

## **RENEWAL, RECREATION AND HOUSING POLICY DEVELOPMENT AND SCRUTINY COMMITTEE**

Minutes of the meeting held at 6.30 pm on 9 November 2020

### **Present:**

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

### **Also Present:**

Councillor Yvonne Bear, Councillor Aisha Cuthbert and  
Councillor Peter Morgan

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

There were no apologies for absence.

### **28 DECLARATIONS OF INTEREST**

There were no additional declarations of interest.

### **29 QUESTIONS FROM COUNCILLORS AND MEMBERS OF THE PUBLIC ATTENDING THE MEETING**

A copy of the questions received, together with the responses can be viewed as Annex A to these Minutes.

### **30 MINUTES OF THE RENEWAL, RECREATION AND HOUSING PDS COMMITTEE MEETING HELD ON 2 SEPTEMBER 2020 AND THE SPECIAL MEETINGS HELD ON 6 OCTOBER 2020 AND 14 OCTOBER 2020**

The minutes of the Renewal, Recreation and Housing PDS Committee meeting held on 2 September 2020 and the special meetings held on 6 October 2020 and 14 October 2020, were agreed and signed as a correct record.

### **31 MATTERS OUTSTANDING FROM PREVIOUS MINUTES Report CSD20107**

The report set out progress against actions outstanding from previous meetings. Officers were thanked for the action taken to address matters outstanding from previous meetings.

**RESOLVED:** That the report be noted.

**HOLDING THE RENEWAL, RECREATION AND HOUSING PORTFOLIO HOLDER TO ACCOUNT**

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

The Committee considered the following reports where the Renewal, Recreation and Housing Portfolio Holder was recommended to take a decision:

**A BROMLEY BUSINESS IMPROVEMENT DISTRICT (BID) PROPOSAL – RENEWAL FOR 2021-2026  
Report HPR2020/035**

The report updated Members on the progress to date on the development of a proposed second term for the existing Business Improvement District (BID) in Bromley Town Centre and its potential implications for the Council. The report also introduced the outline Bromley BID Proposal 2021 – 2026 which had been presented to the Council by the Bromley BID Ltd (the Bromley BID company) and requested delegated authority for the Director of Housing, Planning and Regeneration to review the final version of the BID Proposal in order to authorise a ballot to be held on the renewal of the Bromley BID in February 2021.

**RESOLVED:** that the Portfolio Holder be recommended to

- 1. Note the draft Bromley BID Proposal 2021 – 2026 (summarised in 3.9 below but provided in full as part of a report on Part 2 of this agenda) which details the progress to date on the development of the BID, including the level of consultation with businesses, and outlines the BID levy rules and emerging key priorities of the BID for its second term.**
- 2. Agree in principle, on the basis of the outline BID Proposal that the Council’s Ballot Holder may be instructed to hold a ballot in February 2021, according to the Business Improvement District Regulations (England) 2004, being satisfied that the BID Proposal does not conflict with any of the Council’s priorities and plans, and that its geographic scope is within the boundaries of the London Borough of Bromley (see map of draft BID boundary in Appendix 1).**
- 3. Agree delegated authority to the Director for Housing, Planning and Regeneration to review the FINAL version of the BID Proposal which is expected to be delivered to the Authority by 12<sup>th</sup> January 2021 and provided that this still meets the criteria outlined in 2.2 above, instructs the Ballot Holder to run the BID ballot, on behalf of the Portfolio Holder.**

- 1. Agree to nominate an officer to vote 'Yes' on behalf of the Council for eligible Council-occupied hereditaments which fall within the proposed BID area (these are listed in paragraph 5.2 of the report).**
- 2. Subject to a BID 'yes' vote, authorise the Director of Corporate Services to enter into all legal agreements necessary to renew and operate the BID, and that the agreements ensure that the BID company acts at all times in the best interests of the town centre. The draft agreements, which are still to be finalised, are included as part of Appendix 2.**
- 3. Note the potential for additional costs to the Council in the event of a 'no' vote and that a further report setting out options be submitted for Members' consideration in that event.**

## **B BUDGET MONITORING 2020/21 Report FSD20083**

The report provided an update on the latest revenue budget monitoring position for 2020/21 for the Renewal, Recreation and Housing Portfolio based on activity up to the end of September 2020.

