings were initially constructed for specific purposes and conversion of office to residential use often resulted in accommodation that was not fit for purpose.

Members were informed that the 12 month delay on making the Article 4 Directions was required to remove the risk of the Council having to make compensation payments.

Councillor Joel stated that the majority of planning applications for conversion would contain details of the unsuccessful attempts to market office/industrial space. Councillor Joel supported the recommendations.

RESOLVED that:-

- 1) Members endorse the making of 20 non-immediate Article 4 Directions to withdraw the permitted development right granted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (“the GPDO”), Schedule 2, Part 20, Class ZA, which permits a single detached building comprising uses falling within Class B1(a) (office), Class B1b (research) or Class B1c (light industrial) to be demolished and replaced with a residential (Use Class C3) use. The areas in which the Article 4 Directions would apply were shown in the plan attached at Appendix 1; and**

- 2) Members note that the Portfolio Holder for Renewal, Recreation and Housing would be asked to authorise the making of 20 non-immediate Directions and subsequent public consultation for a period of 6 weeks. The Directions would come into force 12 months from the day on which they were made, if they were subsequently confirmed following public consultation. Any confirmation of the Directions would be subject to a future decision.**

Report No.
HPR2020/048

London Borough of Bromley

PART 1 - PUBLIC

Decision Maker: **Leader**
For pre-decision scrutiny by the RRH PDS Committee

Date: RRH PDS: 16th December 2020

Decision Type: Urgent Executive Key

Title: **Future of the Crystal Palace Concert Platform**

Contact Officer: Lizzi Hewitt-Brown, Programme Manager - Regeneration
Tel: 020 8313 4097 E-mail: Lizzi.hewitt-brown@bromley.gov.uk

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

Ward: Crystal Palace

1. REASON FOR REPORT

- 1.1 Officers have been to market for proposals for the future use of the Concert Platform in Crystal Palace Park which has been largely redundant for over 10 years and has fallen into disrepair.
 - 1.2 This report recommends a lease in principle to one of the bids received.
 - 1.3 Please refer to Part 2 for further information.
-

2. RECOMMENDATION(S)

- 2.1 The Renewal, Recreation and Housing PDS Committee are asked to:
 - Note and provide comment on the content of this report to the Leader.
- 2.2 The Leader is asked to:
 - Please refer to Part 2.

Impact on Vulnerable Adults and Children

1. Summary of Impact: Please refer to Part 2.

Corporate Policy

1. Policy Status: N/A.
 2. BBB Priority: Quality Environment.
-

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
-

Staff

1. Number of staff (current and additional): None
 2. If from existing staff resources, number of staff hours: None
-

Legal

1. Legal Requirement: No statutory requirement or Government guidance.
 2. Call-in: Call-in is applicable
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Crystal Palace Park currently receives an estimate 1.4 million visits per annum. By revitalising the Concert Platform, it is expected that new and different audiences will be brought to the park.
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes
2. Summary of Ward Councillors comments: Councillors would like to follow through with more detailed questions however they wish to support the recommendations in principle. Councillor Wilkins has commented that 'we now have a clear and deliverable road map which will result in multi-layered regeneration of CP Park for future generations.'

3. COMMENTARY

- 3.1 In 1996, the Council hosted a competition to design a permanent concert platform in Crystal Palace Park, which was won by Ian Ritchie Architects. The Concert Platform (the Platform) was completed in 1997 and hosted its first concert the same year.
- 3.2 However, the Platform did not prove viable as a commercial venue at the time. As a result, it is now mostly unused and has fallen into disrepair. The Council owns the Platform and is responsible for its maintenance.
- 3.3 The Platform is greatly valued amongst the local community and was designated an Asset of Community Value in 2020. Officers were approached in 2019 by a community group (the Concert Platform Working Group) to reactivate its use.
- 3.4 As such, Officers created an opportunity to invite competitive proposals that provide a sustainable future for the Platform, benefit the park, the local community and enhance public recreation.
- 3.5 Please refer to Part 2 for further information about the requirements of the proposals, and a summary of the proposals received.

4. DESCRIPTION OF SERVICE AND SUMMARY OF THE BUSINESS CASE

- 4.1 Please refer to Part 2.

5 LEASE AWARD RECOMMENDATION

- 5.1 **Recommended Provider** – Please refer to Part 2.
- 5.2 **Estimated Value** – N/A
- 5.2 **Other Associated Costs** – N/A
- 5.3 **Proposed Lease Period** – Please refer to Part 2.

6 MARKET CONSIDERATIONS

- 6.2 The opportunity was advertised for just under two months through appropriate channels including the London Tenders Portal and local websites. Due to the unique nature of the opportunity and specific requirements of the project, few responses were received.

7. STAKEHOLDER ENGAGEMENT

- 7.1 The brief and requirements for proposals were developed in consultation with the Concert Platform Working Group to ensure that the community's aspirations for the Platform are achieved.
- 7.3 Interest has been received from theatre companies hoping to hire the Platform for performances, including a summer Shakespeare production.

8. SUSTAINABILITY AND IMPACT ASSESSMENTS

- 8.1 Please refer to Part 2.

9. POLICY CONSIDERATIONS

- 9.1 Crystal Palace Park is shown within various designations and policies in the Local Plan and the London Plan. There is outline planning permission in place for the 2007 Masterplan, which established the planning principles of the Regeneration Plan.
- 8.2 The Regeneration Plan requires a separate planning consent which was submitted in January 2020 and is being determined. Refurbishing the Concert Platform is not within this planning consent and therefore needs to be brought forward separately.

10. IT AND GDPR CONSIDERATIONS

- 10.1 N/A

11. PROCUREMENT RULES

- 11.1 There are no procurement considerations.

12. FINANCIAL CONSIDERATIONS

- 12.1 Please refer to Part 2.

13. PERSONNEL CONSIDERATIONS

- 13.1 N/A

14. LEGAL CONSIDERATIONS

- 14.1 Under section 123(2) of the Local Government Act 1972, a local authority has the power to dispose of land. The main caveat to this is that the council must not do so for “a consideration less than the best that can reasonably be obtained.”
- 14.2 As the land in the park is designated open space, the Council was required to advertise the disposal pursuant to Section 123(2A) of the Local Government Act 1972. A Public Notice featured in the News Shopper for two consecutive weeks from the 11th-17th and 18th-24th November 2020. No objections were received during the consultation period.

| | |
|---|--------|
| Non-Applicable Sections: | 10, 13 |
| Background Documents: (Access via Contact Officer) | |
| | |

Report No.
HPR2020/047

London Borough of Bromley

PART 1 - PUBLIC

Decision Maker: **Leader**
For pre-decision scrutiny by the RRH PDS Committee

Date: **Wednesday 16th December 2020**

Decision Type: Urgent Executive Key

Title: **Authority to create grant mechanism in event permits for Crystal Palace Park Trust**

Contact Officer: Lizzi Hewitt-Brown, Programme Manager - Regeneration
Tel: 020 8313 4097 E-mail: Lizzi.hewitt-brown@bromley.gov.uk

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

Ward: Crystal Palace

1. REASON FOR REPORT

- 1.1 This report provides Members with an update on the development of the Crystal Palace Park Trust, setting out how the Trust will obtain seed funding through events in Crystal Palace Park. It also requests Members to consider waiving the hire fee for the use of the park for events by the allocation of a grant.
- 1.2 The allocation of a grant will form part of the Council's event permit to the Trust. The Trust cannot sign its contract with the two event promoters until the permit is agreed. Signing the contract has been delayed while details within the permit have been decided. Therefore it is now urgent that the permits and contracts are signed to secure the events and seed funding for the Trust.

2. RECOMMENDATION(S)

- 2.1 The Renewal, Recreation and Housing PDS Committee are asked to:
 - Note and provide comment on the content of this report to the Leader.
- 2.2 The Leader is asked to:
 - Authorise a grant mechanism within the Festival Republic event permit that allows the hire fee of £50,000 to be paid to the Trust per annum for up to six years in accordance with the grant terms set out in paras. 4.4

- Authorise a grant mechanism within the Winterstow Ltd. event permit that allows the hire fee of £20,000 to be paid to the Trust per annum for five years in accordance with the grant terms set out in paras. 4.4
- Delegate authority to the Chief Officer (Director of Housing, Planning and Regeneration) in consultation with the Director of Environment and Public Protection, and the Portfolio Holder of Renewal, Recreation and Housing, to make decisions on the inclusion of grant mechanisms in further event permits between the Council and the Crystal Palace Park Trust or associated bodies, including its trading subsidiary, Crystal Palace Park Events Limited (CPPEL)

Impact on Vulnerable Adults and Children

1. Summary of Impact: The income generated from events in Crystal Palace Park is ringfenced for improvements in the park which will enhance it as a safe destination for vulnerable adults and children.

Corporate Policy

1. Policy Status: N/A.
 2. BBB Priority: Quality Environment, Children and Young People, Regeneration
-

Financial

1. Cost of proposal: Estimated cost - The grant within the Festival Republic event permit has a value of £50k per year for up to six years (minimum three years), totalling a potential grant value of £300k.

The grant within the Winterstow Ltd. event permit has a value of £20k per year for five years, totalling a grant value of £100k.

The cost of the proposal currently is therefore £400k which will be met from the hire fees paid by CPPEL.

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: CPPEL will pay the hire fee to the Council which will be paid to the Trust as a grant
-

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: No statutory requirement or Government guidance.
 2. Call-in: Call-in is applicable
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): An estimated 1.4 million visits are made to Crystal Palace Park each year
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes
2. Summary of Ward Councillors comments: Councillors would like to follow through with more detailed questions however they wish to support the recommendations in principle. Councillor Wilkins has commented that 'we now have a clear and deliverable road map which will result in multi-layered regeneration of CP Park for future generations.'

3. COMMENTARY

- 3.1 On 24th March 2015, the Executive agreed to develop an alternative management option for Crystal Palace Park (Report No. DRR15/020). On 5th July 2017 (Report No. DRR17/029) the Executive approved the Regeneration Plan. The Council's Regeneration Plan for Crystal Palace Park sets out a three-pronged strategy to regenerate the park through 1) physical regeneration works, 2) a new form of governance whereby the Crystal Palace Park Trust manages the park, and 3) a sustainable events-led business model which enables the Trust to manage the park.
- 3.2 The formation of the Crystal Palace Park Trust is an integral part of the wider Regeneration Plan, and offers significant long term benefits to the Council. As current custodians of this historical park, the Council carries considerable responsibilities; overall management of such a unique site requires specific skills and expertise. The rationale behind establishing the Trust was to put in place a new organisation with the appropriate skills and experience to secure the park's future. This would be achieved by generating new income in the park and re-investing it, which would also compliment the Council's investment in the Park. This model has been adopted by other councils including Newcastle City Council which has established a very successful trust (Urban Green Newcastle) to manage the city's parks and allotments - Officers have met with this trust.
- 3.3 The mechanism for transferring governance to the Trust is in development.
- 3.4 The Council's Regeneration Plan requires that the Trust establishes itself as an organisation that is capable of taking on the governance of a regional park. The Trust has responded to this requirement proactively. The Crystal Palace Park Trust was incorporated as a Private Company Limited by Guarantee (Company No. 11360503) in May 2018. Its charitable objects are as follows:
- Preserve, protect, manage and improve the physical and natural environment of the park
 - Promote health and wellbeing, community participation, and the enjoyment of the park through sports, recreation and leisure, and arts, heritage and culture
 - Provide and promote learning about the history and heritage of the park and its physical and natural attributes
 - Support further charitable purposes that relate to the park and its surrounding area

4. SUMMARY OF THE BUSINESS CASE

- i) As part of the Regeneration Plan for Crystal Palace Park, the Council expects the Crystal Palace Park Trust to deliver an events-led business model for the park that will secure the future of the park through ring-fenced income.
- ii) Officers and the Trust have engaged with the Council's current Park Management and General Maintenance Contractor, Idverde, in developing these events. Idverde was awarded the contract in 2019 in the knowledge that events, and management and maintenance of the park, would novate across to the Trust, and have worked positively with officers to support this.
- iii) In working to meet this expectation, the Trust is close to securing two significant events contracts in the park.
- iv) However, the Council has a fiduciary duty to receive a fair market fee for the hire of the park for events.

