

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held at 7.30 pm on 20 May 2021

Present:

Councillor Alexa Michael (Chairman)
Councillor Yvonne Bear (Vice-Chairman)
Councillors Julian Benington, Katy Boughey, Peter Dean,
Simon Fawthrop, Christine Harris, Colin Hitchins,
William Huntington-Thresher, Charles Joel, Josh King,
Keith Onslow, Tony Owen, Richard Scoates, Kieran Terry,
Michael Turner and Angela Wilkins

Also Present:

Councillors Neil Reddin FCCA and Melanie Stevens

29 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillors Samaris Huntington-Thresher and Vanessa Allen; Councillors Keith Onslow and Angela Wilkins attended as their respective substitutes.

30 DECLARATIONS OF INTEREST

Item 12 – Councillor Wilkins declared a non-pecuniary interest as an employee of Hestia which had at least one HMO in the Bromley area.

Item 7 – Councillor William Huntington-Thresher declared a non-pecuniary interest as he had a friend who owned a property in Prickley Wood but did not reside in it.

Item 6 – Councillor Harris declared a non-pecuniary interest as she was Chairman of the Langley Park Residents' Association. Councillor Harris took part in the discussion but abstained from voting.

31 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

Six oral questions and one question for written response were submitted at the meeting. A copy of the questions, together with the Chairman's responses, can be viewed at Annex A to these Minutes.

**32 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON
25 MARCH 2021**

RESOLVED that the Minutes of the meeting held on 25 March 2021 be confirmed and signed as a correct record.

33 MATTERS OUTSTANDING FROM PREVIOUS MINUTES

Report CSD21056

Members noted that all matters outstanding from previous meetings had been completed.

**34 PLANNING APPLICATION (19/01543/RECON1) - LAND AT
JUNCTION WITH SOUTH EDEN PARK ROAD AND BUCKNALL
WAY, BECKENHAM (KELSEY AND EDEN PARK WARD)**

Description of application – Application under Section 73 of the Town and Country Planning Act 1990 to remove condition 3 (requirement to enter into S106 planning obligation to secure viability review mechanisms) of permission ref. 19/01543/RECON for residential development comprising erection of 6 x four storey buildings consisting of 10 four bedroom apartments together with concierges office. Construction of basement car park with 204 spaces. Central landscaped area with 10 visitor spaces, cycle parking for 286 and refuse stores.

Oral representations in support of the application were received from the applicant's agent who reported that the developer's funders were not prepared to lend money due to the requirement for a late stage review. In an effort to resolve the situation when the application was considered in October 2020, the offer of an upfront payment in lieu of a late stage review had been offered and this still applied today.

The agent gave the following responses to Member questions:-

- In regard to the Inquiry into the former Dylon site application, a letter from Barclays Bank had stipulated that they would not be willing to lend funds if a late stage review were to go ahead.
- The London Plan had now been adopted and it was acknowledged that there was a development policy which underpinned the late stage review requirement. However, there were other matters which weighed into the overall planning balance. The Secretary of State did say to the Mayor that there should be no barrier to the delivery of housing as there was an urgent need to provide more housing in London. At the Dylon Inquiry, the Inspector recognised that a late stage review could be a barrier to the delivery of new housing schemes.
- When the offer in lieu of a late stage review was previously made, there was also a question of the outstanding appeal costs of £90k awarded against the Council which still remained unsettled. The £345k offered at

the time was accompanied by an undertaking that the costs award would not be pursued. There was currently room for negotiation on this. If building costs and revenue stayed the same, the outcome of a late stage review would show that no money would be available to the Council for affordable housing. If things did change, there could be a further payment.

- The developer had owned the land since 1999 after a land transfer with the Council in which he gave the Unicorn Primary School site at a cost to himself of around £5m because he had planning permission to develop that land. The Council had therefore benefitted from this transaction.
- It was anticipated that the build programme would commence in the autumn and would take approximately 24-30 months to complete.
- Guidance stated that as a draft plan went through the process, the weight given to policies increased with full weight being given once the draft plan had been adopted.
- While the need for affordable housing was acknowledged, the situation was different today compared to when the development was first conceived in 2010/2011.
- If an agreement could be reached through negotiation in regard to the amount of money paid up front, then the current appeal would be withdrawn.