The Committee noted that the projected impact of Covid-19 would be reflected in the full Budget Monitoring presented to the Leader later in the month. As yet the full impact on the budget was difficult to quantify but it was clear that there were a number of ongoing pressures.

The Director of Housing, Planning and Regeneration confirmed that, in light of Covid-19, Officers were currently projecting an increase of 15 temporary accommodation clients each month for the next 12-18 months although the situation was being kept under review.

The Committee noted that a number of departments across the Council were experiencing financial pressures arising from the Covid-19 pandemic, including Strategic Property, Land Charges, Building Control, and Culture (including Regeneration).

**RESOLVED: That the Portfolio Holder be recommended to endorse the latest 2020/21 budget monitoring for the Renewal, Recreation & Housing Portfolio.**

## **C PROVISION OF HOUSING IN YORK RISE, ORPINGTON Report HPR2020/037**

The report recommended using the LHC, NH2 procurement framework to proceed with residential development proposals of circa 35 homes at York

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Rise, Orpington, BR6 8PR. The site had been subject to previous development proposals outlined in the report. In May 2020, the Council appointed multi-disciplinary consultants Pellings to undertake further detailed feasibility of the site. Executive previously agreed to fund and develop proposals for this site, however, the proposals have substantially moved on since that time. The report outlined the work undertaken as part of the feasibility study and what was required as part of the tender to proceed with the next stages of development.

The Committee noted the comments (attached at Annex B) which had been circulated by local ward councillor, Councillor Charles Joel.

In response to a question, the Interim Head of Regeneration confirmed that the contract would specify that where there were specialist contractors required for specific pieces of work these would have to be sub-contracted out where necessary.

The Committee further noted that the geographical challenges of the site were had been given due consideration.

**RESOLVED: That the Portfolio Holder be recommended to**

- 1. Note the progress of the project as set out within this report.**
- 2. Note the commissioning strategy set out in this report including the use of the LHC, NH2 procurement framework for the appointment of consultants funded from the Capital Scheme approved in July 2019.**
- 3. Note the decision to proceed to procurement for the Pre-Contract Service Agreement works contract for up to £350k, which includes all the work required to develop a residential design and a fully costed scheme.**
- 4. Note that a report will be presented at a later date to the Executive once the design proposals are at a more advanced stage prior to proceeding to any further stages (ie., design and build) which will provide an update on the estimated costs of the scheme with a recommended approach to ensure development viability.**

### **33 PRE-DECISION SCRUTINY OF REPORTS DUE FOR DECISION BY THE LEADER**

The Committee considered the following reports on the Part 1 agenda due for decision by the Leader in November 2020:

#### **A MORE HOMES BROMLEY - DISCHARGING DUTY Report HPR2020/038**

The report provided an update on the More Homes Bromley scheme for the acquisition and management of up to 400 properties for the Council's homeless families. The report also requested agreement to change the scheme from temporary accommodation to permit the Council to discharge its homelessness duties by offering tenancies on an assured shorthold basis and to change the rent levels for those properties. Rents charged on these properties will be in line with the applicable local housing allowance level.

The Committee noted that the main areas which had impacted on the running costs were the actual repairs and service charge costs which had originally been estimates. Service charges had increased and there were some areas where the ongoing repairs were higher than predicted.