- v) To enable the Trust to maximise the income ringfenced for the benefit of the park, a grant mechanism in the event permit would allow the Council to transparently grant the hire fee back to the Trust.
- vi) In so doing, a potential total of £400k will be invested in the park by the Trust over the next six years for heritage and / or environmental activities and / or outputs.
- vii) Other income generated by the Trust from these events will either be spent in the park in line with the Trust's charitable objects, or in ensuring the Trust has sufficient organisational capacity to increase its responsibilities in the park and meet the requirements of the Regeneration Plan.
- viii) Administration of the grant will be managed by Officers in the Regeneration team, ensuring the relevant Officers in Environmental Services are consulted before any activities or outputs are undertaken in the park with the grant money.
- ix) It is not recommended that the Council retains the market fee as the Trust needs to maximise income to meet the requirements of the Council's Regeneration Plan. Reducing the Trust's income would weaken the Trust's financial and operational position, which in turn increases the risk of transferring the governance of the park in the coming years.

4.1 SERVICE PROFILE/DATA ANALYSIS

4.1.1 N/A

4.2 OPTIONS APPRAISAL

4.2.1 Option One

The first option is to create a grant mechanism in the the event permit so that the hire fee paid from Crystal Palace Park Events Limited (CPPEL) to the Council, is granted back to the Trust to be spent on environmental and / or heritage activities.

This option means that the Trust can maximise the income it generates, committing it both to park improvements as well as building organisational capacity.

Para. 4.3 which sets out Option One as the preferred option in more detail.

4.2.2 Option Two

The second option is to not authorise the grant mechanism in the permit. If the grant mechanism is not permitted, the income from the hire fee would be retained by the Council and spent at the Council's discretion.

However, since the palace burnt down in 1936, the park has not received the level of routine funding needed to maintain all its historic features. As a result, the park is on Historic England's Heritage at Risk Register. By establishing the three-pronged Regeneration Plan, the Council has committed to solving this issue. It has set the Crystal Palace Park Trust the task of ensuring it has the organisational and financial capacity to successfully govern the park.

The Trust is working to fulfil this requirement and in so doing, will safeguard the Council-funded regeneration works and maintain the park's historic features to an enhanced standard. If the park is tackled holistically in this way, the decades of decline will be reversed for future generations.

If the hire fee is not granted to the Trust, the remaining events income will need to be spread across park investment and building organisational capacity. This option is therefore discounted as it would diminish the strength of the Trust's position, which is required to ensure the holistic Regeneration Plan is successful.

4.2.3 Option Three

The final option is to waive the hire fee entirely so that CPPEL would retain the income, and gift monies back to the Trust at its discretion. However, as the Council has a fiduciary duty to get a fair market fee for the hire of the park for events, this is not a true option and has been discounted.

4.2.4 Therefore Option One is recommended.

4.3 **PREFERRED OPTION**

4.3.1 In the last four months, the Trust has made further significant progress with the establishment of a trading subsidiary, Crystal Palace Park Events Limited (Company No. 12855520), and is currently applying for charitable status. In addition, the Trust has developed sub-committees, governing documents, organisational policies and procedures, and expanded its professional network to bring high-profile event promoters to the park.

4.3.2 As such, the Trust is close to securing two significant events contracts, one with Festival Republic (for events on the terraces on three consecutive years, with potential to extend a further three years), and the second with Winterstow Ltd. (for a summer events season on the Concert Platform, over five consecutive years). Festival Republic is a high profile event promoter with an impressive portfolio of festivals including Download, Latitude and Wireless. Winterstow Ltd. was founded specifically for Crystal Palace Park by promoter Marcus Weedon who has also launched Field Day in Victoria Park (2007) and Winterville (2014), now hosted on Clapham Common.

4.3.3 These events will secure vital income for the Trust enabling it to begin employing staff and investing in the park. It is worth noting that most trusts of this nature would require 'seed' funding from a local authority. The Trust securing these events will optimise their ability to function as a legal entity without financial risk to the Council.

4.3.4 To support the Regeneration Plan's Outline Planning Application as an Enabling Development case, income generated in Crystal Palace Park is being reinvested in the park. This is the case of the sale of two sites on the periphery of the park to fund much of the Regeneration Plan (Report No. DRR20/018). It is also the case with the rental income from the new café in the park (Report No. DRR15/020).

4.3.5 However, it is the Council's fiduciary duty to get a fair market fee for the hire of the park for events. This fee cannot be waived as it would mean the Council falls short of its duty to be transparent about the way the Council spends and protects its money. Instead, the income can be returned to the Trust in the form of a grant to help secure the park into the future.

4.3.6 The hire fee for the Festival Republic event has been calculated at £50,000 per annum, and for the Winterstow Ltd. event is £20,000 per annum. These values reflect Idverde UK's hire fees for these types and sizes of events.

4.3.7 The income from these two events goes a significant way in ensuring that the Trust is the proficient organisation required by the Council to take on the governance of Crystal Palace Park, securing its future and de-risking the governance transfer. Therefore, permission is sought to create a mechanism in the event permit that means the hire fee paid from CPPEL to the Council, can be granted back to the Trust.

4.3.8 Subject to CPPEL securing the two events contracts, Officers propose that the value of the hire fees will be granted to the Trust on the condition that it is only spent to undertake heritage and / or environmental activities and / or outputs in the park in accordance with the grant

clauses. This will mean that, while the grant money is ring-fenced for the park, the Council will be able to influence the way it is being spent, ensuring it is in line with the Council's regeneration aims. The grant clauses are set out in para. 4.4.

- 4.3.9 It may be the case that further events are hosted in the park by CPPEL or the Trust. Permission is therefore sought to delegate authority to the Chief Officer (Director of Housing, Planning and Regeneration) in consultation with the Director of Environment and Public Protection, and the Portfolio Holder for Renewal, Recreation and Housing, to use their discretion to authorise the use of the same grant mechanism in future event permits for events hosted in the park by the Trust, or its associated bodies including the CPPEL trading subsidiary.

Grant clauses

- 4.4 The following grant clauses have been included in the event permit by Legal Officers and have been agreed with Officers from Regeneration and Environmental Services, as well as with Idverde UK and the Crystal Palace Park Trust. In the Festival Republic permit, the sum in 4.4.1 is £50,000. In the Winterstow Ltd. permit, the sum in 4.4.1 is £20,000.
- 4.4.1 The Council and the Trust agree that the Council shall pay the Trust a sum of £XXX (being the sum of the Hire Fee) ("the Grant") each year of the Term and any Extended Term.
- 4.4.2 The Grant shall be paid to the Trust on the condition that the Trust spends the Grant only to deliver either by undertaking or procuring heritage and/or environmental activities and/or outputs in the Crystal Palace Park in accordance with these Grant Clauses ("the Project").
- 4.4.3 The nature and specification of any activities and/or outputs under the Project shall be approved by the Council in its discretion and shall be undertaken or procured by the 5th April in the year following the Events or such other period as agreed between the Council and the Trust as further provided for below in these Grant Clauses.
- 4.4.4 The Parties acknowledge that where the delivery of any activities and/or outputs under the Project requires compliance with the Council's internal decision-making processes and proper procurement procedures under the Council Constitution then these must be complied with.
- 4.4.5 The Trust agrees to provide the Council documentary evidence upon request that such approved activities and/or outputs under the Project have been undertaken or procured in accordance with the Project as approved together to the approved value.
- 4.4.6 To the extent that the activities and/or outputs under the Project are not delivered by the said date each year or to the value, the shortfall shall be immediately be repayable to the Council as a Hire Fee or with the agreement of the Council be rolled into the next year to be spent in accordance with the Project and the terms of these Grant Clauses.
- 4.4.7 The Grant shall be payable to the Trust at the point of idverde issuing Hire Fee payment invoice. For clarity the Council will not be liable for the grant payment if the events do not happen, and the hire fee for the park is not triggered. For administrative ease CPPEL shall instead of paying the Hire Fee directly to idverde shall instead pay the Hire Fee to the Trust which shall represent the Grant payment from the Council to the Trust and thereby discharge each Parties mutual payment obligations. The Trust shall pay the Grant sum into an account of the Trust which is expressed to subject the obligations under these Grant Clauses.
- 4.4.8 Where the Council acting reasonably considers the Trust to be in material breach of these Grant Clauses or the Project is no longer achievable, the Trust and the Council shall first attempt to resolve the issue and where the issue is not resolved the Council may, on giving 21 days written notice to the Trust, terminate the Grant under these Grant Clauses whereupon the Trust must return all or part of the Grant paid as determined by the Council acting reasonably. For the avoidance of doubt notwithstanding the action taken under this

clause the Permit shall remain in full force and operation except that the Hire Fee shall be payable to idverde without any further regard to these Grant Clauses

4.4 MARKET CONSIDERATIONS

- 4.4.1 The Council must uphold its fiduciary duty to gain a fair market fee for the hire of the park for events. It is requested that this market hire fee is granted back to the Trust to maximise the Trust's investment in the park.

5. STAKEHOLDER ENGAGEMENT

- 5.1 The Council's Legal Officers have been engaged throughout the development of the event permit, both advising on Council's duty to gain a fair market fee and on the grant mechanism and terms to be included in the permit.
- 5.2 The Crystal Palace Park Trust has been engaged throughout the same process and is in agreement with the grant terms and the commitment to ringfence the grant monies for heritage and / or environmental activities and / or outputs by 5th April the following year.

6. PROCUREMENT AND PROJECT TIMESCALES AND GOVERNANCE ARRANGEMENTS

- 6.1 **Estimated Grant Value** – £400k
- 6.2 **Other Associated Costs** – N/A
- 6.3 **Proposed Grant Period** – Six years

7. SUSTAINABILITY AND IMPACT ASSESSMENTS

- 7.1 The grant mechanism is considered by Officers to be most beneficial option to secure the park's sustainable future. The park will benefit from an enhanced level of investment which will positively impact existing and new visitors to the park in the coming decades.

8. POLICY CONSIDERATIONS

- 8.1 Crystal Palace Park is shown within various designations and policies in the Local Plan and the London Plan. There is outline planning permission in place for the 2007 Masterplan, which established the planning principles of the Regeneration Plan.
- 8.2 The Regeneration Plan requires a separate planning consent which was submitted in January 2020 and is being determined. The Trust's business model for the park was submitted as part of the Financial Viability Assessment within the Regeneration Plan's Outline Planning Application.

9. IT AND GDPR CONSIDERATIONS

- 9.1 There are no IT or GDPR considerations at present.

10. PROCUREMENT RULES

10.1 There are no procurement considerations.

11. FINANCIAL CONSIDERATIONS

11.1 The Council has a fiduciary duty to receive a fair market fee for the hire of the park for events. A grant mechanism would allow the Council to transparently grant the hire fee back to the Trust. In so doing, a potential total of £400k will be invested in the park by the Trust over the next six years in accordance with the grant conditions.

11.2 The Trust has actively been seeking to secure future events to generate income to support their set up costs and future investment in lieu of needing financial support from the Council. The Trust's governance, operating model and business plan remain to be finalised and agreed by the Council, which is expected in 2021. However, the conditions set out in 4.4 will enable Officers to ensure that the grant is applied as the Council expects and should provide adequate governance safeguards prior to this.

11.3 Although the Regeneration Plan set out a commitment where new income generated in the park would be reinvested within it, the Council can choose not to award the grant and retain the additional fee income of up to £400k.

12. PERSONNEL CONSIDERATIONS

12.1 N/A

13. LEGAL CONSIDERATIONS

13.1 The Council has a legal power to hold, maintain and develop its landholdings and buildings in connection with functions including powers available under various Parks and Open Spaces legislation relating to Crystal Palace Park. In furtherance of these powers the Council has entered into a Management and Maintenance contract with Idverde. As part of the Contract, Idverde manages the land which includes the issuing and management of permits and fees for events in the Park.

13.2 In accordance with the Council's fiduciary duty, the Council has a legal duty to use its funds, resources and assets prudently in the best interests of its residents. This report confirms that the permit hire fee obtained represents a fair market value for the events and that the making of a grant back to the Trust is a sensible use of these funds as explained in more detail in the options section of this report. The Council's stewardship to protect these funds is achieved through grant terms which requires an agreed project use, and which introduces sufficient checks, pre-conditions and recovery of the grant. Transparency will further be achieved through the identification of the grant monies in the accounts of the Council, the Trust and its subsidiary CPPEL.

13.3 The Council's Constitution under the Executive Procedure Rules section 1.3 would permit the delegation to an officer as requested in the recommendations to this report.