The Development Management Team Leader – Major Developments reported that the appeal was based on non-determination and would proceed to appeal irrespective of the outcome. If it did go to appeal, the Inspector's decision would be final and the applicant would need to submit a new application for negotiations to take place. This would need to be undertaken within statutory time limits. There was no policy justification for the offer and it could lead to a precedent being set for similar developments on other sites. In this regard, officers recommended that Members followed the policy approach outlined in the report and that the viability review mechanisms for an early and late stage review remained on the scheme. The London Plan had been adopted and was the most up-to-date development plan for the London Borough of Bromley and carried full weight. The viability review mechanisms were outlined in Policy H5 of the London Plan.

Councillor Dean had previously supported the removal of Condition 3 and while he regretted the fact there would be no affordable housing, he acknowledged that the applicant had reached that conclusion using a perfectly legal mechanism. Housing supply in the Borough was very important and the addition of 143 properties would have made a significant contribution to the Council's housing supply. With the proviso that condition 3 could only be removed if a late stage review took place, Councillor Dean fully understood why the funders were not willing to finance the scheme. Councillor Dean moved that the appeal be contested.

Councillor Harris previously supported removal of the Section 106 condition. She advised that attention should be paid to the outcome of viability assessments undertaken by experts in this field. Councillor Harris preferred not to contest the appeal and favoured negotiations being held in an attempt to resolve the issue.

In response to Councillor Terry, the Legal Representative agreed with the statement given by the Development Management Team Leader – Major Developments. There was a policy background for late stage reviews which came from the London Plan. Issues around supplementary planning guidance in the old London Plan had been resolved by the London Mayor in the new London Plan which had now been adopted. Although there was a solid policy justification for late stage reviews, there was also statutory guidance that planning applications had to be determined in accordance with the Local Plan unless material circumstances indicated otherwise. In regard to appeal costs, there was a policy background for the condition so he would not anticipate an award of costs being made against the Council.

Councillor Terry seconded the motion to contest the appeal.

**Members having considered the report, objections and representations,
RESOLVED to CONTEST THE APPEAL for the reason set out in the
report of the Assistant Director, Planning.**

**35 PLANNING APPLICATION (20/04226/FULL1) - 56 BOURNE WAY,
HAYES, BROMLEY BR2 7EY (HAYES AND CONEY HALL WARD)**

Description of application – Demolition of the existing club house buildings, erection of a part four and part five storey building to provide 32 residential flats comprising of 13 x 1 bed and 19 x 2 bed with 23 parking spaces and enabling the approved redevelopment of Track Pavilion, Norman Park, Hayes Lane to provide a part single and part two storey multi-sports facility and associated works under planning reference (ref. 18/01660/FULL1).

Oral representations were received from Mr Stuart Davies who objected to the application on the following grounds:-

- the unsafe nature of the site access;
- the proposed scale of the development;
- driver and visibility issues;
- increased vehicle movements; and
- the introduction of a traffic light system would not ensure driver/pedestrian safety.

In response to Member questions, Mr Davies said he was not road safety audit qualified but did provide highway design responses to road safety audits. In regard to ensuring access for emergency vehicles, Mr Davies considered this to be the responsibility of the applicant and pointed out that regulations required a pinchpoint of no less than 3.1m for this.

Oral representations in support of the application were received from the applicant's agent who gave the following responses to Member questions:-

- the applicant was prepared to accept a condition in relation to active electric car charging points;
- when vehicles entered the site, the holding area for exiting vehicles would prevent drivers meeting halfway. No holding area would be located on the public highway;
- the Transport Statement outlined where the philosophy for the proposed traffic light system had originated. The system needed to co-exist with access proposals for large vehicles such as refuse lorries and fire engines; the emergency services had been consulted on the application and no objections had been raised.

Oral representations were received from visiting Ward Member Councillor Neil Reddin who suggested that Members defer the application to seek:-

- a reduction in the scale and height of the proposed development. In its current form, it would be overbearing and out-of-character with the surrounding area;
- widening of the proposed access road; and
- safety improvements for pedestrians.

The Development Management Team Leader – Major Developments reported that one late objection had been received which raised similar issues to those already contained in the report. Comments from Sport England in support of the application had been received and circulated to Members. A condition requiring 100% active vehicle charging points would be added.

Councillor Terry welcomed the provision of new homes located in an area with easy access to public transport networks. No objections had been received from the Highways Department or Sport England. Councillor Terry requested that a condition be added requiring the work at the Norman Park site to be completed before this development took place to avoid a situation where the housing was completed but the work in Norman Park was not. He also suggested a condition be added which required a viability assessment to be undertaken at a later date.

The Development Management Team Leader – Major Developments agreed that a condition regarding the Norman Park works could be added. In regard to a viability assessment being carried out at a later date, this was already included in the Section 106 Agreement. Members were also informed that the traffic light system was privately owned and would be paid for by the developer.

