

## **DEVELOPMENT CONTROL COMMITTEE**

Minutes of the meeting held at 6.30 pm on 21 May 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,  
William Huntington-Thresher, Charles Joel, Russell Mellor,  
Tony Owen, Angela Page, Richard Scoates, Melanie Stevens  
and Michael Turner

### **Also Present:**

Councillors Michael Rutherford and Kieran Terry

#### **1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**

All Members were present.

#### **2 DECLARATIONS OF INTEREST**

No declarations of interest were received.

#### **3 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING**

A total of 12 questions for written reply were submitted to the Chairman. A copy of those questions, together with the Chairman's responses can be viewed at Annex A to these Minutes.

#### **4 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 18 MARCH 2020**

Minute 67 – Planning Application (19/04644/FULL1) – National Westminster Sports Ground (page 11, first paragraph)

The Legal Representative confirmed that the one-off Section 106 payment would be set aside for carbon initiatives.

**RESOLVED that the Minutes of the meeting held on 18 March 2020 be confirmed and signed as a correct record.**

#### **5 MATTERS OUTSTANDING FROM PREVIOUS MINUTES**

**Members noted there were no matters outstanding from the Minutes of previous meetings.**

**6 PLANNING APPLICATION (19/01670/FULL1) - THE PORCUPINE,  
24 MOTTINGHAM ROAD, MOTTINGHAM, LONDON SE9 4QW**

Description of application – Full planning permission for the demolition of the existing public house and erection of an A1 retail foodstore, with associated car parking, reconfigured site access, landscaping, servicing and other associated works.

**THIS REPORT WAS WITHDRAWN BY THE ASSISTANT DIRECTOR,  
PLANNING AND BUILDING CONTROL.**

The reason for withdrawal of the report was due to the publication of very recent statutory Government guidance in respect of highways. This had raised considerable concerns about the proposal to reduce substantially the width of the public footway opposite the site as part of this application.

While the proposal also incorporated an increase in width of the pavement on the opposite side, the reduction was in basic terms entirely contrary to this guidance. The Highway Authority had raised serious concerns about this matter. While Lidl had provided their response supporting the benefits overall of their proposal, the Assistant Director Planning was not satisfied that the matter should be disregarded at this point.

The Council had yet to decide its corporate approach to this highways guidance. At this point, the Assistant Director Planning was not comfortable putting the application forward with the recommendation as set out in the agenda. He did not feel in these unusual circumstances that he could provide Members with a clear recommendation and therefore the application should be withdrawn from the agenda until such time as he could.

Additionally, the Assistant Director Planning intended to use this time to seek a review of the highways aspects of the proposal by an independent consultant as he was aware of the continuing concerns raised in this regard.

**7 PLANNING APPLICATION (19/03545/FULL1) - OLD TOWN HALL,  
30 TWEEDY ROAD, BROMLEY BR1 3FE**

Description of application – Application for planning permission and listed building consent to enable minor demolitions, conversion, restoration and extension of the Old Town Hall (OTH) Building (extensions no greater than 3 storeys in cumulative height) to provide office space (Class B1), ancillary hotel bedrooms (x 24) (Class C1), and a food and drinking establishment within the Old Courthouse (Class A4); and

Five storey residential scheme consisting of 53 apartments (18 x 1 bed, 34 x 2 bed and 1 x 3 bed) (Class C3) with basement parking for 26 cars upon the former South Street Car Park Site (SSCP), along with provision of 160 cycle spaces across both sites. (72 spaces - Old Town Hall, and 88 spaces - South

Street Car Park), landscaping, public realm improvements and ancillary development.