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|---|--|
| Non-Applicable Sections: | 4.1, 12 |
| Background Documents: (Access via Contact Officer) | DRR15/020 'Crystal Palace Park' DRR17/029 'Crystal Palace Park: Regeneration Plan' DRR20/018 'Crystal Palace Park' |
| | |

Report No.
HPR2020/046

London Borough of Bromley

PART 1 - PUBLIC

Decision Maker: **Executive**
For pre-decision scrutiny by the RRH PDS Committee

Date: **RRH PDS: 16th December 2020**
Executive: 13th January 2021

Decision Type: Non-Urgent Executive Key

Title: **Update on the Transfer of Crystal Palace Park**

Contact Officer: Lizzi Hewitt-Brown, Programme Manager - Regeneration
Tel: 020 8313 4097 E-mail: Lizzi.hewitt-brown@bromley.gov.uk

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

Ward: Crystal Palace

1. REASON FOR REPORT

- 1.1 In order to meet the requirements of the Council's Regeneration Plan for Crystal Palace Park, the Crystal Palace Park Trust (the Trust) has made strides to establish itself since its incorporation in May 2018.
- 1.2 Officers are preparing for a phased handover of responsibility for the park. It is anticipated that this will begin with a transfer of management, maintenance and events from April 2022 (for which a separate report will be brought forward in Summer 2021). In order to develop the detail of this transfer and present the recommended option(s) to the Executive, specialist legal resources are required.

2. RECOMMENDATION(S)

- 2.1 The Renewal, Recreation and Housing PDS Committee are asked to note and comment on the contents of this report, prior to the Executive being asked to approve:

2.1.1 The draw down of £40,000 from the Central Contingency for specialist legal resources to establish the trust governance model for Crystal Palace Park

Impact on Vulnerable Adults and Children

1. Summary of Impact: The Regeneration Plan will have a positive impact on vulnerable adults and children. The park is an unrestricted public space and leisure facility which is easily accessible by public transport and car.

Corporate Policy

1. Policy Status: N/A.
 2. BBB Priority: Quality Environment, Children and Young People
-

Financial

1. Cost of proposal: Estimated cost £40,000
 2. Ongoing costs: Non-recurring cost.
 3. Budget head/performance centre: Culture
 4. Total current budget for this head: £890k
 5. Source of funding: Central Contingency
-

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: Non-statutory - Government guidance.
 2. Call-in: Call-in is applicable
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): It is estimated that Crystal Palace Park receives 1.4m visits each year.
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes
2. Summary of Ward Councillors comments: Councillors would like to follow through with more detailed questions however they wish to support the recommendations in principle. Councillor Wilkins has commented that 'we now have a clear and deliverable road map which will result in multi-layered regeneration of CP Park for future generations.'

3. COMMENTARY

- 3.1 On 24th March 2015, the Executive agreed to develop and deliver the Regeneration Plan for Crystal Palace Park, including an alternative management option (Report No. DRR15/020). The Regeneration Plan's Outline Planning Application was submitted to the Local Planning Authority in January 2020 and is awaiting determination (Report No. DRR20/018).
- 3.2 Crystal Palace Park is internationally significant and has numerous, valuable heritage assets including the Grade I listed dinosaurs, which were put on Historic England's Heritage at Risk Register earlier in 2020. However, specialist conservation and maintenance is costly and due to compounded underinvestment since the palace burnt down in 1936, the Council has not been able to provide the level of routine and one-off funding required by a park of this scale and historic significance.
- 3.3 The benefit of the independent governance model, the Crystal Palace Park Trust, is that the park becomes self-contained, and the income generated in the park can be ring-fenced for the park. This in turn means the park's valued features, which are close to being lost, will benefit from the level of funding needed to secure them for future generations.
- 3.4 To support this model, the Crystal Palace Park Trust has made commendable strides recently. When it was incorporated as a Private Company Limited by Guarantee (Company No. 11360503) in 2018, the Board of Trustees comprised nine, independently appointed, local people, with appropriate professional skills and experience. Since this time, the Trust has developed significantly. There are now 10 Trustees (with some changeover) with relevant experience including licensing, governance, planning, fundraising, landscape architecture and finance. In addition, the Trust has established a number of sub-committees in key areas including fundraising, heritage and landscape, events and communications. Finally, the Trust has also constituted a wholly owned trading subsidiary – Crystal Palace Park Events Limited (Company No. 12855520) – whose directors are drawn for the Crystal Palace Park Trust Board.
- 3.5 To date, the Trust has been a key stakeholder in shaping the park's Regeneration Plan and has worked with consultants Fourth Street, and the Council, to develop a sustainable business model for the park. The business model is events-led and was signed off by the Executive in 2017 (Report No. DRR17/029). It was also submitted as part of the Financial Viability Assessment with the Outline Planning Application in January 2020.

Phased handover: interim arrangement

- 3.4 It was originally anticipated that full responsibility for the park would be transferred to the Trust in one go, when enough of the capital regeneration works have been completed. However, as noted above, several challenges have meant that outline planning permission has not yet been achieved and the capital works are delayed.
- 3.5 While interlinked, the new governance model does not have to be dependent on achieving outline planning permission. Given the commendable progress that the Trust has made since incorporation, there is an opportunity for the Trust to take on responsibility for the park in a phased approach, beginning with management, maintenance and events. This phasing would allow the Trust to have a more meaningful interim role in the park where it can build momentum by generating income from events, as well as taking on responsibility for the park in a stepped approach, reducing the risk to the Council.
- 3.6 The Trust has expanded its professional events network since incorporation and is close to securing two significant contracts for events over the next 3-6 years (Report No. HPR2020/047). The income generated from these events will go a considerable way to build the Trust's operational capacity, providing financial resources to employ a body of staff.

- 3.7 The park is currently managed and maintained by the Council's Parks Management and General Maintenance (PM and GM) contract with Idverde. It is important to note that the PM and GM contractor was aware at the point of tender of the Council's desire to transfer the park to the Trust during this contract, and there is a break mechanism in the contract to do this. As such, Idverde has openly engaged with Officers and the Trust to support this process, and has reserved a number of event days in 2021 for Trust events. However, given that Idverde also needs to optimise income from events, the Trust's ability to further build its portfolio and generate income to invest back into the park is clearly limited at this stage.
- 3.8 In order for the Trust to continue building momentum in the park and establish a strong foundation for when overall governance is transferred at a later stage, it is proposed that the Trust adopts responsibility for management, maintenance and events from April 2022.

Requirements for interim arrangement

- 3.9 The Council's internal Legal Officers have advised that the proposed interim arrangement is likely to be complex and have therefore recommended appointing an external legal firm with a specialism in charities, local government and public assets. Officers have therefore undertaken market research into firms with expertise and experience in this area to understand the scope and associated fees required.
- 3.10 The most suitable firm would be appointed to develop options for how the transfer of management, maintenance and events to the Trust can be facilitated, and to develop the necessary documentation.
- 3.11 Noting the importance of understanding the final scenario i.e. full governance transfer to the Trust, the appointed firm would also be required to map out the options to achieve this, considering issues such as state aid. However, documentation for the final scenario is not required at this stage.

4. SUMMARY OF THE BUSINESS CASE

- i) The full implications of the interim arrangement with the Trust will not be known until the details have been developed, and the Trust's interim business plan can be finalised.
- ii) However, it is anticipated that the Trust will start generating enough income to enhance the scope of management and maintenance in the park, as well as investing funds in specific projects.
- iii) For example, during the first Covid-19 lockdown, one of the Grade II listed Sphinxes (which was conserved in recent years) was vandalised. Officers have not yet been able to identify a budget to repair the damage, and the sculpture stands vulnerable to the elements.
- iv) If the interim arrangement is progressed, the Trust will reinvest any income into the park. It is therefore highly likely that the park's historic assets will benefit from more routine investment.
- ii) The interim arrangement is not expected to result in a cost saving to the Council – this is anticipated when the final scenario is achieved. However, there is strong potential for the park and its users to significantly benefit from this approach through greater, ringfenced investment in the park.

4.1 SERVICE PROFILE/DATA ANALYSIS

- 4.1.1 N/A

4.2 OPTIONS APPRAISAL

- 4.2.1 If the interim arrangement is not pursued, the Trust's capacity for growth and impact in the park will be limited until enough of the regeneration works are delivered and the full governance transfer is made. Relying on this alone increases the risk of success in executing the final scenario and securing the park's future because the Trust is not given the opportunity to build experience over time.
- 4.2.2 Developing the interim and final arrangements internally are not considered options due to the specialist area and level of dedicated resources required.
- 4.2.3 Recharging the cost of developing the transfer arrangements to the Trust is not considered an option as the Council needs to act independently in developing the contractual agreements to ensure the Council's interests are not compromised.

4.3 PREFERRED OPTION

- 4.3.1 The preferred option is to secure £40,000 to appoint a specialist external legal firm to undertake this work for the reasons set out in the commentary.

4.4 MARKET CONSIDERATIONS

- 4.4.1 The required legal advice is a specialist area and therefore it is anticipated that a direct award will be made under a suitable legal framework.

5. STAKEHOLDER ENGAGEMENT

- 5.1 Officers have been working closely with the Crystal Palace Park Trust to develop a road map of next steps in the governance and business aspects of the Regeneration Plan.
- 5.2 The Council's legal officers have also been heavily involved in developing the detail needed to achieve the roadmap.
- 5.3 If the Executive commits the requested funds, a report will be brought forward in Summer 2021 detailing the full direction of travel for the Trust and the detail of how to achieve it.

6. PROCUREMENT AND PROJECT TIMESCALES AND GOVERNANCE ARRANGEMENTS

- 6.1 **Estimated Contract Value** – £40,000
- 6.2 **Other Associated Costs** – N/A
- 6.3 **Proposed Contract Period** – Six months

7. SUSTAINABILITY AND IMPACT ASSESSMENTS

- 7.1 To maximise the sustainability of the Regeneration Plan, a phased approach to handing over the responsibility of the park to the Crystal Palace Park Trust is recommended. In so doing, the Trust will build the financial and operational capacity required to be custodian of a park of this size and historical significance.

8. POLICY CONSIDERATIONS

- 8.1 Crystal Palace Park is shown within various designations and policies in the Local Plan and the London Plan. There is outline planning permission in place for the 2007 Masterplan, which established the planning principles of the Regeneration Plan.
- 8.2 The Regeneration Plan requires a separate planning consent which was submitted in January 2020 and is being determined. The creation of a the Trust and transfer of the park forms an integral part of the Regeneration Plan.

9. IT AND GDPR CONSIDERATIONS

- 9.1 A DPIA will be undertaken before appointing a specialist firm.

10. PROCUREMENT RULES

- 10.1 The procurement of a legal resource via a compliant framework at a value of £40k can be authorised at the officer level by the relevant Budget Holder in accordance with Section 13 of the Contract Procedure Rules.

11. FINANCIAL CONSIDERATIONS

- 11.1 The cost of the specialist legal advice is estimated at up to £40,000 for which there is no budget, and therefore a drawdown from Central Contingency is requested.
- 11.2 The Council receives an annual income of £30,000 from rental of the park café which is ring-fenced for use within the park. Although this year's rental has already been committed, income from April 2021 could be earmarked and used to repay Central Contingency in future years.
- 11.3 Once the Trust is fully operational, responsibility for park maintenance will transfer from the Council. Idverde is currently contracted to provide this service although they tendered on the basis of novating this element of the contract to the Trust. Further work will be needed to determine the actual budget impact of ending this arrangement including income currently generated from events.
- 11.4 The Trust currently operates at no cost to the Council as the Trust members work on a voluntary basis. As reported above, the Trust have actively been seeking to secure future events to generate income to support their set up costs, although the future governance and operating model and business plan will need to be agreed by the Council prior to transfer of responsibilities.

12. PERSONNEL CONSIDERATIONS

- 12.1 There are no personnel considerations at present. It is expected that any impacts on personnel through the transfer of the park will be developed and understood through this commission.

13. LEGAL CONSIDERATIONS

- 13.1 The Council has the legal power to hold, maintain and develop its landholdings and buildings in connection with its functions including powers available under various Parks and Open Spaces legislation relating to Crystal Palace Park. In furtherance of these powers the Council may provide and commission through a contract from a Framework Panel of solicitors the legal services outlined in this report.

- 13.2 Due to the specialist legal status of the park and its importance to the Council and residents, it is necessary to ensure that the best options available to achieve the Council's aims are explored and understood in relation to management, governance, structures, transfer, grant and loan options including the impact on the current management contract and engagement with the Trust in the immediate, interim and longer term. This will require a dedicated legal resource and is likely to involve flexible and novel legal solutions including the accommodation of best value and state aid.