Councillor Fawthrop raised concerns with access to and egress from the site; he moved that the application be deferred to seek a more positive solution for this element of the scheme. He suggested consideration be given for traffic to exit via Saville Row. Councillor Onslow seconded the motion for deferral to seek other ways to access the site so emergency vehicles could gain entry unhindered.

Councillor Harris considered the proposed development would fit well within the street scene and would not lead to loss of privacy. She welcomed the provision of new properties and moved that permission be granted.

Councillor Wilkins seconded the motion to grant permission and stated that the issues raised in regard to highways had been addressed in the report.

Councillor Joel noted that a road safety report had been undertaken by an independent company which raised no concerns. The fire brigade had been consulted and they had raised no objections to the application. He suggested a condition be added to incorporate street lighting along the access road.

Councillor Owen raised serious concerns in regard to fire safety. He agreed that the access road to the site could be widened and he was disappointed that the traffic light system appeared to be untested elsewhere.

Councillor Huntington-Thresher reported that there was no barrier along the first 10m of the access road and suggested that the pedestrian footpath be relocated to the opposite side of the road. He supported deferral to seek improvements to the waiting area and access road. He also suggested the addition of a slab condition.

The Development Management Team Leader – Major Developments confirmed that the requirement to provide a fire hydrant would be included in the fire condition.

Members having considered the report, objections and representations, RESOLVED that PERMISSION BE GRANTED SUBJECT TO THE PRIOR COMPLETION OF A SECTION 106 AGREEMENT as recommended and subject to the conditions and informatives set out in the report of the Assistant Director, Planning. The following would also be added:-

- **a condition to ensure that work at the Norman Park site was started before commencement of this scheme.**
- **a slab level condition;**
- **a street lighting condition;**
- **the requirement to provide a fire hydrant to be included in the fire conditions; and**
- **a condition requiring 100% active electric vehicle charging points.**

**36 PLANNING APPLICATION (20/04296/FULL1) - PROSPECTS
HOUSE, 19 ELMFIELD ROAD, BROMLEY BR1 1LT (BROMLEY
TOWN WARD)**

Description of application – Demolition of the existing building, erection of a 10 storey building plus basement to provide 1,759sqm office floor space Use Class Order Class E(g)(i) on the ground floor and first floor with 61 residential flats (9 studio, 38 x 1 bed and 14 x 2 bed) above and provision of 11 parking spaces (Amended Description).

Oral representations in support of the application were received from the applicant's agent who gave the following responses to Member questions:-

- In terms of electric car charging points, all parking spaces would be 100% active.
- The requirement for 'greening' of the side wall could be conditioned.

The Development Management Team Leader – Major Developments reported that two late objections, similar to those already contained in the report, had been received. A condition requiring 100% electric vehicle charging points was already included in the recommendations.

Councillor Terry welcomed the provision of new homes and extra office space. The landscaping proposals were good. The site was located in an area with easy access to public transport. He moved that permission be granted with a condition added for 'greening' the side wall. Councillor Terry asked that permitted development rights (PDR) be removed from all the office space.

The Development Management Team Leader – Major Developments confirmed that in order to prevent the loss of office space, the PDR condition would be strengthened. She also confirmed that TfL requested the Section 106 monies for street improvements.

Councillor William Huntington-Thresher supported the removal of PDRs to protect the high quality office space.

The Chairman supported the addition of this attractive, well-designed building in the business district of the borough and seconded the motion to grant permission.

The legal representative advised Members that authority could be delegated to officers to remove PDRs if they so wished. The Chairman moved that a PDR condition be added; Councillor Terry seconded the motion.

Members having considered the report, objections and representations, RESOLVED that PERMISSION BE GRANTED SUBJECT TO THE PRIOR COMPLETION OF A SECTION 106 AGREEMENT AND ANY DIRECTION FROM THE MAYOR OF LONDON as recommended and subject to the conditions and informatics set out in the report of the Assistant Director, Planning.

It was FURTHER RESOLVED that two further conditions be added to:-

- remove PDRs to prevent the loss of office space; and
- provide greening on the side wall of the building.

37 DESIGNATION OF SHORTLANDS VILLAGE CONSERVATION AREA AND EXTENSION OF BROMLEY TOWN CENTRE CONSERVATION AREA

Report HPR2021/023

Members considered the designation of the Shortlands Village Conservation Area and an extension of the Bromley Town Centre Conservation Area. The proposed boundaries were informed by an independent assessment and were subject to public consultation between August and October 2020. Details of the representations received and how they had been addressed were set out in the report.