Oral representations from the applicant's agent in support of the application included the following points:-

- The proposals presented a unique solution for the delivery of strategically significant mixed-use development and would provide overwhelming economic, heritage and regeneration benefits to the Old Town Hall and South Street Car Park sites and for Bromley Town Centre generally.
- The proposals were compliant with national, regional and local planning policy. Other significant material considerations included:-
  - the existence of the recent planning permission for the site. The residential proposals for the SSCP site remained fundamentally unchanged from the approved scheme;
  - the proposed mixed-use was consistent with the aims and objectives of the site-specific policy allocation under Opportunity Site C within the Adopted Area Action Plan;
  - the scheme would secure the long-term future and re-use of the Old Town Hall site, thus protecting the existing Grade II Listed Building, which was presently identified as a 'building at risk' by Historic England;
  - the proposed primary office use of the Old Town Hall site represented a "good fit" in respect of compatible uses resulting in minimal physical intervention and impact upon the fabric of the listed building to facilitate its re-use.
  - the proposed mixed-use would add to the diversity of use within the town centre, contributing to its vitality and viability. The office use in particular, would provide significant economic impetus within the town centre by providing a focused and innovative co-working employment hub;
  - the proposals for both the Old Town Hall and South Street Car Park sites would be acceptable in terms of its planning, operational and environmental impacts.

In summary, the application met the requirements of planning policy in all respects and was worthy of approval.

In response to questions from Members, the applicant's agent made the following statements:-

- 20% of the electric car charging provision would be active, leaving the remaining 80% to allow for adaptation in the future.

- A balance was needed between the security needs of residents and public access to the two listed Council Chambers and the main entrance lobbies. The Court House would be accessible to members of the public and the Chambers would be designated as a co-working space. The applicant was prepared to make the 1939 Council Chamber on Widmore Road available for public access.
- In relation to the Section 106 payment, a rigorous independent review had been undertaken by the Council. The contribution was originally intended for education and health but was redirected to affordable housing.
- The fees set out in the viability assessment were standard industry norms. The financial gain from the residential scheme would pay for the Old Town Hall works.
- public access would be made available to the Council Chamber and main entrances lobbies in the Old Town Hall as part of the annual Open House Scheme which is part of the London Festival of Architecture.
- the current impact of the COVID-19 pandemic had not weakened the applicant's resolve to complete the scheme, although it was impossible to say what would happen to the market.

Councillor Joel reminded Members that should permission be granted, a Construction and Environmental Management Plan for the Old Town Hall and South Street Car Park phases would be required under pre-commencement condition 5 as stated on page 125 of the report.

Oral representations from visiting Ward Member Councillor Michael Rutherford in support of the application were received at the meeting and included the following points:-

- All Bromley Town Ward Members were in favour of the application.
- The scheme was supported by community groups and local residents.
- The current proposals were an improvement on the previously permitted application.

The Development Management Area Team Leader reported the principle of a viability review mechanism had been agreed and further details would be secured in the legal agreement. In relation to the hours of operation for the A4 use, the last entry on a Friday and Saturday would be extended from 11.00pm to 11.30pm (one hour before closure). Closing time remained the same.

The Chairman supported this very positive scheme which had been sensitively thought through and would result in the removal of the Grade II listing building from the At Risk Register.

The Chairman moved that the application be permitted. Councillor Mellor seconded the motion.

Councillor Fawthrop moved that a further condition be added to those already in the report requiring the applicant to provide active vehicle car charging points in line with the Draft London Plan.

**Having considered the report, objections and representations, Members unanimously RESOLVED that PERMISSION BE GRANTED SUBJECT TO A SECTION 106 LEGAL AGREEMENT as recommended and subject to the conditions and informatives set out in the report of the Assistant Director, Planning and Building Control.**

**Members also resolved to grant consent on the basis that the provision of electric vehicle charging points met with the Draft London Plan standards.**

**8 PLANNING APPLICATION (19/03546/LBC) - OLD TOWN HALL,  
30 TWEEDY ROAD, BROMLEY BR1 3FE**

Description of application – Application for planning permission and listed building consent to enable minor demolitions, conversion, restoration and extension of the Old Town Hall (OTH) Building (extensions no greater than 3 stories in cumulative height) to provide office space (Class B1), ancillary hotel bedrooms (x 24) (Class C1), and a food and drinking establishment within the Old Courthouse (Class A4), and

Five storey residential scheme consisting of 53 apartments (18 x 1 bed, 34 x 2 bed and 1 x 3 bed) (Class C3) with basement parking for 26 cars upon the former South Street Car Park Site (SSCP), along with provision of 160 cycle spaces across both sites. (72 spaces - Old Town Hall, and 88 spaces - South Street Car Park), landscaping, public realm improvements and ancillary development.

