

ANNEX A

QUESTIONS FROM MEMBERS OF THE PUBLIC FOR WRITTEN RESPONSE BY THE CHAIRMAN OF DCC IN RELATION TO ITEM 14 – HOMES IN MULTIPLE OCCUPATION

Question 1: From Chris Duffield and Sue MacDonald

1. Why is Madeira Avenue, a quiet leafy suburb of Bromley Town with a close family orientated community not recognised in terms of Article 4 in relation to HMO's? This does not appear to be the case in other areas of the Borough of a similar standing where consideration is given!
2. We understand that the Borough Planning Authority have the ability to invoke Article 4 Directions albeit on a permanent or discretionary basis given mitigating circumstances, can this discretion be applied in this instance?

Chairman's Response

1. The Council have the ability to restrict permitted development rights through the use of Article 4 Directions (A4Ds). The report to DCC (para 3.42) outlines the requirements and procedure to put in place A4Ds. It is considered that there is currently insufficient justification for Bromley to introduce A4Ds to remove the permitted development (PD) which allows C3 use (dwelling house) to change to C4 use (small HMO). The question seemingly refers to other areas of the borough which have A4Ds, but this is not the case; Bromley currently has no A4Ds in place to remove C3 to C4 PD rights.
2. There are specific national requirements and procedures for putting in place an A4D. The Council can put in place an A4D covering any area from a single building to the whole borough, but this must be justified based on evidence, as noted in the DCC report (e.g. para 3.39). As noted above in response to Q1(1), it is considered that there is currently insufficient justification for Bromley to seek to introduce A4Ds to remove the permitted development (PD) which allows C3 use (dwelling house) to change to C4 use (small HMO).

Question 2: From Trevor Grace

1. Residents of Madeira Avenue reported an 'under the radar' HMO (six bedsits/communal kitchen) with obvious, serious planning problems for the road, which potentially will replicate in the borough. Since planning is about anticipating problems, would Members please instruct officers to investigate the need for localised Article 4 Directions?
2. At present, under 'permitted development', Planning and Building Control have no knowledge of growing numbers of commercial developments of 6-bedsits with communal kitchens converted from former family houses in quiet residential areas. Would Members please instruct their officers to report back with a degree of urgency, say, by 1 October?

Chairman's Response

1. As noted above in response to Q1(1), it is considered that there is currently insufficient justification for Bromley to seek to introduce A4Ds to remove the permitted development (PD) which allows C3 use (dwelling house) to change to C4 use (small HMO). The DCC report (paras 3.60-3.63) recommends further work to assess the impact of HMOs in Bromley to establish whether an A4D would be justified.
2. As noted in the response to Q2(1), the DCC report recommends further work to develop an evidence base to establish whether there are any actual impacts from HMOs in Bromley. The intention is to report back to future meeting(s) of DCC which may include associated recommended actions. It would not be appropriate to place an arbitrary timeframe on reporting back as much depends on the availability of data from various sources, which given the current COVID-19 pandemic, may not be able to be sourced in a timely manner.

Question 3: From Pam Grace

1. With Madeira Avenue as an example (Local Councillors aware), will the Committee agree to expedite the investigation of the trends and distribution of HMOs, and ensure the ensuing report and necessary action are considered urgently (setting a definite date), before small HMOs spread unregulated and unchecked in inappropriate areas?
2. I write as an ex-Chemotherapy Nurse, very aware of immunity and infection. Covid19 spreads by droplet or touching contaminated surfaces. 6 strangers in bedsits sharing a kitchen are at real risk and could spread infection further. Do members agree they have a Duty of Care when considering small HMOs?

Chairman's Response

1. See response to Q2(2) above.
2. The report references the potential issues that may arise post-COVID 19 (see paras 3.56-3.57). However, it is also important to note that HMOs are a legitimate form of housing and are subject to licensing requirements which focuses on the quality of accommodation. There is no obvious difference between 6 strangers sharing a house and a family of 2 parents and 4 children sharing a house, hence it is not accepted that HMOs pose any more significant public health problems in principle compared to conventional housing.

Question 4: From Clive Lees, Chairman, Ravensbourne Valley Residents

1. Would the Council undertake to consider making an immediate Article 4 Direction in respect of 44-56 Madeira Avenue to prevent the further development of HMO's in this terrace?
2. As part of the on-going/future review of HMO's in Bromley, would the Council undertake to consult all local Residents Associations who will have local knowledge of problems caused by existing HMO's?

Chairman's Response

1. See response to Q1(1). Even if an A4D were considered expedient, an immediate A4D would attract potentially significant compensation liability (as noted in para 3.45 of the DCC report), and therefore a non-immediate A4D would likely be pursued to remove this liability.
2. As noted in response to Q2(1), the DCC report recommends further evidence gathering to establish impacts of HMOs in Bromley. This exercise will be objective and will look at a range of sources. We currently do not intend to consult with RA's but may do in future, e.g. in relation to evidence gathering or any actions arising from further evidence gathering. It is noted that where the council undertakes consultation, this will need to cover a broad range of stakeholders to gather a range of views, e.g. HMO landlords and tenants.

Question 5: From Dr Tania Kalsi, 58 Madeira Avenue, Bromley

- 1 Shouldn't Bromley introduce Article 4 Direction and discontinue new HMO licences during a pandemic for public health reasons? There is risk of significant unchecked HMO expansion during a recession. Landlords may take the opportunity to market cheaper living arrangements. This may inadvertently increase risks to lower socioeconomic groups and BAMES.
- 2 50 Madeira Avenue: small 3 bed terrace is being converted to 6 bed RMO. Likely significant risks for issues with waste, parking and noise on a quiet family street. Does the Council think an Article 4 Direction would avoid the use of permitted development rules to inappropriately small houses?

Chairman's Response

1. See response to Q1(1) regarding the expediency of A4Ds.

With regard to licensing, the Council is required to operate within the legislation as set out in the report, and does not currently have discretion to discontinue licenses for the reasons suggested. As noted in response to Q3(2), there is no evidence that HMOs pose a significantly greater public health risk than conventional housing.

2. As noted in response to Q1(1), it is considered that there is currently insufficient justification for Bromley to seek to introduce A4Ds to remove the permitted development (PD) which allows C3 use (dwelling house) to change to C4 use (small HMO). The report (para 3.38) identifies a number of potential negative impacts commonly associated with HMOs, but there is currently no convincing evidence that these impacts have materialised, or are likely to materialise, at a significant scale in Bromley. The report also notes, in para 3.40, that the Council has a number of powers through which any harm arising from development (including HMOs), either individually or cumulatively, can be mitigated; an A4D may not be the most appropriate solution to mitigate harm even where it does arise.

Question 6: From Josie Aston and Grahame Baker

1. We would like to know if LBB have considered the extra pressure on car parking that will arise from 6-10 people living in 50 Madeira Avenue once it is converted to an HMO? The road is in the controlled parking zone and there is competition for spaces.
2. We would also like to know if LBB have considered the likely extra noise and rubbish that could result from adding 6 separate households to this open plan area. Other households in this quiet location are young families and retired people.

Chairman's Response

1. The development at 50 Madeira Avenue does not require planning permission and as such there is no planning process for the Council to consider the parking or other implications. The parking issues raised can be controlled through other council powers. There is no indication that car use resulting from the HMO will be any greater than that of conventional housing.
2. Similar to response to Q6(1), these impacts can be controlled through other council powers and there is no indication that noise and waste issues resulting from the HMO will be of any greater significance than that of conventional housing.