The Chairman was happy to accept the report and moved acceptance of the recommendations therein. This was seconded by Councillor Terry who drew Members' attention to the e-mail sent from Ward Member Councillor Dykes in support of the proposals.

RESOLVED that:-

- 1 the designation of the Shortlands Village Conservation Area and the extension of the Bromley Town Centre Conservation Area be endorsed;**
 - 2 the matter be referred to the Renewal, Recreation and Housing Policy Development and Scrutiny Committee for pre-decision scrutiny; and**
 - 3 recommend that the Executive approve the designation of the Shortlands Village Conservation Area and the extension of the Bromley Town Centre Conservation Area.**
- 38 CONFIRMATION OF IMMEDIATE ARTICLE 4 DIRECTION TO REMOVE PART 1, CLASS AA PERMITTED DEVELOPMENT RIGHTS FOR UPWARDS EXTENSIONS IN THE PETTS WOOD ASRC**

Report HPR2021/026

Members were requested to confirm an immediate Article 4 Direction to withdraw the permitted development (PD) right which allowed the enlargement of dwellinghouses by up to two storeys. The immediate Direction applied to the Petts Wood Area of Special Residential Character (ASRC) as designated in the Bromley Local Plan (January 2019). The Direction came into force on 23 February 2021 but to remain in force, it had to be confirmed by 23 August 2021 by the Renewal, Recreation and Housing Portfolio Holder, after taking account of any representations received.

ASRCs were areas which added significant character and distinctiveness, linked to adopted policy in the Local Plan. The Article 4 Direction would help

to protect this character and distinctiveness which was a positive benefit for local amenity.

In line with the requirements of legislation, representations on the proposed Directions had been sought. The Council was required to take into account any representations made before it confirmed the Article 4 Directions. No representations had been received.

RESOLVED that:-

- 1 the confirmation of an immediate Article 4 Direction (covering the Petts Wood ASRC as shown in the plan attached at Appendix 1) to withdraw the permitted development right granted by Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ("the GPDO"), Schedule 2 be endorsed;**
 - 2 the matter be referred to the Renewal, Recreation and Housing Policy Development and Scrutiny Committee for pre-decision scrutiny; and**
 - 3 it be noted that the Portfolio Holder for Renewal, Recreation and Housing would be asked to confirm the immediate Direction before 23 August 2021, to ensure that it remained in force.**
- 39 PROPOSED NON-IMMEDIATE ARTICLE 4 DIRECTIONS TO REMOVE PERMITTED DEVELOPMENT RIGHTS FOR USE CLASS E TO RESIDENTIAL USE**

Report HPR2021/024

Members considered the making of 46 non-immediate Article 4 Directions to withdraw the Part 3, Class MA permitted development (PD) rights which allows premises in Use Class E to change to residential use. These Directions would apply to a number of designated retail, service, office and industrial areas set out in the Bromley Local Plan. 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 areas selected for the Directions were locations identified in the Local Plan which would help to ensure that provision of retail in the Borough was maintained and that office and industrial floorspace was protected. Protecting these areas would help ensure provision of floorspace for jobs growth and for provision of essential retail and services for the Borough's residents, workers and visitors. The Article 4 Directions would have a positive benefit on local amenity and wellbeing.

Councillor Huntington-Thresher asked for clarification on paragraph 3.5 as it appeared the existing Article 4 Direction would expire on 31 July 2022. He

advised that the Eldred Drive shopping parade provided for the whole of Ramsden and should therefore be protected.

The Head of Planning Policy and Strategy confirmed that the new PDRs would supersede what was in place before. In regard to the inclusion of shopping parades, this came down to judgement on whether they were well connected to other areas. Those that were not were put forward for Article 4 Directions.

Councillor Wilkins asked if Anerley Road and Anerley Hill could be included. The Head of Planning Policy and Strategy confirmed that justification hinged on whether there was continued provision of retail and the impact that would have. As there was still reasonable access to other centres from that area, it was not included on the list.

RESOLVED that:-

- 1 the making of 46 ‘non-immediate’ Article 4 Directions (covering the areas described in paragraph 3.41 of this report) to withdraw the permitted development rights granted by Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2 be endorsed;**
- 2 this matter be referred to the Renewal, Recreation and Housing Policy Development and Scrutiny Committee for pre-decision scrutiny; and**
- 3 it be noted that the Portfolio Holder for Renewal, Recreation and Housing would be asked to authorise the making of 46 non-immediate Directions (covering the areas described in paragraph 3.41 of this report) to withdraw the permitted development rights granted by Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2. The Directions would come into force 12 months from the day on which they were made, if they were subsequently confirmed following public consultation.**

40 HOUSES IN MULTIPLE OCCUPATION

Report HPR2021/025

This report contained information relating to Houses in Multiple Occupation (HMOs) and the nature and scale of HMOs in Bromley. The report also set out the options available for controlling HMOs in the Borough and whether such options were justified given the available evidence.