The Chairman moved that Listed Building Consent be granted; this was seconded by Councillor Mellor.

**Having considered the report, objections and representations, Members RESOLVED that LISTED BUILDING CONSENT BE GRANTED as recommended, subject to the conditions set out in the report of the Assistant Director, Planning and Building Control.**

**9 PLANNING APPLICATION (19/03620/FULL1) - WELLS HOUSE,  
15-17 ELMFIELD ROAD, BROMLEY BR1 1LS**

Description of application – Demolition of Wells House building and the redevelopment of the site to provide a part 7 and part 8 storey, comprising 10,598 sqm office floor space (Use Class Order Class B1(a)) with associated landscaping, cycle and parking spaces.

Oral representations from the applicant's agent in support of the application included the following points:

- Over the past three years, the applicant had worked proactively with the Council following pre-application advice and by further refining the scheme post-submission.
- The site comprised a 1970s office building, representative of much of the existing stock in Bromley Town centre. This dated design was no longer fit for purpose.
- The aspiration of the Local Plan and AAP's long standing designation of Elmfield Road as a Business Improvement Area had yet to be realised. The area was in need of investment to attract future occupiers in order to compete with regional office markets such as Croydon.
- The proposed investment in the site provided an opportunity not previously seen in this Business Improvement Area.
- The scheme optimised this town centre brownfield site by replacing the dated architecture with a modern office building designed to the British Council for Offices' latest guidance.
- The modest increase in height reflected the context of this town centre location, with a significant separation from the residential properties to the east of Kentish Way. There was no change in use and it had been demonstrated that there would be no harm to the amenities of neighbouring residents.
- The high quality design was universally supported by Bromley officers and the GLA design officer.
- This was underpinned by its sustainability credentials which achieved BREEAM Excellent and a 47% carbon energy reduction on site.
- The building would incorporate green roofs, SUDS, 100% ECVF spaces, and had been future-proofed with cycle storage, shower facilities and spaces to draft London Plan standards.

- The scheme would provide Bromley's first purpose built Grade A office accommodation with an uplift of almost 7,000 sqm to provide an additional 450 jobs. It would assist the wider aspirations of driving footfall to the town centre and would also secure a financial contribution for wider public realm improvements.
- The scheme accorded with planning policy at all levels and the proposed investment would provide substantial benefits for Bromley Town Centre.

Oral representations from visiting Ward Member Councillor Michael Rutherford in support of the application were received at the meeting and included the following points:-

- Having visited the site at various times of the day, it appeared the scheme would have minimal impact on residents in Rafford Way.
- The development would improve the quality of office space available in Bromley.

Councillor Joel asked whether one or two office floors could be divided into individual rooms for small businesses. The agent responded that the proposed open floor plan fully adhered to office standards. Division into smaller units was not something the applicant would wish to consider at this time. The aim was to attract larger companies who were looking to relocate outside of Central London.

The Head of Development Management informed Members that if they were minded to grant planning permission, the addition of a further condition was recommended to secure details of slab levels for the building and also to restrict the use of the building to offices as proposed. In addition, following publication of the report, the applicant had agreed to market up to 5% of the floorspace as affordable workspace if the building were to remain vacant during the first 24 months following completion. It was recommended that this be carried forward in the heads of terms should Members be minded to grant planning permission.

The Chairman was pleased to see this scheme dedicated for office use. While the replacement block was taller than the current existing building, she noted that the original proposed height had been reduced. The scheme itself was of an imaginative design incorporating a large quantity of glass which should attract plenty of light in an otherwise dark road..

The Chairman moved that the application be granted permission.

Following a query from Councillor Fawthrop, the applicant's agent confirmed that a total of 14 electric vehicle car charging spaces would be provided, two of which were dedicated disabled parking. A further three vehicle delivery bays would also be provided.

Councillor Fawthrop seconded the motion that permission be granted.