- 13.3 The commissioning of the services contract to provide legal support is a public services contract within the meaning of the Public Contracts Regulations 2015. Due to value of the contract falling below the relevant threshold a full EU procurement is not required. However, the award must still comply with the EU Treaty Principles of transparency, fairness and non-discrimination applied in a proportionate way.

- 13.4 The report has described the reasons and justification for the use of Frameworks where Bromley have been specifically joined as a member user and in all the circumstances described when the delegated officer makes an award decision this would be in compliance with the Treaty Principles.

- 13.5 The procurement comments to this report deals with compliance with the CPRs setting out procurement strategy and through using a compliant Framework available to the Council in accordance with its user rules.

| | |
|---|--|
| Non-Applicable Sections: | 4.1 |
| Background Documents: (Access via Contact Officer) | DRR15/020 'Crystal Palace Park' DRR17/029 'Crystal Palace Park: Regeneration Plan' DRR20/018 'Crystal Palace Park' HPR2020/047 'Authority to create grant mechanism in event permits for Crystal Palace Park Trust' |
| | |

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Report No.
HPR2020/052

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: **RENEWAL, RECREATION AND HOUSING POLICY DEVELOPMENT AND SCRUTINY COMMITTEE**

Date: **Wednesday 16 December 2020**

Decision Type: Non-Urgent – Non-Executive Non-Key
For Information Only

Title: **HOUSING COVID RESPONSE UPDATE**

Contact Officer: Lynnette Chamielec: Assistant Director, Housing
Tel: 0208 313 4009 E-mail: lynnette.chamielec@bromley.gov.uk

Chief Officer: Sara Bowrey: Director, Housing, Planning and Regeneration
Tel: 0208 313 4013 E-mail: sara.bowrey@bromley.gov.uk

Ward: All Wards

1. Reason for report

- 1.1 To provide an overview of the work undertaken by the Housing Department in response to the COVID-19 Pandemic.
-

2. **RECOMMENDATION(S)**

- 2.1 Members of the Committee are asked to note and where appropriate comment on the contents of this report.

Impact on Vulnerable Adults and Children

1. Summary of Impact: The Council has ensured that statutory services and support have been maintained and residents supported during the COVID-19 Pandemic.
-

Corporate Policy

1. Policy Status: Existing Policy
 2. BBB Priority: Children and Young People Excellent Council Safe Bromley Supporting Independence Healthy Bromley
-

Financial

1. Cost of proposal: No Cost
 2. Ongoing costs: Not Applicable
 3. Budget head/performance centre: Operational Housing
 4. Total current budget for this head: £7,649k + £646k specific COVID grants
 5. Source of funding: 2020/21 Revenue Budget, Next Steps Accommodation Programme Grant, Rough Sleepers Initiative Grant & COVID Winter Grant
-

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: N/A – For information only
 2. Call-in: N/A
-

Procurement

1. Summary of Procurement Implications: N/A – For information only
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected):
More than 5000 households approach with housing difficulties which could lead to homelessness each year.
There are currently approximately 1740 households in temporary accommodation.
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

- 3.1 Staff in Housing Planning and Regeneration responded swiftly to the onset of the COVID-19 pandemic; ensuring that all frontline emergency services remained operational and that resources were diverted to those most in need of critical assistance.
- 3.2 Whilst a small number of officers have continued to provide in-person assistance at the Civic Centre for those presenting in an emergency the majority of staff have been working at home since March 2020. Services have quickly adapted, and a significant amount of work has been undertaken in order to keep in touch with clients in order to support them and to ensure that they are able to access support and essential services.
- 3.3 We worked jointly with colleagues providing supported accommodation; such as Orchard & Shipman, Evolve, Hestia, Depaul and Bromley Croydon Womens Aid to review the needs of residents; moving those that were considered to be at high risk or providing additional support to those identified as needing to shield. We provided assistance and guidance, including input from Public Health, to ensure that schemes were able to operate in a "Covid Safe" manner and ensured that where it was needed each organisation was able to access additional financial support in order to provide for additional staffing etc. It should also be noted that many of these organisations provided additional support and resources independently without seeking reimbursement from the Council and their response to the initial lockdown should be commended. In order to ensure that stability is maintained across these services the Council has utilised the powers granted to it in order to extend each of the contracts with these providers. Not only will this allow for the best possible service to be provided to residents but will also allow for the markets to re-stabilise.
- 3.4 A particular challenge for the service has been the additional assistance given to assist those effected by rough sleeping as part of the government's "Everyone In" initiative and the work that has followed that. It was crucial that we assisted this vulnerable group quickly to safeguard their wellbeing and prevent the spread of the virus. During "Everyone In" a total of 92 people who were identified as sleeping rough or at risk of rough sleeping were accommodated. 56 are currently still in emergency accommodation and officers continue to work hard to provide longer term accommodation and support for this group. At one point there were over 30 of this group housed in commercial hotels as an emergency measure, that is now down to 2.
- 3.5 Across London more than 5000 households have been accommodated under "Everyone In". Under the amended Code of Guidance Councils have been tasked with ensuring that these households are supported into settled accommodation. This has understandably led to concerns about the impact this will have on the private rented sector as there is insufficient social housing available to meet this increased demand. Through London Councils' Bromley and the other London boroughs have jointly agreed maximum incentive levels that will be paid to secure accommodation so as not to inflate the market. The working group also ensure that information is readily shared in order to identify poor practice and accommodation which does not meet minimum safe standards for accommodation.
- 3.6 Working jointly with colleagues from Public Health, MHCLG and Thamesreach we formed a Rough Sleepers Response group to provide critical oversight and additional support to those brought in under "Everyone In". This has allowed for a clear referral and rehousing pathway to ensure any person or agency who has knowledge of a rough sleeper can refer them through to our services for assistance and for enhanced services to be allocated to those clients with the most complex needs, with services working together to ensure that timely, joint interventions are put in place.
- 3.7 When officers carried out the rough sleepers headcount in November; an annual exercise which sees staff from housing, the police, charity workers and volunteers go out in the early hours of

the morning to visit common bedding down sites and areas where there have been reports of rough sleepers we thankfully only identified 1 rough sleeper. They, unfortunately, are well known to the service and have not accepted repeated offers of assistance, but we continue to try to help.

- 3.8 There are now over 1740 households in temporary accommodation; this is a net increase of 21 per month which is up against previous projections but which is not unexpected given the impact felt as a result of the pandemic. Were it not for the additional pressures brought about by the pandemic the number of households in temporary accommodation would be keeping pace with the projections which have been previously reported. In addition to the increased number of rough sleepers we have also seen an increase in parental evictions and relationship breakdowns. Rent arrears are increasing and whilst evictions have been temporarily halted we are likely to see a surge of eviction action as we move through into 2021.
- 3.9 We are concerned about the number of families who are facing financial hardship as a result of job losses and reductions in income. Officers in Housing have been undertaking pre-emptive work through our Money Advice, Housing Management and Housing Options teams to intervene early and attempt to bring any increasing arrears down before they become unmanageable and run the risk of leading to eviction action being commenced. As well as reaching financial arrangements we have also sought to make best use of Discretionary Housing Payments to support households.
- 3.10 Our two Visiting Officers have made over 1185 'virtual visits', keeping in contact with clients in temporary accommodation via telephone and email in order to ensure that they are ok and are able to access any support that is needed.
- 3.11 Alongside other officers in the Council we have worked to secure 50 ex-housing association homes that were earmarked for disposal and which will now be used as permanent homes for households on our Housing Register.
- 3.12 Working closely with the MHCLG, officers applied for Next Steps Accommodation and Rough Sleeper Initiative Funding and received a combined grant award of £494,904. This has enabled us to meet the increased demands for accommodation as well as allowing access to more support and a wider variety of essential items to help those most in need. We are working closely with partner agencies to ensure that the grant is fully utilised in order to achieve the agreed delivery plan.
- 3.13 Bromley agreed to re-open its Housing Revenue Account (HRA) in July 2020 and 3 sites have been approved for Planning Permission; Burnt Ash Lane (Bromley) – 25 new homes, Bushell Way (Chislehurst) – 25 new homes, Anerley Road (Anerley) – 10. These are exciting developments which will see Bromley innovatively using otherwise under-utilised land such as car parks and former care homes to provide good quality, affordable homes for households owed a rehousing duty by the Local Authority. All three sites are on track for completion in accordance with the delivery plans previously reported to Members and feasibility studies are progressing in order to inform the next stages of the process.

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

- 4.1 This Pandemic has brought additional difficulties for all of our clients. In maintaining the service and ensuring that we remain in contact with clients and provided not only basic but enhanced support to those that need it we have been able to maintain our statutory functions.

4.2 Bromley received £754k under the Covid Winter Grant Scheme; £151k of which will be utilised by Housing to provide assistance for vulnerable households buy food, pay utility bills and provide warm winter clothing for children.

5. FINANCIAL IMPLICATIONS

5.1 The financial impact of the COVID-19 pandemic on Housing budgets is currently estimated at around £1.9m, which mainly relates to additional/increased costs of nightly paid accommodation, and delays in the achievement of budgeted savings.

5.2 These costs are partly covered by specific grant allocations totalling £646k. The Council has also received non-specific COVID-19 grants which can fund some of the remaining costs; however as set out in the Budget Monitoring report that was scrutinised by the Executive, Resources and Contracts PDS Committee on 18th November 2020, it is currently estimated that there will be a net cost to the Council of around £12m as a result of the pandemic.

6. LEGAL IMPLICATIONS

6.1 This report sets out how the Council has responded to the COVID-19 Pandemic in terms of the Council's housing and homelessness duties under the Housing Act 1985 and the Housing Act 1996, Part 7. As part of performing these duties the Council has received and distributed certain grants as permitted within the grant awards. The Council has also re-focused service provision including extending service contracts in compliance with procurement law and the Contract Procedure Rules.

6.2 The demand for homeless accommodation has continued to increase following the implementation of the Homeless Reduction Act 2018, as the duties towards homeless households are expanded. The Act placed a duty on councils to try to prevent homelessness and a duty on public bodies to refer people at risk of homelessness, flagging those most vulnerable to homelessness and rough sleeping so they could receive support

6.3 The Homelessness Code provides statutory guidance on how to interpret and apply the homelessness legislation and contains details of good practice that local authorities should adopt. It is not legally binding but local authorities are required to have regard to it. The Code has recently been updated to add further categories to those in priority need to reflect the impact of the coronavirus pandemic including people sleeping rough who should be carefully assessed, including their age and underlying health conditions.

6.4 Best Value Duty Guidance and case law under the Local Government Act 1999 is applicable where authorities are reviewing service provision and making arrangements to secure continuous improvement in the way its functions are exercised, an authority must regard to economy, efficiency and effectiveness in considering overall value, including economic, environmental and social value.

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

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Report No.
HPR2020/045

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: RENEWAL, RECREATION AND HOUSING POLICY
DEVELOPMENT AND SCRUTINY SUB-COMMITTEE.

Date: December 16th 2020

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

Title: POST-COVID 19 LIBRARY SERVICE RECOVERY

Contact Officer: Paula Young, Principal Client, Libraries
Tel: 020 8461 7202 E-mail: paula.young@bromley.gov.uk

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

Ward: All

1. Reason for report

- 1.1 Before Libraries closed in March due to the first lockdown, Bromley Libraries were performing well. Since the management of the service was transferred to GLL in 2017, there has been a steady increase in the number of items borrowed annually, resulting in Bromley Libraries moving to become the second highest issuing Outer London authority per 1,000 population an increase from third last year. The early phases of recovery after the first lockdown are positive, with in-branch issues having reached 72% of last year's levels before being halted by a second lockdown. As libraries prepare for the challenges of the next phase of recovery, GLL have produced a recovery strategy.
- 1.2 GLL have now responded to two Lockdown closures and has established contingency plans for future closures. This report sets out the direction for post-COVID recovery outlined in the GLL recovery strategy. This is underpinned by the continued commitment to the modernisation of the Library Service including the provision of increased e-resources and online services and renewed library buildings.
- 1.3 After two periods of mandated closure due to COVID-19, GLL now want to restore opening hours to the pre-COVID total of 528.5 hours per week. GLL have put forward a proposal for a temporary variation of opening hours to the total of 528.5 hours which are deemed to better fit local need as part of recovery.