The Director of Housing, Planning and Regeneration confirmed that with the More Homes Bromley portfolio there was the flexibility to let either as temporary accommodation, in discharge of duties at an affordable rent, or through to private rented to ensure that the rental income financed the scheme. Temporary accommodation levels were frozen at considerably lower than market rents or Local Housing Allowance levels. The proposal was to move to a discharge of duties where the tenancies were similar to those held by a private tenant with an assured shorthold tenancy which would mean that tenants could settle in their homes. Members noted that a suitability assessment would be undertaken to ensure that, where the property remained suitable, all existing tenants could remain in the property.

The Committee noted that, in the interests of flexibility, a small number of units would be retained as temporary accommodation. The transfer of the remaining units would be phased, starting in the new financial year. It was expected that the majority of the units would transfer within the next 6 months.

**RESOLVED: That the Leader be recommended to agree the proposal from the Board of More Homes Bromley for the Council to allow properties held under the More Homes Bromley scheme to be provided in discharge of the Council's statutory homelessness duties to provide suitable settled accommodation for these households, and to increase the rent levels.**

**B FINANCING OF HOUSING SCHEMES (PART 1 REPORT)  
Report HPR2020/038**

The report provided an update on the finances for 3 housing schemes the Council was currently developing, Burnt Ash Lane, Bushell Way and Anerley Town Hall overflow car park. The report also included a review of utilising GLA grants for developing Affordable Housing, which will have an impact on the rent levels charged.

In response to a question, the Interim Head of Regeneration confirmed that the Council would be submitting a bid for funding in the current funding round and that through discussions with the GLA it was clear that £100k was available for each affordable housing unit.

The Chairman noted that the GLA rents were higher than the temporary accommodation levels but lower than the Council could let at Local Housing Allowance. The Director of Housing, Planning and Regeneration explained that this was also possibly the last year that it would be possible to secure funding at the £100k level and it was therefore beneficial to maximise grant finding on some of the early schemes.

**RESOLVED: That the Leader be recommended to**

- 1. Approve the utilisation of £1,256k Section 106 contributions for the three housing schemes.**
- 2. Recommend that Executive approve the rent levels of the three housing schemes at London Affordable Rent (LAR) levels to support the GLA Building Homes for Londoners Grant.**
- 3. Delegate authority to the Director of Housing, Planning and Regeneration in consultation with the Director of Corporate Services and the Director of Finance at the relevant time to appropriate each site from planning purposes to housing purposes to be accounted for within the Council's Housing Revenue Account.**
- 4. Recommend that Council approves a supplementary estimate of £1,764k to the Capital Programme for these three schemes.**
- 5. Recommend that Council approves the revised financing of the schemes as set out in paragraph 10.7 of the report, including an internal loan from the General Fund to the Housing Revenue Account of £7,453k.**
- 6. Delegate authority to the Director of Housing, Planning and Regeneration in consultation with the Director of Finance to apply for GLA grant funding under the Building Council Homes for**

**Londoners Programme and to enter into grant agreement with the  
Greater London Authority.**

**POLICY DEVELOPMENT AND OTHER ITEMS**

**34 EXPENDITURE ON CONSULTANTS 2019/20 AND 2020/21  
Report CSD20108**

At its meeting on 8<sup>th</sup> October 2020, the Executive, Resources and Contracts PDS Committee considered a report on expenditure on consultants across all Council departments for both revenue and capital budgets. The Committee requested that the report be considered by all PDS Committees.

In response to a question concerning the reference to EU procurement regulations in Appendix 1 to the report, the Head of Finance confirmed that from 1<sup>st</sup> January 2021, these regulations would no longer apply, and would be replaced by equivalent UK legislation establishing competition requirements.

**RESOLVED: That the report be noted.**

**35 HOUSING, PLANNING AND REGENERATION PORTFOLIO PLAN  
UPDATE -2020/21 REFRESH AND Q2 UPDATE  
Report ACH20-044**

The report presented the refresh of the Portfolio Plan for 2020-21 and the update for Quarter 2.