Councillor Mellor was pleased to see that plans for this site, dedicated as a Business Improvement Area in the Bromley Local Plan, were finally coming to fruition.

**Having considered the report, objections and representations, Members RESOLVED that PERMISSION BE GRANTED SUBJECT TO STAGE 2 REFERRAL TO THE MAYOR OF LONDON, PLANNING CONDITIONS AND A SECTION 106 LEGAL AGREEMENT as recommended in the report of the Assistant Director, Planning and Building Control.**

**Further conditions relating to slab levels for the building and to limit the use of the building to offices were added. In addition, a requirement for the marketing of up to 5% floorspace was added to the Heads of Terms for the S106 Agreement.**

**10 PLANNING APPLICATION (19/04439/FULL1) - LUBBOCK HOUSE, 1 NORTHOLME RISE, ORPINGTON BR6 9RF**

Description of application – Demolition of existing building and construction of part 3/part 4 storey block of 34 flats with associated car and bicycle parking, refuse and recycling storage and landscaping.

Oral representations from the applicant's agent in support of the application included the following points:

- Various issues with the content of the report were raised in a letter to the Council dated 19 May 2020.
- As outlined in the report, the development was acceptable except for the conflict with Policy 11 which sought to protect sites that provided specialist accommodation. The report failed to note that the use of the building for the provision of specialist accommodation for older people ceased as of 1 May 2015 as set out on the application form that accompanied the application for the redevelopment of the site for 9 dwellings. It was, therefore, a matter of fact that the provision of specialist accommodation for older people from this site ceased just over five years ago. It was not right that this policy was afforded the same degree of weight as if the application related to a building that had recently closed or moreover still active but proving unviable to continue. The Policy was only formally adopted 18 months ago, more than three years following closure of the site and when an alternative residential development had been approved. The use of the site for specialist accommodation had therefore long since ceased and any need for such provision had been met elsewhere by other developments. There was, therefore, no net loss to the provision of specialist accommodation for older people as envisaged by the Policy.
- Balanced against this, Members must consider that this scheme would deliver 34 new residential apartments of which 12 were to be provided as affordable housing. The report acknowledged that there was not a current



5-year housing land supply position and therefore the provision of housing should be afforded significant weight in favour of the proposals. This was accepted by Planning Inspectors when determining appeals in Bromley as well as generally within authorities lacking the necessary housing supply. While the application would see 12 of the 34 units being provided as affordable housing, the current discussions with interested purchasers of the completed scheme indicated it was likely that all 34 units would be delivered as affordable housing. The additional 22 units would need to fall outside of the scope of any Section 106 Agreement due to funding arrangements with housing associations.

- If Members accepted there was no fallback position regarding the implementation of the 9 unit dwelling scheme, which was not accepted by the applicant, then Members should consider whether the full weight of Policy 11 was applicable to this site and in the context of the housing crisis and the lack of sufficient supply at present in this Borough. If Members considered there was conflict with the Policy, it should not singularly amount to such harm that it otherwise outweighed the benefits acknowledge in the report.

In response to questions from Members, the agent confirmed the following:-

- Discussions had been undertaken with Housing Associations to take on all 34 units. However, 22 of the units would remain outside the Section 106 Agreement for viability reasons.
- The option to appeal in the event that the application was refused had not been discussed. The applicant would take the either/or principle in regard to which application scheme had been approved.
- The provision of electric car charging points would be policy compliant. A condition imposed by Members for 100% provision would not be justified as it was not a policy requirement in the London or Local Plan.