RECOMMENDATION(S)

2.1 That Members of the Committee agree the strategic approach as set out in this report, namely:

- To review and agree the recovery strategy which sets the direction for the provision of Library Services post COVID-19 including new library buildings.
- To review and agree the temporary opening hours proposal for all the 14 Libraries as set out in paragraphs 3.22 to 3.30.

Impact on Vulnerable Adults and Children

1. Summary of Impact: There will be no negative impacts from this proposal on vulnerable adults and children in Bromley. The recovery strategy has been designed to ensure that the previously existing levels of service are protected and developed as the Library service fully recovers from the effects of COVID-19. New Library buildings will benefit vulnerable adults and children which will include enhanced provision to meet their needs. The Library Without Walls gives 24/7 access to services.

Corporate Policy

1. Policy Status: New Policy
2. BBB Priority: Excellent Council Supporting Independence Vibrant, Thriving Town Centres Healthy Bromley Regeneration

Financial

1. Cost of proposal: Not Applicable:
2. Ongoing costs: Not Applicable:
3. Budget head/performance centre: Libraries
4. Total current budget for this head: £4.782m
5. Source of funding: Existing 2020/21 controllable revenue budget

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: The Public Libraries and Museum Act 1964
2. Call-in: Not Applicable:

Procurement

1. Summary of Procurement Implications: Not applicable

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): The library service has a statutory duty to be available and accessible to all those who live, work and study in the borough. A 2019 estimate identified that 332,336 people live in the London Borough of Bromley. 39,903 registered users used their library card to borrow an item in 2019, representing 12.0% of the population of Bromley. This excludes customers using the library solely for other purposes such as studying, activities, or using public PCs.

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments:

3 COMMENTARY

- 3.1 Since the adoption of the last Library Strategy in 2014, there have been significant changes in the delivery of the Borough's library service, notably the commissioning of the Library Service. This approach has enabled the Council to avoid more extreme measures taken by other authorities. A ten-year contract for management of the Library Service was awarded to Greenwich Leisure Limited (GLL) from 1st November 2017.

COVID-19 CLOSURE: 23RD MARCH - 6TH JULY

- 3.2 In line with Government advice, library buildings in Bromley closed to the public on Monday 23rd March 2020 due to the coronavirus. A full report of services provided by Bromley Libraries during the period of lockdown 23rd March to 6th July 2020 was provided as a response to the DCMS letter (Appendix 1a) and was included in the September 2020 Libraries contract performance report.
- 3.3 Following this unprecedented closure GLL reacted quickly by creating a new library service online. 'Library Without Walls (LWW)' offered a new timetable of online activities and videos creatively making use of modern technology. Over the 3-month period April the following statistics were recorded which are a measure of success
- 6,490 e books and eAudio books issued
 - 18,084 eNewspapers and eMagazines read
 - 277 videos uploaded with 123,399 views in total

- 3.4 Service recovery for Bromley Libraries began on 6th July 2020 the date set by the Government, only one fifth of UK Library services re-opened at this time. Six Bromley Libraries re-opened on 6th July offering Click and collect access and access to computers with no browsing. The remaining eight libraries had re-opened by 3rd August. From September all Bromley Libraries had extended opening hours to 10am-5pm reaching 82% of pre-COVID 19 hours. Services included bookable study space, longer computer sessions and browsing.

SECOND COVID-19 CLOSURE: 5TH NOVEMBER - 2ND DECEMBER 2020

- 3.5 During this second Lockdown a Click and Collect service was available at all libraries from 12pm - 4pm to give access to physical stock to residents. Library without Walls continued to provide free access to reading materials and events online.
- 3.6 At the point when Libraries were mandated to close their buildings to the public once more, in-branch issues had reached 72% of last year's levels. Trends for the number of e-items issued in October 2020 showed an increase of +127% (over double) of last year. Visits had recovered to just 34% of previous years visits due to there being no physical activities, limited browsing, controlled numbers of people entering libraries and the need to discourage customers from lingering in buildings.
- 3.7 From 3rd December when the second Lockdown ended, all libraries re-opened from 10.00-5.00pm offering browsing, ICT facilities and item sales e.g. food waste bags.

SERVICE RECOVERY: STATUTORY DUTY

- 3.8 Libraries are a statutory service which the DCMS has a statutory duty to superintend. To assist delivery of this duty DCMS and the LGA asked all local authorities in England to provide details of restoration of their library services - Appendix 1a. A response from Bromley Council response was provided - see Appendix 1b - which set out the direction for re-opening Library buildings while continuing to develop the digital and eBook offer.

STRATEGIC SERVICE PLANNING

- 3.9 Prior to the pandemic GLL have set out their ambition for the Library service at the milestones specified within the contract. This includes the Strategic Service Plans which are updated each year. In 2019 GLL produced a 5-year strategy which set out the vision for a modern library service for the Borough which puts customers first (Appendix 2)

GLL POST COVID STRATEGY

- 3.10 The GLL recovery strategy for Bromley Libraries (Appendix 2A) expands on their existing vision and incorporates the opportunities and development of new services that were offered during this period. Whilst this has been a challenging time, it has provided GLL with a unique and valuable opportunity to modernise Library services in Bromley and identify development opportunities which are a combination of physical and digital services including
- Library Buildings
 - Library Without Walls
 - Library Development
 - Opening hours

LIBRARY BUILDINGS: MORE THAN BOOKS

- 3.11 Modern Library buildings provide so much more than books. They are social spaces, where people come together to meet each other. This was demonstrated by their absence during COVID-19 as despite accessing books and activities online, customers were keen to get back into Library buildings to access study space, IT provision and access to work space for those working at home. New libraries can offer purpose-built enhanced provision to meet the post COVID needs of customers.
- 3.12 A key objective of the 2014 Library Strategy was to improve buildings when opportunities arise. The new Regeneration strategy 2020-2030 which set out the following ambition for libraries *enhancing the Library service including renewing Library buildings, ensuring it is fit for the 21st Century and responds to our changing lives and communities*. Several schemes are under consideration which would enhance Library Service provision in the Borough. GLL are committed to improving existing buildings e.g. the recent refurbishment of Central Library.
- 3.13 Investing in library buildings has a positive impact on services as statistics at the three newest libraries show. The borough's first "modern" library opened in 2010 at a co-located facility in Biggin Hill resulting in a 27% increase in issues in the first year. After relocating to the Walnuts Shopping Centre in May 2012 visits at Orpington Library increased by 71% in the first year of opening. The trend continued when Penge and Anerley Libraries merged, and the new Penge Library opened in 2014 in a visible high

street location. Visits in the first three months increased by 33.1% and were maintained at higher than pre-merger levels. Further trend analysis shows although initial high increases to issues and visits level out, the decline in issues and visits at the new modern libraries is less than the borough average.

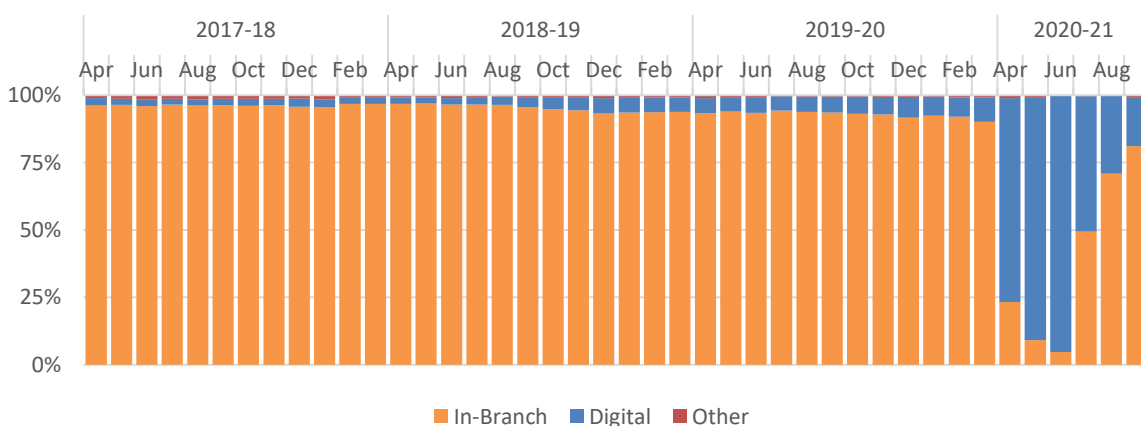
LIBRARY WITHOUT WALLS/15TH BROMLEY LIBRARY

- 3.14 GLL will continue to build on the success of their virtual library programme and ensure that all library users can access both a physical and online service. Whilst the digital service is a growing key element, there are still customers who are digitally excluded, and libraries are working to fill that gap. During lockdown GLL developed a new online service 'Library Without Walls' (LWW). At the request of the Council, this has been retained as the 15th Bromley Library offering 24/7 access to Library services. The online offer attracted new customers, some of whom prefer 'LWW' to physical buildings.
- 3.15 A timetable of online video activities and events was implemented from 18th March and hosted primarily on the Bromley Libraries Facebook page. The videos created activities usually run in-branch prior to lockdown including Bounce and Rhyme, Storytime, and Armchair Walks and were hosted by familiar library staff. Seasonal and periodic events, such as Libraries Week and Loneliness Awareness Week, were also observed with videos and posts. Between 18th March to 18th October 2020, 377 videos have been posted with a total of 170,078 views
- 3.16 Through LWW GLL have maximised modern technology to serve and interact with their users remotely. Additional services have been added to the digital reading and listening offer which improve the wellbeing of users through virtualising reading groups and school visits. This has been developed further as, although Libraries have re-opened, they have not been permitted to offer activities due to social distancing so these have continued online and now includes a group for new parents group and author events.

BOOKS AND E-BOOKS

- 3.17 The proportion of digital items issued in Quarter 1 (April-June) 2018 was just 2.3%. This increased to 87% at the same point this year when libraries were closed due to COVID. When libraries were open again from July the percentage of digital issues was 28% compared to 5.6% last year - see the graph below:

Figure 1 - Graph to demonstrate proportion of items issued digitally relative to in-branch



DIGITAL ISSUES SUMMARY

- 3.18 COVID has accelerated the uptake of the library service's digital offer, more than doubling quarterly issues on the previous year in 2020-21. Digital issues include eBooks, eAudiobooks, eMagazines, eNewspapers, music streams and downloads. Digital issues have maintained year-on-year increases since 2015, while overall issues have fluctuated. eMagazines/Newspapers have become the most borrowed type of item in the online catalogue, followed closely by eBooks.

STOCK SPEND

- 3.19 Spending plans will be reviewed and adapted as required to ensure that both physical items and online resources meet customer needs to ensure that the book fund is being spent on the items that library users want

NEW AREAS FOR DEVELOPMENT

- 3.20 Public libraries are uniquely placed to make a difference to their local communities. In the current crisis Bromley Libraries have demonstrated that libraries do not just provide books but offer services that can provide support during unemployment, mental health issues and a respite from loneliness and isolation. Post-pandemic, along with many UK authorities, GLL are taking the opportunity to identify new areas for development with positive outcomes, supporting economic recovery and positive wellbeing which is detailed in the recovery strategy.
- 3.21 A key area for development post COVID is the greater need for job seeking, business and career support. In preparation GLL are currently reviewing services and making contact with key internal and external agencies in order to support residents. Libraries in Bromley are highly accessible, evenly distributed across the Borough. For residents who are struggling to apply for jobs, our libraries can be a game-changer, providing free access to books and technology, supporting customers to engage with professional networks, or gain new skills during this time. Libraries in Bromley can also offer free access to a host of learning opportunities through virtual programmes. Other development opportunities are highlighted in the recovery strategy.

TEMPORARY VARIATION OF OPENING HOURS

- 3.22 The pre-COVID opening hours were previously set by Bromley Council and deemed to meet both local needs and statutory requirements. The last review of opening hours took place in 2014 when a 13% reduction from 605 to 528.5 hours per week was agreed as part of the budget setting process for 2014/15. Until the March 2020 closure of public libraries in England, GLL had delivered the specified pattern of opening hours.
- 3.23 Under the contract terms, changes to the opening hours can be requested to the Council through the change control procedure ***should a change in circumstances occur***. The service specification states *Any changes in Opening hours will require a full Equalities Impact Assessment Needs Assessment and Consultation as appropriate. These documents will be drafted by the Service Provider and agreed by the Client Unit and where appropriate in accordance with the Council's relevant democratic processes.*
- 3.24 GLL is seeking approval for a temporary variation of opening hours for a six-month period due to COVID-19 recovery from January 2021 with an option for a further six-month extension to aid recovery. The Council's requirements for authorising a variation

are covered in CPR 23.7 and 13.1, this is detailed in section 6-procurement implications and section 9- Legal implications. Should any permanent variation of hours be proposed this will be fully compliant with the process set out in paragraph 3.23.