Noting that there had recently been a number of planning applications in respect of felling trees protected by Tree Preservation Orders (TPOs) where the trees had had an adverse effect on the foundations of houses, a Member stressed the need to ensure that trees, which had often been in situ far longer than the properties, were protected through interventions such as root barriers.

With reference to Site G, the Director of Housing, Planning and Regeneration confirmed that an update would be presented to the Committee as soon as possible. The Portfolio Holder suggested that, if necessary, a special meeting could be arranged for consideration of options in respect of Site G.

In response to a question from the Chairman, the Director of Housing, Planning and Regeneration confirmed that the department would work towards quantifying objectives where possible.

In respect of the 'amber' rating for the Building Control service, the Director of Housing, Planning and Regeneration confirmed that a number of key personnel appointments remained outstanding. Once these appointments had been made it was likely that the target would move to 'green'.

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The Committee noted that the Bromley Community Infrastructure Levy (CIL) was likely to be implemented from Summer 2021 following independent examination. Members noted however that affordable housing contributions would not be covered by CIL and would remain as Section 106 agreements.

**RESOLVED: That the report be noted.**

**36 PLANNING APPEALS - COSTS 2019-2020  
Report HPR2020/32**

The report provided an update on the award of costs from planning appeals made in the financial year 2019/2020. 13 applications claiming for costs were made in the period April 2019 to March 2020 of which 5 had been allowed and 8 refused. The report also provided an update on cost claims that were paid in 2019/2020. The total of planning appeal cost claims paid in 2019/2020 was £36,236.15. The Council had actively been applying for an award of costs against the appellant where the Council believe they had acted unreasonably. Three cases had been applied for within this financial year, two had been refused and one was awaiting a decision.

In response to a question concerning how the figures could be skewed by the very small number of cases, the Assistant Director for Planning explained that whilst the small number of cases was not formally recognised, if the Council found itself in a position where it was threatened with designation again it would have an opportunity to put its case back and the small number of cases would be a relevant factor.

**RESOLVED: that the report be noted.**

**37 PLANNING APPEALS MONITORING REPORT - FINANCIAL YEAR  
2019-2020 (including year to date 2020/2021)  
Report HPR2020/33**

This report provided an update on the planning appeals received and decided in the financial year 2019/2020 and included the first six months of 2020/2021 to capture the decisions of the majority of appeals made in the financial year 2019/2020. Some charts showed a comparison of Bromley's statistics with those nationally, however the national figures for the last quarter would not be available until November 2020. Due to the Covid19 pandemic rules for conducting site visits, hearings and inquiries have changed.<sup>1</sup> Physical events were not being undertaken for the foreseeable future. Wherever reasonable to do so, site visits were being arranged rather than events. Some virtual hearings were taking place and it was hoped that the vast majority of all postponed hearings would take place as soon as possible in the following

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[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/889299/COVID-19\\_Guidance\\_for\\_site\\_visits\\_hearings\\_and\\_inquiries\\_28\\_May\\_2020v2.odt](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/889299/COVID-19_Guidance_for_site_visits_hearings_and_inquiries_28_May_2020v2.odt)

months. In relation to planning inquiries, the inspectorate had been holding numerous case conferences with a view to turn a few into virtually held inquiries, the remaining ones would be re-arranged at the earliest opportunity. Therefore, as a result of the difficulties in conducting site visits, hearings and inquiries there had been a delay in appeal decisions being made.

**RESOLVED: That the report be noted.**

**38 RENEWAL, RECREATION AND HOUSING PDS COMMITTEE  
WORK PROGRAMME (DECEMBER 2020-MARCH 2021)  
Report CSD20106**

The report updated the Committee's work programme. Members noted that, if necessary, a special meeting would be held to enable an update on Site G to be provided.