The Principal Planner reported the following updates:-

- Policy 11 of the Bromley Local Plan still applied to sites not currently being used as specialist accommodation.
- No marketing had been undertaken to establish that there was not a continued demand for specialist accommodation at the site.
- Further objections had been received following re-consultation which was sent out on 7 May 2020. While some of the objections were similar to those already reported, others raised issues concerning:-
  - the reduction in parking;

- the assertion that traffic flow would be reduced was difficult to believe, bearing in mind that the 30 original flats were occupied by extra care residents who generally did not drive;
- some improvement in landscaping at lower end of the site adjacent to Woodhead Drive;
- the introduction of a play area would result in noise disturbance;
- confirmation needed from the Council that application 16/04956/FULL1 for nine houses had now expired;
- the two active applications required more transparency from the developer;
- the notification letter was not received until 18 May 2020.
- The Council's Tree Officer had submitted the following comments in relation to verge works:-
  - The low level vegetation fronting Northolme Rise comprised weed species. The tidying of the verge to improve the visibility splays was supported.
  - The retention of trees on the frontage and vegetation/scrub clearance could be addressed in the Arboricultural Method Statement which would be required by condition.
- The following update on land contamination had been received from Environmental Health:-
  - The items raised had all been addressed in a satisfactory manner and the changes appeared to continue through the report and into the conclusions and recommendations.
  - The revised report could be accepted in support of the application with the imposition of conditions as highlighted in the report.

Councillor Joel was disappointed to note that no marketing had been undertaken to find a provider willing to take on the site and retain the use as older persons' accommodation. The proposal was detrimental by way of its bulk and mass which would impact on the surrounding residential area. The scheme would also result in road network and traffic problems. There was no justification for the building to be demolished.

For the reasons given above, Councillor Joel moved that the application be refused. Councillor Fawthrop seconded the motion, adding that a lack of sufficient electric vehicle charging points would have an impact on the peaceful enjoyment of neighbouring properties.

Councillor Owen agreed that the development was out-of-keeping with the surrounding area and would result in a building which looked far worse than the one currently in situ. The site was more suited to development as family housing which was in short supply.

Councillor Allen questioned the recommendation for refusal as the existing building could not be of any use in regard to specialised accommodation whereas granting the application would bolster the Council's housing targets. There was every chance that the Council would lose should the applicant decide to appeal.

Councillor Brooks agreed, stating that an opportunity to add to the provision of affordable housing should not be missed. He asked how long a site designated for specialist older persons accommodation needed to stand vacant before being deemed acceptable for change of use. The Principal Planner reported that such sites remained designated regardless of how much time had elapsed.

The Principal Planner informed Members that the reasons for refusal put forward by Councillors Joel and Fawthrop would not be sustainable.

The Chairman moved that the application be refused solely on the ground set out in the report as the application conformed to all other planning policies. Councillor Dean seconded the motion.

A vote to refuse the application for the reasons set out by Councillors Joel and Fawthrop FELL.

The motion put forward by the Chairman to refuse the application for the reason set out in the report was put to the vote and CARRIED.

**Having considered the report, objections and representations, Members RESOLVED that the application BE REFUSED as recommended, for the reason set out in the report of the Assistant Director, Planning and Building Control.**

## **11 DELEGATED ENFORCEMENT ACTION JANUARY TO MARCH 2020**

### **Report HPR2020/009**

Members were provided with details of action taken under authorised Delegated Authority for breaches of planning control during the period January to March 2020.

**RESOLVED that the report be noted.**

**12 PROPOSED NON-IMMEDIATE ARTICLE 4 DIRECTIONS TO REMOVE PERMITTED DEVELOPMENT RIGHTS FOR OFFICE TO RESIDENTIAL CONVERSIONS IN BROMLEY'S OFFICE CLUSTERS**

**REPORT HPR2020/007**

Members considered whether three non-immediate Article 4 Directions should be sought to withdraw permitted development rights (PDRs) for change of use from office to residential. The Directions would apply to three Office Clusters shown in the Bromley Local Plan (January 2019) which were Crayfield Business Park (Cray Valley West), Knoll Rise (Orpington) and Masons Hill (Bromley Town). The Directions would not come into force until 12 months had elapsed from the date the Directions were made, subject to confirmation by the Renewal, Recreation and Housing Portfolio Holder.

The Chairman reminded Members that removal of PDRs would not prevent development but would add an extra level of protection as the applicant would need to submit a planning application for permission.

Referring to the high quality office space in Knoll Rise, Orpington, Councillor Huntington-Thresher reported the site was listed in Bromley's Local Plan and was definitely worth protecting.