3.25 The temporary opening hours proposal is set out below. See Appendix 3 for current opening hours. The changed hours are highlighted in yellow. Some hours remain unchanged. For clarity there is no proposal to reduce opening hours overall only to temporarily amend hours to support the service recovery.

Figure 3-Temporary Opening Hours Proposal

| Branch | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday | Sunday |
|----------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|---------------|
| Beckenham | 9:30 - 19:00 | 9:30 - 17:30 | 9:30 - 17:30 | - | 9:30 - 17:30 | 9:30 - 17:00 | - |
| Central | 9:30 - 19:00 | 9:30 - 19:00 | 9:30 - 19:00 | 9:30 - 19:00 | 9:30 - 19:00 | 9:30 - 17:00 | - |
| Biggin Hill | 9:30 - 19:00 | 9:30 - 19:00 | 9:30 - 19:00 | 9:30 - 19:00 | 9:30 - 19:00 | 9:30 - 17:00 | 10:00 - 13:00 |
| Burnt Ash | 9:30 - 13:00 14:00 - 17:30 | - | - | 9:30 - 13:00 14:00 - 17:30 | - | 9:30 - 13:00 14:00 - 17:00 | - |
| Chislehurst | 9:30 - 17:30 | 9:30 - 17:30 | - | 9:30 - 19:00 | 9:30 - 17:30 | 9:30 - 17:00 | - |
| Hayes | - | 9:30 - 13:00 14:00 - 17:30 | - | - | 9:30 - 13:00 14:00 - 17:30 | 9:30 - 13:00 14:00 - 17:00 | - |
| Mottingham | 9:30 - 13:00 14:00 - 19:00 | - | 9:30 - 13:00 14:00 - 17:00 | - | 9:30 - 13:00 14:00 - 17:30 | 9:30 - 13:00 14:00 - 17:00 | - |
| Orpington | 9:30 - 19:00 | 9:30 - 17:30 | 9:30 - 17:30 | 9:30 - 19:00 | 9:30 - 17:30 | 9:30 - 17:00 | - |
| Penge | 9:30 - 19:00 | 9:30 - 17:30 | 9:30 - 17:30 | 9:30 - 17:30 | 9:30 - 17:30 | 9:30 - 17:00 | - |
| Petts Wood | 9:30 - 17:30 | 9:30 - 17:30 | - | 9:30 - 19:00 | 9:30 - 17:30 | 9:30 - 17:00 | - |
| Shortlands | 9:30 - 13:00 14:00 - 17:30 | 9:30 - 13:00 14:00 - 17:30 | - | - | 9:30 - 13:00 14:00 - 17:30 | 9:30 - 13:00 14:00 - 17:00 | - |
| Southborough | - | 9:30 - 13:00 14:00 - 17:30 | 9:30 - 13:00 14:00 - 17:30 | - | 9:30 - 13:00 14:00 - 17:30 | 9:30 - 13:00 14:00 - 17:00 | - |
| St Paul's Cray | 9:30 - 13:00 14:00 - 17:30 | 9:30 - 13:00 14:00 - 17:30 | - | 9:30 - 13:00 14:00 - 17:30 | - | 9:30 - 13:00 14:00 - 17:00 | - |
| West Wickham | 9:30 - 19:00 | 9:30 - 17:30 | - | 9:30 - 17:30 | 9:30 - 17:30 | 9:30 - 17:00 | - |

ANALYSIS AND BENEFIT

3.26 The proposal reallocates opening hours from times when libraries are used the least during 7.00pm - 8.00pm and uses these hours to increase opening hours at Penge and Central Libraries .

INCREASED WEDNESDAY OPENING.

3.27 Wednesday opening increases to include Penge which will benefit the high number of residents using the Council Tax kiosk to make cash payments. The closed day at Southborough changes so it opens on Wednesday when nearby Petts Wood is closed.

INCREASED LATE NIGHT OPENING UNTIL 7PM

3.28 Late night opening has been suspended since the outbreak of COVID-19. This proposal offers a total of 18 late nights until 7pm across 8 libraries, improving access to more study space and IT facilities which will benefit residents. This includes re-instating late nights until 7pm at Biggin Hill and positions the Central Library as the Borough's flagship Library offering for the first time, 7pm opening 5 days each week.

3.29 Figure 3 shows the change of total of opening hours at branches plus additional changes made to the timetable.

| Weekly Opening Hours Total | | | | |
|----------------------------|--------------|--------------|------------|--|
| Branch | Current | Proposal | Difference | Additional changes |
| Beckenham | 43.5 | 41.0 | -2.5 | Late night changed to Monday. Reduction due to standardisation |
| Biggin Hill | 58.0 | 58.0 | 0.0 | No change |
| Burnt Ash | 21.5 | 20.5 | -1.0 | Reduction due to standardisation |
| Central | 52.0 | 55.0 | +3.0 | Increased late nights Monday-Friday |
| Chislehurst | 42.0 | 41.0 | -1.0 | Late night now on Thursday instead of Monday |
| Hayes | 21.5 | 20.5 | -1.0 | Reduction due to standardisation |
| Mottingham | 28.5 | 28.5 | 0.0 | Late night retained and changed to Monday instead of Friday |
| Orpington | 51.5 | 50.5 | -1.0 | Reduction due to standardisation |
| Penge | 43.5 | 49.0 | +5.5 | Now open all day on Wednesday instead of only a half-day |
| Petts Wood | 42.0 | 41.0 | -1.0 | Reduction due to standardisation |
| Shortlands | 27.5 | 27.5 | 0.0 | No change |
| Southborough | 27.5 | 27.5 | 0.0 | Now open on Wednesday instead of Monday |
| St Paul's Cray | 27.5 | 27.5 | 0.0 | No change |
| West Wickham | 42.0 | 41.0 | -1.0 | Reduction due to standardisation |
| Total | 528.5 | 528.5 | 0.0 | No reduction |

SUMMARY

3.30 The number of days each branch is open has not reduced. There are some changes to the days that Libraries are open and to some late nights. Central and Penge will be open for longer whilst Beckenham reduces by 2.5 hours to standardise with other similar sized libraries. Opening and closing times have been standardised as follows

- Opening now at 9:30 across all open days, except Sunday
- Regular closing times are now at 17:30 (Except Mottingham on Wednesday which closes at 17:00)
- Late closing times now at 19:00 across Monday-Friday at all libraries
- Closing times standardised to 17:00 on Saturdays

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

- 4.1 The impact of the proposed service changes will have no negative impact on vulnerable adults, children and young people. Improved modern library services and more accessible opening hours will improve their outcomes e.g. Mottingham Library will be Bromley's first designated autism-friendly library. The availability of 24/7 activities and services will improve access.

5 POLICY IMPLICATIONS

- 5.1 This proposed library strategy is entirely consistent with the Council's objectives around Vibrant and Thriving Town Centres and their recovery and wellbeing in line with the Council's broader financial strategy.

6 PROCUREMENT IMPLICATIONS

- 6.1 The report seeks a temporary variation to the Council's Library Services contract with GLL.
- 6.2 The Council's requirements for authorising a variation are covered in CPR 23.7 and 13.1. For a temporary variation where there are no changes to the value of the contract, the Approval of the Chief Officer must be obtained. In accordance with CPR 2.1.2, Officers must take all necessary professional advice.
- 6.3 Following Approval, the temporary variation must be agreed via a suitable Change Control notice or similar agreed with the Provider.
- 6.4. 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.

7. FINANCIAL IMPLICATIONS

- 7.1 The actions set out in this report have not impacted on the contract price which has continued to be paid in full. The closure of libraries during COVID-19 restrictions was mandated as an alternative library service continued to be provided by GLL, and the temporary variation to library hours does not affect the overall number of opening hours.

8. PERSONNEL IMPLICATIONS

- 8.1 GLL has been commissioned to manage the libraries on behalf of the Bromley Council. The staff working in the libraries are employed directly by GLL and therefore there are no staffing implications for Bromley Council employees arising from the recommendations outlined in this report.

9. LEGAL IMPLICATIONS

- 9.1 The report seeks a temporary variation/modification for six months of the current contract with Bromley Library Services which transferred to GLL in 2017 (to review and agree the temporary opening hours proposal for all 14 libraries). GLL now wish to restore the opening hours to 528.5 hours per week which is deemed to be better as part

of the recovery process and indeed the last review of the opening hours was held in 2014 whereby there was a 13% reduction from 605 to 528.5 hours per week anyway.

- 9.2 Under the Council's Contract Procedure Rules (CPR), the Councils requirement for authorisation of a variation/modification to a Contract, as per Regulation 72 (1) (a) (b) (c) and (e) of the Public Procurement Regulations 2015, is in accordance to CPR 23.7 and 13.1. Indeed, the recommended approach is to make use of Regulation 72 (1) which allows Contracts to be modified without a new procurement procedure where the requirement for modification has been brought about by circumstances which a Council could not have foreseen, that the modification does not alter the overall nature of the Contract and that any increase in price does not exceed 50% of the value of the original Contract. Where Regulation 72 (1) c is being relied upon, the modification should be published by way of an OJEU notice. Furthermore, the decision to commence a variation/modification of Contracts with a cumulative value of up to £100k (where there is a temporary variation resulting in no changes to the Contract value) in most cases authorisation for such procurement actions are at Chief Officer level based on CPR 3.2 which allows Chief Officers to waive the normal requirements of the CPR because of an unforeseeable emergency involving serious disruption to Council services subject to Agreement with the Director of Corporate Services and the Director of Finance. Please also note that the delegated authority to Chief Officers to take appropriate procurement action is in place for a period of six months from 1 December 2020 following which it may be extended for a further period at the discretion of Executive or through the Leader. For Contracts which are over £100k in value, it is a Portfolio Holder decision, with a report to Audit Sub-Committee in due course. In accordance with CPR 2.1.2, Officers must take all necessary professional advice.
- 9.3 Following Approval, the modification/variation of the Contract must be applied via the appropriate Change of Control Notice, or similar method signed by both parties, as specified in the contract.
- 9.4 All Council contracts (i.e. over 50k in value), or critical to service delivery must be included on the Council's Contract Database. Officers must keep copies on the Contracts Database of evidence of Agreement and Approval as required for all Procurement actions related to the Contract. This should include both the Report and the evidence of Agreement and Approval and other associated documentation such as minutes of meetings and correspondence.
- 9.5 The Contract can be awarded in accordance with the Council's Contract Procedure Rules and the Public Procurement Regulations 2015.

| | |
|--|--|
| Non-Applicable Sections: | None |
| Background Documents: (Access via Contact Officer) | Bromley Library Service Strategy 2014 - 1st April 2014 DRR14/024 Provision of Library Services- Contract Performance Review 2nd Sep 2020 HPR/2020/022 |

Appendix 1a: Letter from DCMS to Council Leaders and Chief Executives



INT2020/12843/DC

16 July 2020

Dear Leaders and Chief Executives,

COVID-19 Public Library Service Restoration in England

We both fully recognise that this has been and continues to be a challenging time for public library services. We are also aware and appreciative of their positive response to the COVID-19 pandemic. Since the Prime Minister's announcement on 23 March that physical library locations must close, library services have continued to deliver. They reacted quickly to the surge in demand for their online services and developed innovative and exciting digital ways to provide a number of their other services. The consummate skills, empathy and knowledge of local community needs that library staff possess has also been a huge asset where they have been redeployed to support wider council COVID response services, such as shielding services and other community support. Our thanks go out to them for all the brilliant work they have done, both within and beyond the library service.

With the opening of physical library buildings now permitted, councils need to continue to be creative as they look to reopen their doors and restore their library services. Public libraries are a local service and the overall process of restoration of public library services across England is likely to vary from council to council. It is also likely that this will take place through a phased approach, following your careful assessment of when it is safe to do so and in light of government and public health guidelines.

This is an unprecedented period for public libraries and delivery of the statutory service is currently challenging. That's why DCMS has posted the following message on the GOV.UK pages dealing with the guidance document, "[Libraries as a statutory service](#)":

- The Department for Digital, Culture, Media and Sport will currently interpret compliance with this duty in light of the applicable [legislation](#) and the [government guidelines](#) published on 15 May (and subsequently updated) covering the reopening of other businesses and public places (including libraries). The Government announced that libraries may reopen their doors from 4 July, subject to following Covid-secure guidelines.