**RESOLVED: That the Work Programme be noted.**

**PART 2 (CLOSED) AGENDA**

**39 LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL  
GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER  
2006, AND THE FREEDOM OF INFORMATION ACT 2000**

**RESOLVED that the Press and public be excluded during consideration of the items of business referred to 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.**

**The following summaries  
refer to matters involving exempt information**

**40 EXEMPT MINUTES OF THE RENEWAL, RECREATION AND  
HOUSING PDS COMMITTEE HELD ON 2 SEPTEMBER 2020 AND  
THE SPECIAL MEETINGS HELD ON 6 OCTOBER 2020 AND 14  
OCTOBER 2020**

The exempt minutes of the Renewal, Recreation and Housing PDS Committee held on 2 September 2020 and the special meetings held on 6<sup>th</sup> October 2020 and 14 October 2020, were agreed and signed as a correct record.

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**41 PRE-DECISION SCRUTINY OF PART 2 (EXEMPT) RENEWAL,  
RECREATION AND HOUSING PORTFOLIO HOLDER REPORTS**

**A BROMLEY BUSINESS IMPROVEMENT DISTRICT (BID)  
PROPOSAL – RENEWAL FOR 2021-2026**

The Committee noted the report and supported the recommendations.

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

The Committee considered the following reports on the Part 2 agenda due for decision by the Leader in November 2020:

**43 PART 2 FINANCING OF HOUSING SCHEMES**

The Committee noted the report and supported the recommendations.

The Meeting ended at 7.35 pm

Chairman

### QUESTIONS FROM MEMBERS FOR ORAL RESPONSE BY THE PORTFOLIO HOLDER FOR RENEWAL, RECREATION AND HOUSING

#### **Question 1: From Cllr Nicholas Bennett**

If he will make a statement on the progress towards replacing the West Wickham Leisure Centre in 2022?

#### **Portfolio Holder's Response**

*Officers are investigating feasibility options for this site to overcome viability issues facing the site. In light of the Covid-19 pandemic, there is some uncertainty in the leisure industry and officers are looking for long term solutions to bring a feasible option forward to improve the current leisure offer provided at West Wickham.*

#### **Question 2: From Cllr Nicholas Bennett**

If he will make a statement on the mooted development of the Station Road West Wickham Car Park with housing and whether he will confirm the previous commitment that the West Wickham Library will not close until its permanent replacement as part of the new Leisure Centre is ready to open?

#### **Portfolio Holder's Response**

*I confirm that the old library will not close until the new library is ready. There is, however, always an interval of a few days whilst the book stock is moved and arranged in the new premises.*

## **QUESTIONS FROM MEMBERS OF THE PUBLIC FOR WRITTEN RESPONSE BY THE PORTFOLIO HOLDER FOR RENEWAL, RECREATION AND HOUSING**

### **Question 1: From Alisa Igoe**

What essential improvements to Chislehurst's local infrastructure will the CIL/S106 levy on the developer be directed to, in light of 2 years with a smaller temporary library, loss of car parking for retail footfall and heavy and noisy construction work directly beside a nursery and 680 pupil primary school?

### **Portfolio Holder's Response**

*S106 contributions would be sought for any planning permission at the Chislehurst Library site in accordance with the Council's SPD on Planning Obligations.*

*These would be expected to include:*

- Affordable housing - (Dependant on policy compliance);*
- Carbon off-set – (Dependant on policy compliance);*
- Education;*
- Health;*
- Highways (relevant highway improvement works);*

*The temporary smaller library would not be a matter that could be subject of financial mitigation via a s106 agreement, and the loss of parking would be something assessed as part of the planning application and a contribution only sought if the scheme were not policy compliant and thus mitigation was required. The noise and disruption from building works is not something we can mitigate against via s106 but there are standards set out in the Code of Construction Conduct published by the Council that the Public Protection team are able to enforce against.*

### **Question 2: From Alisa Igoe**

The redevelopment will include loss of the library's 36 public car parking spaces and at least a third or more of the spaces at the temporary library site in the High St car park. Could you kindly give me the figure you have estimated for this loss of car parking revenue per annum and tell me if this was factored into the financial feasibility study?