Councillor Owen reported that the change of use from offices to flats in Orpington had seriously damaged lunchtime trade.

**RESOLVED that:-**

- 1 the making of three '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), be endorsed;**
- 2 the matter be referred to the Renewal, Recreation and Housing Policy Development and Scrutiny Committee for pre-decision scrutiny; and**
- 3 Members note that the Portfolio Holder for Renewal, Recreation and Housing will be asked to authorise the making of the non-immediate Directions, which will come into force 12 months from the day on which they are made, if they are subsequently confirmed following public consultation.**

### **13 LAND AT NEW YEARS LANE, KNOCKHOLT - ARTICLE 4 DIRECTION**

#### **Report HPR2020/006**

Members were requested to recommend that the Portfolio Holder for Renewal, Recreation and Housing confirm the immediate and non-immediate Article 4 Directions on Land at New Years Lane which were made on 7 January 2020 following a decision by the Portfolio Holder as recommended by Members of the DCC. The Directions restricted various permitted development rights, with the non-immediate Direction (v) not coming into effect until the required 12 month period of notification had elapsed (7 January 2021).

**RESOLVED that the Portfolio Holder for Renewal, Recreation and Housing be recommended to confirm the immediate and non-immediate Article 4 Directions on the Land at New Years Lane, restricting the following permitted development rights, with the non-immediate Direction not coming into effect until the required 12 month period of notification had elapsed:-**

- (i) erection or construction of gates, fences, walls or other means of enclosure (Class A of Part 2);**
- (ii) formation, laying out and construction of means of access ... (Class B of Part 2);**
- (iii) provision of temporary buildings, etc. (Class A of Part 4);**
- (iv) use of land for any purpose for not more than 28 days per year (Class B of part 4); and**
- (v) use of land as a caravan site (Class A of Part 5).**

### **14. HOMES IN MULTIPLE OCCUPATION**

#### **REPORT HPR2020/005**

This report outlined current controls relating to Homes in Multiple Occupation (HMOs) and the nature and scale of HMOs in Bromley. The report also assessed current and potential impacts of HMOs and set out potential avenues to address possible harm that may materialise, noting relevant processes, data requirements and the experience of other boroughs.

Visiting Member Councillor Michael Rutherford considered it would not be unreasonable for permitted development rights (PDRs) which currently allowed a change of use from houses to homes of multiple occupation (HMOs) to be withdrawn. Conversion could still take place but developers

would be required to submit a planning application which would allow consultation to take place.

Councillor Own agreed with the suggestion that PDRs be withdrawn to minimise the risk of attracting undesirable occupancy.

The Head of Planning Policy and Strategy reported that officers were liaising with the Licensing Department to consider methods of controlling and/or implementing additional licensing for HMOs.

Councillor Allen considered it made sense for the Council to bring itself into line with other boroughs. Inspection of housing was needed to help protect residents. However, a certain amount of control was required.

While Councillor Fawthrop supported the work currently being undertaken, he believed the establishment of a blanket ban on PDRs should not be considered at this stage but could be reviewed at a later date. Councillor Huntington-Thresher agreed and suggested that different levels of control could be introduced with the classification of a large HMO being defined as four or more unrelated occupants as opposed to six as stated in the report.

The Head of Planning Policy and Strategy reminded Members that National Development Rights could not be amended.

Councillor Mellor urged Members and officers to act with great alacrity on this issue as change of use to HMOs was being used by developers for financial gain.

**RESOLVED to note:-**

- 1 the impacts of HMOs identified in the report;**
- 2 that officers would undertake further work to:-**
  - (i) establish an understanding of the trends and spatial distribution of HMOs across the borough and assess the justification for and implications of, further actions where necessary; and**
  - (ii) consider the implications of emerging national and regional design guidance and observe any relevant outcomes from the national response to the COVID-19 pandemic.**

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Following the completion of business, Members commended the Chairman for successfully hosting and controlling the first virtual meeting of the Development Control Committee which ran smoothly and uninterrupted.

The meeting ended at 8.10 pm.

Chairman

# 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.