The Libraries Connected [Service Recovery Toolkit](#) published on 29 June provides a set of resources to support Heads of Service and their teams in planning for service recovery as

COVID-19 restrictions are lifted. It is designed to be used alongside other government guidance in England. We recognise that restoration of services will take place in a phased way, varying according to local needs and circumstances. This interpretation will apply until such time as the government announces further relaxation of social distancing and other restrictions affecting access to library locations and library services.

While we recognise the exceptional circumstances and challenges of delivering library services during the COVID-19 pandemic, you will be aware that the Secretary of State has a statutory duty to superintend, and promote the improvement of, the public library service provided by local authorities in England, and to secure the proper discharge by local authorities of the functions in relation to libraries conferred on them as library authorities by or under this Act. To assist the Secretary of State to carry out his statutory duty, DCMS is keen to understand the plans each library authority in England has for restoration of its services.

We would therefore both be grateful if you could share your plans on how you intend to go about this. For instance, it would be useful to have some early information where there is no immediate plan to reopen some branches in the short-term (e.g. where this is impossible within social distancing rules) or to restore certain elements of library services, and your planned mitigations where this is the case; or about when different service streams will be restored across the local network, such as events, computer access, printing and photocopying.

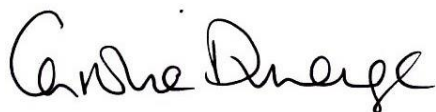
We both believe that libraries have the potential to play a key role in future recovery and renewal efforts across the country. DCMS officials will be looking for opportunities and examples of how this can happen locally to help make that case with colleagues across government; and LGA is planning to provide support for portfolio holders in understanding the contribution that public libraries can make to local renewal, and helping them to be better equipped to provide personal leadership during this period.

If you have not already done so you may wish to consider publishing the Council's plans for the restoration of the library service on the Council website.

It would be helpful if you could share your plans for restoration of your library services with the DCMS Libraries Team by 7 August 2020. Please send them by email to: libraries@dcms.go.uk.

Many thanks, and best wishes from both of us for a safe and smooth process of library service restoration.

Yours sincerely



Caroline Dinenage MP
Minister for Digital and Culture



Cllr Gerald Vernon-Jackson
Chair of the Local Government Association
Culture, Tourism and Sport Board

Appendix 1b: LBB response to DCMS Letter

COVID-19 Public Library Service Restoration in England

To the DCMS Libraries Team

Further to your recent letter about COVID-19 Public Library Service restoration in England, I am providing an update on behalf of the London Borough of Bromley on the recovery of our library service and plans for future delivery.

Greenwich Leisure Limited (GLL) has delivered the Library Service on behalf of the London Borough of Bromley since November 1st, 2017 when a 10-year contract award was made. The performance of the contract is closely monitored by a designated Libraries Client Team who also provide strategic direction for the service. In response to the government mandated closures of public libraries from 23rd March 2020, the Libraries Client Team worked with GLL to develop services for customers during closure.

During lockdown GLL has created and developed the online 'Library Without Walls' offer, taking advantage of the altered staff work streams and stock fund priorities following branch closures. They developed a new timetable of online activities and videos and making use of modern technology to reach their audiences, adding additional services to their digital reading and listening offer including PressReader and uLibrary, and improving the wellbeing of users through virtualising reading groups and offering workout and exercise videos. The annual stock spending plan was reviewed funding diverted to expand the online resources and materials available for customers. The take up was high and there was a dramatic rise in the number of e-issues. During the closed period GLL kept library phone lines and email accounts open in order to answer queries, support customers to access online services and chat to isolated customers. Staff also referred members of the public to the Council's Operation Shielding programme

Re-opening Plans: GLL were pro-active in recovering physical Library services. As soon as government advice specified Libraries could re-open from July 6th, a phased approach was agreed between the Council and the Contractor for service recovery with the Client Team and Portfolio Holder agreeing which libraries should re-open first whilst adhering to social distancing rules.

In order to safely reopen libraries, GLL developed COVID-19 specific risk assessments, delivered staff training and inductions, ordered PPE and made necessary changes to buildings and services. 72-hour quarantine systems are in operation for stock and in line with government advice track and trace systems are also in place.

In phase one six libraries namely Beckenham Chislehurst, Orpington Penge, St Paul's Cray and West Wickham re-opened on Monday 6th July with reduced opening hours from 10.00-2.00pm on their usual days of opening. Decisions were made based on a variety of local factors with size being a main driver to ensure that there was enough space to adapt buildings for social distancing and the new ways of working e.g. separate entrance and exit routes for customers, sufficient space to spread out computer use. Beckenham, Chislehurst, Orpington and West Wickham were chosen because of size, Penge due to the high demand from residents to make cash payments using the Council Tax kiosk. St Paul's Cray Library was included due to the higher levels of deprivation in the area and the need to make free IT and Wi-Fi available as quickly as possible

As part of phase one, the following services were made available to the public initially:

- Library Takeaway Service (Pre-prepared bags of 5 books for adults or children)
- Reservation Service -collection of items reserved
- Access to PCs in all branches for 30 minutes (pre-booked sessions)
- Photocopying, printing and scanners available in every branch
- Sale of food waste bags
- Summer Reading Challenge packs

The re-opening of the first six libraries was successful with over 1,000 visitors to Bromley Libraries on the first day. A total of 5,601 visits were made to the six libraries in the first week which was pleasing. Feedback showed that customers have been patient with the limited services currently on offer and were pleased with the organisation and cleanliness and are clearly pleased that some libraries are now open again. Computer services were well received as were printing and photocopying.

Following a successful first phase, the next phase commenced as planned. As part of phase two, four more libraries re-opened to the public on 27th July offering the services listed above. This was based on size and location with Central being the largest library in the borough, Biggin Hill, Petts Wood and Mottingham are spacious enough to accommodate the services on offer.

As part of the third stage of recovery the remaining four libraries at Burnt Ash, Hayes, Southborough and Shortlands are scheduled to re-open on 3rd August. With the exception of Southborough Library these are the smallest libraries so they were kept until phase three so that lessons learned from previous phases in relation to service recovery and social distancing could be applied. Online Library Services are still available so that customers can use a mix of online and physical library services

Service Restoration-The next step is to restore more elements of the library services. This is a gradual process and is dependent on health and safety guidance and government advice. Already access to PCs will be extended to 1 hour with further extensions if there are no queues/ booked appointments. Printing and photocopying are available with staff monitoring the number of customers using this service.

Following updated Government advice and providing no second wave of the virus occurs, or local lockdown imposed it is the Councils envisaged intention that in mid-September we will review our current offer with the view to re-introduce more services including some socially distanced events. It is envisaged that reading groups for adults will be amongst the first to resume as social distancing can be applied.

Children's activities for young children will be amongst the last to resume due to the difficulties in social distancing. This can be mitigated by offering online and virtual services. For example, the 2020 Summer Reading Challenge 'The Silly Squad' has now begun. GLL are running the Bromley SRC both online and have also made the promotional packs available for distribution via the Library Take Away service. The exciting programme of summer holiday events and activities which usually takes place is being delivered in an exciting new way via a You Tube channel. There are also plans in September for GLL to set up zoom groups for new mums and their babies combat isolation and form friendships

From the end of September as long as it is safe to do so all branches will start to resume their usual hours using the same phased approach. Browsing will gradually be increased in line with restrictions on lingering including family browsing time in children's Libraries. Study space will be re-introduced in libraries where there is enough space. Where services cannot be delivered face to face in libraries provision will be made online.

Recovering and developing Library Services is the key focus for Bromley Libraries. GLL are jointly working with the Client Team to develop a new Library Strategy which will incorporate recovery plans and new services. The Library without Walls virtual library service has been so successful that it will be retained and included as our 15th Library offering 24/7 access to Library services and will continue to grow to meet need.

User needs in Bromley will be different following COVID-19 and GLL will work with the Council to understand and develop services to respond to this need e.g. provision for job seekers will need to be part of new service planning. Together the Client Team and GLL are undertaking a full review of services to ensure that these meet the changing needs of Bromley residents going forward. The new annual survey will ask customers what they have most enjoyed about online Library services and what they would like to retain for the future.

Following the initial recovery phases LBB and GLL are now working together to use the unique opportunity of service recovery to modernise the service to meet the changing needs of the Borough and its residents which is an exciting opportunity.

Kind Regards

Paula Young

Paula Young

Principal Client-Libraries

Appendix 2: Bromley Library Strategy: Vision for Libraries 2019-2024

(Updated after COVID 19-November 2020)

Library services in the London Borough of Bromley are delivered by GLL, a social enterprise which ensures ongoing reinvestment in services – and which operates within the financial targets set by the local authority.

Our vision is driven by six principles:

- Keeping libraries open and driving up footfall and loans
- Modernising library services to ensure they are fit for the 21st Century
- Developing library services to focus on the individual needs and interests of each customer
- Operations led by professional librarians supported by a specialist Divisional Team
- Using economies of scale to reduce costs of operation
- Seizing opportunities for innovation, service development and partnerships

This Vision Statement was written in 2019, before we had heard of COVID-19. Since then, libraries in Bromley have adapted their operations in order to provide COVID-secure services to ensure the safety of both customers and staff, and also to enhance services for customers confined to their homes. Details are provided in Appendix A to this document.

In 2020, the pandemic disrupted our lives – and, it seems that it will disrupt the economic life of the country in the years to come. People have become less willing to travel – and working at home has become the new normal. Many have become unemployed – and may need support to apply for jobs, to gain new skills to become more employable, or to establish their own business. Libraries are ideally placed to act as recovery hubs, particularly in Bromley where libraries are located across the Borough and are easy to access. Libraries can provide social activities locally for people who are lonely; they can provide support for people who need to apply for jobs; they can offer training courses for people who need to upskill to become more employable and they can offer space to work and information support for new businesses. We cannot yet foresee the post pandemic landscape but we will ensure that libraries in Bromley are ready to respond, flexibly and positively, to the emerging needs of local communities across the Borough,

The **Bromley Library Strategy** is designed to create a modern library service for the Borough which is fit for purpose and which puts customers first. There are 5 elements within the strategy:

Library Buildings

A major investment programme designed to create a network of modern and attractive library buildings across the Borough.

Children and their parents are now some of our most frequent users, and children's books account for almost half of the items borrowed. Where possible, space and facilities for children will be expanded to meet this demand.

Where students have a real need for shared and quiet study space, we will provide this – alongside plenty of power points for their laptops, tablets and phones.

Older people, who may wish to linger longer will benefit from comfortable seating which they can get into and out of easily.

The programme involves improving each library in the Borough to create libraries which operate to common standards but which each have their own personality. In addition to improvements to local libraries, a state of the art library has been developed in Bromley Town Centre, including a creative play area, representing 'Toyland' and its inhabitants, and reflecting the stories of the famous Bromley resident, Enid Blyton. Bromley will have a blend of special and unique libraries that everyone can access, an approach which balances investment with value for money.

Books

Books are at the heart of every library. Many library users come to the library to borrow a book. For younger readers, books encourage literacy; for students, specialist texts provide information on specific topics, for people who love stories, books feed their imaginations, for people who love to travel, books enable the journey to start in the armchair. Libraries in Bromley have an excellent selection of books for all ages and all interests. Local libraries respond to the interests of local people – and the collection in each library is different. To make sure that we have the right books in each library, we will use technology which allows us to monitor the use of stock in detail and which highlights books which would be of more interest in another library.

We shall also review how books are displayed in libraries across the Borough, using a variety of approaches to enable library users to identify books which interest them.

ICT

To ensure everyone can fulfill their potential in this increasingly digital world, libraries provide ICT facilities. For many, these facilities are their only access point to the Internet, to email, online shopping, Universal Credit claims and links to the Job Centre. As standard in libraries across Bromley, we provide high speed access to the Internet, both from fixed PCs and via wireless networks. Customers can print from fixed PCs or

from their mobile devices. And for customers who want to relax while reading digital newspapers or magazines, the larger libraries offer tablets which can be borrowed and used in the library. The refurbished Central Library in Bromley will provide a large screen which will be used for film shows, small tablets for children and large tablets for use in storytelling and teaching. We will continue to expand the range of hardware and software available in libraries in Bromley, offering customers the opportunity to try new products as they come to market.

We shall also maximise the use of ICT for staff use, re-engineering routines to make best use of the Library Management System and the add on technologies used across all Bromley Libraries. Self issue kiosks are already extremely well used by customers and this year, we have added three new sorters which accept and sort returned books, reading for reshelving.