### **Portfolio Holder's Response**

*The decision to originally dispose of the library was made by the Executive in 2014 as a Part 2 Decision and this included the Car Park. Consequently, the evaluation of offers received was based on the disposal of the site. The temporary library if it goes to the Car Park, as it may go locally elsewhere, will depend on size (previously estimated at 12 spaces) – but it is highly unlikely to be more than 26 spaces as that is the worst case scenario. There are circa 140 spaces in total this therefore represents a loss of 19% not one third (as stated in the question).*

## Annex B

**From:** Joel, Charles, Cllr  
**Sent:** 06 November 2020 11:54  
**To:** Gibbs, Philippa; Walton, Graham  
**Cc:** Evans, Robert, Cllr; Marlow, Christopher, Cllr; Morgan, Peter, Cllr; Rutherford, Michael, CLLR  
**Subject:** Re: R.R. Committee Meeting Monday 9th November 2020 - York Rise Report No HPR2020/037

Dear Philippa & Graham,

Having just received a copy of the agenda relating to the above I wish to pass on my observations and if it is in order can copies please be forwarded onto the members of the committee to assist them when debating the above item. I am more than happy to have a copy of this email included in the minutes and be duly recorded.

### Reason for Report

The original proposal was for the provision of a larger number of dwellings and it was felt at that time to be an over-development and did not comply with Bromley's Local Plan.

The Councillors for Farnborough & Crofton in principle support the proposals to build no more than 35 homes to be made available for temporary accommodation for the homeless.

### Ward Councillors Views

Throughout the process in considering the potential to re-develop the site to provide homeless family units the three Ward Councillors asked to be kept updated to enable us to give a feedback to local residents in the area.

### Background

There are two points that need to be qualified and that is to what significant remedial works are deemed necessary to the existing site boundary wall. The other is the possibility of the number of underground air raid shelters. It has been mentioned in the past that these were constructed to assist the safety of the staff then from the office of the Orpington District Council and used as an operations base. I did ask at one time as to whether the Council's record office had any documents or information. This raises the question as to whether the air raid shelters have been filled in or left open.

There is a mention of using raft or strip foundations for the proposed development and this has to be accepted as a design matter. It may be found necessary to undertake drilled trial boreholes because of the uncertainty of the location of the underground air raid shelters as it may be that concrete piling may have to be provided.

It is noted that there are Covenants relating to the site and this should be resolved before the next stage is implemented. Also there is a mention of existing conduits in the last paragraph and this can this please be qualified.

### Summary of Business Care

In clause 4.6 there is a mention of houses hopefully no more than two stories in height but it is then mentioned that the layout can be planned around the shelters so that nothing is directly above them.

The project will be a 'Design and Build' contract and is it intended to send out an enquiry to a number of specialist contractors to be invited to tender for the project? If that is the case then surely they will have their own professional consultants to deal with the design all in accordance with the Council's brief and submit the formal applications to the relevant authorities and monitor the construction. It may be found necessary for the Council to appoint an Independent Co-Ordinator under the requirements of the C.D.M. regulations for domestic contracts.

There are a few other points that need to be borne in mind and can be covered in the next phase if this agenda item before you is approved. These are:-

1. Improve the consultations with the three Ward Councillors
2. Access to the site to overcome the steep incline i.e. for vehicles, pedestrians, disabled persons, families with buggies and the elderly.
3. To undertake a survey of the trees that are to be retained
4. Any support that may be needed along the high bank at the back edge of the site
5. There is a mention in 4.13 i.e, houses or apartments although there will be a mixed development of types and sizes of accommodation this will need to be qualified

Chairman, members it is not my intention to go into more detail at this stage but felt the need to record my views.

Regards,

Cllr Charles Joel  
Member for Farnborough & Crofton Ward