Staff

Library staff should be professional, knowledgeable and kind. We want to make sure that members of the libraries team take full advantage of the training opportunities offered to them, both within GLL and externally.

We want all members of staff to be clear about what is required of them, and how important their contribution is to the service as a whole. Managers need to be ready to provide strong leadership and effective support to move the service forward, ensure it is sustainable and make it one of the best in the country.

Activities

Libraries in the 21st Century are social spaces, places where people come together to meet each other, as well as to borrow a book or use a PC. We are planning to increase the number of activities held in libraries across Bromley and to expand the range of activities. Children and their families love using our libraries and we will increase the number of activities available for them, throughout the year and not just in term time. The Summer Reading Challenge this year has given a flavour of the year ahead with external performers and entertainers, as well as the familiar – and much loved – Rhymetimes, Storytimes, craft sessions and lego clubs which are run by library staff.

Activities for older customers will be expanded. Book clubs, social clubs, Knit 'n Natter sessions will be developed, as well as specific sessions for adults with health issues, such as dementia. Specialist equipment will be provided for customers who have particular needs, such as the 'magic table' for use with dementia sufferers.

Appendix A: Delivering COVID-Secure Facilities

GLL has sought to continue to provide high quality library services for all Bromley residents despite the challenges posed by COVID-19. Since March, we have continually adapted services to meet changing Government guidelines, health and safety requirements and customer needs. Whilst it has been a challenging time, it has also presented us with opportunities to develop and expand our services. Outlined below are the service changes which have been made to ensure a COVID-secure environment for customers and for staff.

Library Buildings:

Preparing Libraries Buildings for library users in line with COVID guidelines incorporating:

- Maximum occupancy numbers
- 2 metre distancing
- Concierge service to manage customer experience and safety
- Clear signage
- Hand sanitiser
- NHS track and trace
- Quarantine areas
- Incorporating new operating measures to ensure the safety and confidence of all library users and staff

Books:

- Regularly reviewing the e-book and online service, increasing the stock spend on e-books and online resources during closed periods to ensure that library users are able to access a wide range of materials to borrow. Continuing to review the popularity against physical items.
- Removal of fines and reservation charges to allow customers to continue to borrow items safely and unaffected by any services changes such as shorter opening hours due to COVID.
- Adapting services to ensure that library users can borrow items, initially following the first lockdown, we were able to offer a 'Grab and Go' service where books were selected from a certain category e.g. Romance or Fiction books for children aged 7 and placed into book bags for customers to borrow. As we re-opened, we safely implemented browsing services for library users. In the second lockdown, click and collect was implemented in line with Government guidance to allow library users to reserve items and arrange an appointment to collect them.
- Issue figures both for e-resources and physical items continue to be monitored to ensure that the book fund is being spent on items that library

users want. Services are being adjusted as and when required to maximise access for library users.

ICT:

- When libraries reopened, ICT provision was made available by appointment for library users. Computer use has been popular and a booking system which allows a maximum of 1 hour for each library user, has been introduced, to accommodate the needs of library users, while ensuring the 2 metre distancing requirements were met.

Staff:

- Staff in Bromley Libraries have more than risen to the challenge in learning new skills and adapting services for library users:
- Staff have been providing a concierge service, welcoming library users, explaining the service adaptations and supporting library users to take part in the NHS track and trace.
- Staff have delivered a variety of online and virtual events
- Staff have continued to have online development opportunities to attend training and expand their knowledge in different areas.

Activities:

- The online activity programme was introduced on 17th March when activities in physical libraries were stopped due to the Coronavirus. We immediately implemented our regular weekly programmes online and these became popular very quickly. They even drew the attention the BBC who showcased Claire from Mottingham Library delivering a 'Sing and Sign' session on the London news.
- Throughout March and April, programmes for all ages were added. Our annual events programme was amended so that all activities moved online. In addition, our regular reading groups were held using a variety of platforms including, telephone, Facebook and Zoom to ensure that as many people as possible could take part.
- All planned events and activities including the Summer Reading Challenge have been delivered virtually. With great success during this period.
- We have referred to our online service as the Library Without Walls or our 15th Library as the online service will continue post COVID.

Appendix B: Post-COVID Strategy:

Our Post COVID strategy for Bromley Libraries is to expand on our vision for libraries, and to incorporate the opportunities and development of new services that occurred during this period. Whilst this has been a challenging time for all it has provided a valuable opportunity to modernise our services.

Opening hours:

We have worked with Bromley Council to produce a proposal to temporarily modify library opening hours to meet customer need for late night opening at more libraries and more libraries opening on a Wednesday. In addition, we have standardised opening hours to make it clearer for library users on when their library is available to them. Prior to the COVID opening hours, we had a range of times from 1pm, 3pm, 5pm, 5.30pm, 6pm, 7pm and 8pm. Our proposals simplify this and libraries will be open until 5.30 or 7pm excluding Mottingham Library which will have one 5pm finish in order to comply with the overall number of hours offered. In order to prepare this proposal, we have reviewed hourly visitor data from the last two years to look at the most visited times and to inform our decisions.

Library Without Walls/ Bromley's 15th Library:

We will continue to build on the success of our virtual library programme and ensure that all library users can access both a physical and online service.

Books and E-Books:

We will continue to review and adapt our spending plans as required ensuring that both our physical items and online resources meet customer needs and demands.

Library Buildings:

We will continue to work with Bromley Council on our programme to modernise library buildings. We would like to hold a launch event for the new Bromley Central Library which was due to take place on the 17th March and was postponed due to COVID.

New areas for development post COVID:

2020 has been a year of crisis. We have experienced a pandemic which has disrupted our lives – and which will disrupt the economic life of the country in the years to come. Every day we read of major companies going into liquidation and of the job losses which will result. The pandemic will leave in its wake an economic landscape in which people will be looking for jobs and will need support to do that – and in which entrepreneurs will need support to establish new businesses

Public libraries are ideally placed to act as recovery hubs, providing support both for job seekers and for entrepreneurs. Libraries in Bromley are highly accessible, evenly distributed across the Borough. For people who are struggling to apply for jobs, our

libraries can be a game changer, providing free access to books and technology, supporting customers to engage with professional networks, or gain new skills during this time. Libraries in Bromley can in addition, offer free access to a host of learning opportunities through virtual programmes.

Appendix 3:

Current and proposed timetables of opening hours for Bromley Libraries

Current timetable:

| Branch | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday | Sunday |
|----------------|-------------------------------|-------------------------------|--------------|-------------------------------|-------------------------------|-------------------------------|---------------|
| Beckenham | 9:30 - 18:00 | 9:30 - 18:00 | 9:30 - 20:00 | - | 9:30 - 18:00 | 9:30 - 17:00 | - |
| Central | 9:30 - 18:00 | 9:30 - 18:00 | 9:30 - 18:00 | 9:30 - 20:00 | 9:30 - 18:00 | 9:30 - 17:00 | - |
| Biggin Hill | 9:30 - 19:00 | 9:30 - 19:00 | 9:30 - 19:00 | 9:30 - 19:00 | 9:30 - 19:00 | 9:30 - 17:00 | 10:00 - 13:00 |
| Burnt Ash | 9:30 - 13:00 14:00 - 18:00 | - | - | 9:30 - 13:00 14:00 - 18:00 | - | 9:30 - 13:00 14:00 - 17:00 | - |
| Chislehurst | 9:30 - 20:00 | 9:30 - 17:30 | - | 9:30 - 17:30 | 9:30 - 17:30 | 9:30 - 17:00 | - |
| Hayes | - | 9:30 - 13:00 14:00 - 18:00 | - | - | 9:30 - 13:00 14:00 - 18:00 | 9:30 - 13:00 14:00 - 17:00 | - |
| Mottingham | 9:30 - 13:00 14:00 - 17:30 | - | 9:30 - 15:00 | - | 9:30 - 13:00 14:00 - 20:00 | 9:30 - 13:00 14:00 - 17:00 | - |
| Orpington | 10:00 - 20:00 | 9:30 - 18:00 | 9:30 - 18:00 | 9:30 - 18:00 | 9:30 - 18:00 | 9:30 - 17:00 | - |
| Penge | 10:00 - 19:00 | 9:30 - 17:30 | 9:30 - 13:00 | 9:30 - 17:30 | 9:30 - 17:30 | 10:00 - 17:00 | - |
| Petts Wood | 9:30 - 17:30 | 9:30 - 17:30 | - | 9:30 - 20:00 | 9:30 - 17:30 | 9:30 - 17:00 | - |
| Shortlands | 9:30 - 13:00 14:00 - 17:30 | 9:30 - 13:00 14:00 - 17:30 | - | - | 9:30 - 13:00 14:00 - 17:30 | 9:30 - 13:00 14:00 - 17:00 | - |
| Southborough | 9:30 - 13:00 14:00 - 17:30 | 9:30 - 13:00 14:00 - 17:30 | - | - | 9:30 - 13:00 14:00 - 17:30 | 9:30 - 13:00 14:00 - 17:00 | - |
| St Paul's Cray | 9:30 - 13:00 14:00 - 17:30 | 9:30 - 13:00 14:00 - 17:30 | - | 9:30 - 13:00 14:00 - 17:30 | - | 9:30 - 13:00 14:00 - 17:00 | - |
| West Wickham | 9:30 - 20:00 | 9:30 - 17:30 | - | 9:30 - 17:30 | 9:30 - 17:30 | 9:30 - 17:00 | - |

Proposed timetable:

| Branch | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday | Sunday |
|-----------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|---------------|
| Beckenham | 9:30 - 19:00 | 9:30 - 17:30 | 9:30 - 17:30 | - | 9:30 - 17:30 | 9:30 - 17:00 | - |
| Central | 9:30 - 19:00 | 9:30 - 19:00 | 9:30 - 19:00 | 9:30 - 19:00 | 9:30 - 19:00 | 9:30 - 17:00 | - |
| Biggin Hill | 9:30 - 19:00 | 9:30 - 19:00 | 9:30 - 19:00 | 9:30 - 19:00 | 9:30 - 19:00 | 9:30 - 17:00 | 10:00 - 13:00 |
| Burnt Ash | 9:30 - 13:00 14:00 - 17:30 | - | - | 9:30 - 13:00 14:00 - 17:30 | - | 9:30 - 13:00 14:00 - 17:00 | - |
| Chislehurst | 9:30 - 17:30 | 9:30 - 17:30 | - | 9:30 - 19:00 | 9:30 - 17:30 | 9:30 - 17:00 | - |
| Hayes | - | 9:30 - 13:00 14:00 - 17:30 | - | - | 9:30 - 13:00 14:00 - 17:30 | 9:30 - 13:00 14:00 - 17:00 | - |
| Mottingham | 9:30 - 13:00 14:00 - 19:00 | - | 9:30 - 13:00 14:00 - 17:00 | - | 9:30 - 13:00 14:00 - 17:30 | 9:30 - 13:00 14:00 - 17:00 | - |
| Orpington | 9:30 - 19:00 | 9:30 - 17:30 | 9:30 - 17:30 | 9:30 - 19:00 | 9:30 - 17:30 | 9:30 - 17:00 | - |
| Penge | 9:30 - 19:00 | 9:30 - 17:30 | 9:30 - 17:30 | 9:30 - 17:30 | 9:30 - 17:30 | 9:30 - 17:00 | - |
| Petts Wood | 9:30 - 17:30 | 9:30 - 17:30 | - | 9:30 - 19:00 | 9:30 - 17:30 | 9:30 - 17:00 | - |
| Shortlands | 9:30 - 13:00 14:00 - 17:30 | 9:30 - 13:00 14:00 - 17:30 | - | - | 9:30 - 13:00 14:00 - 17:30 | 9:30 - 13:00 14:00 - 17:00 | - |
| Southborough | - | 9:30 - 13:00 14:00 - 17:30 | 9:30 - 13:00 14:00 - 17:30 | - | 9:30 - 13:00 14:00 - 17:30 | 9:30 - 13:00 14:00 - 17:00 | - |
| St Paul's Cray | 9:30 - 13:00 14:00 - 17:30 | 9:30 - 13:00 14:00 - 17:30 | - | 9:30 - 13:00 14:00 - 17:30 | - | 9:30 - 13:00 14:00 - 17:00 | - |
| West Wickham | 9:30 - 19:00 | 9:30 - 17:30 | - | 9:30 - 17:30 | 9:30 - 17:30 | 9:30 - 17:00 | - |

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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