Visiting Ward Member for Biggin Hill, Councillor Melanie Stevens reported that the type of houses being purchased were three bedoomed terraced, semi-detached or end-of-terrace family affordable properties which provided much-needed housing for families. While one or two HMOs would be

acceptable, the area had been flooded with 20 within a very small area which tipped the balance in providing a mixed balance of housing stock to meet the needs of local residents. The room sizes were tight and the configurations awkward. Such poor quality accommodation should not be permitted. Although fitted out with the health and safety requirements, no thought had been given to insulating the properties and the increase in noise generated by this type of independent living would be a disturbance to neighbouring properties.

Councillor Stevens went on to state that transport in Biggin Hill was limited to public buses and did not allow easy access to potential work opportunities or support networks across the borough. The type of people moving into the properties would not be able to afford to buy their own vehicles and local residents were concerned about the type of people moving in and the effect this would have on the local community. In this regard, a petition had been started which had already obtained over 1700 signatures. With the full support of the Biggin Hill Residents' Association, Councillor Stevens asked that the recommendations in the report include the introduction of an immediate Article 4 Direction as she believed there was an immediate threat to the local area.

Councillor Scoates stated the Council should be bolder in how this problem was resolved. He suggested that a recommendation be added to bring in a non-immediate Article 4 Direction across the entire borough giving a 12-month period in which to avoid potential legal action. He also suggested a further recommendation to bring in an immediate Article 4 Direction for Biggin Hill and Darwin on the basis that PTAL rates were too low in those areas. It was not acceptable to have people with low car ownership levels trying to get around the community to find work or visit job centres, medical practices or supermarkets.

Councillor Bear agreed with the issue of a non-immediate Article 4 Direction across the borough. There was currently a proliferation of HMOs across the borough. Cray Valley Ward had the highest proportion of HMOs in Bromley and about 25% were known to be problem HMOs. Problems arose when HMOs became concentrated in a particular area. As well as the recommendation for a non-immediate Article 4 Direction across the Borough, Councillor Bear suggested that licensing colleagues be asked to look again at the licensing requirements for smaller HMOs.

Councillor Fawthrop supported the making of immediate Article 4 Directions for areas in the borough with low PTAL rates of between 0 and 3.

Councillor Benington stated there were major problems in Biggin Hill and Darwin. A very large multi-national company was purchasing many properties in the area and converting them to HMOs. House prices were relatively low compared to the rest of the Borough and this company was making a substantial return on the conversions. If this was allowed to continue the area would be inundated. For this reason Councillor Benington moved that an immediate Article 4 Direction be made Borough-wide; if that failed then one should at least be made for Biggin Hill.

Councillor Wilkins declared she would not vote on this item. Some residents of HMOs were the victims of domestic abuse, modern slavery and people with mental health issues. A major housing crisis existed in the Borough and she was nervous about going down the route of issuing immediate Article 4 Directions.

Councillor Onslow advised that consideration should be given to current and future residents of HMOs as the conditions of some of these properties were detrimental to their health and wellbeing. In this regard robust action should be taken.

Councillor Huntington-Thresher seconded the motion for an immediate Article 4 Direction to be made for Darwin and Biggin Hill.

The Head of Planning Policy and Strategy reported that the tests in the planning practice guidance stated that assessments on the impact on local amenity and wellbeing were the main considerations when making Article 4 Directions. Once formally approved by the Portfolio Holder, the intention to make Article 4 Directions would be sent to the Secretary of State who would ask for evidence.

While Councillor King supported the need for HMOs in certain situations, he acknowledged the need for affordable accommodation in the borough. He also supported the recommendation for improved licensing.

In response to Councillor Bear, the Head of Planning Policy and Strategy confirmed that low PTAL ratings was in principle, a sufficient reason to apply for Article 4 Directions but in practice, mapping of PTAL would be difficult so they may not be a reliable basis for a Direction.

RESOLVED that:-

- 1 the impacts of HMOs identified in the report and accompanying evidence base document at Appendix 1 be noted;**
- 2 evidence relating to HMOs in the Borough, including seeking more information on smaller HMOs borough wide and within existing and developing clusters, continue to be monitored and kept up-to-date with further reports to be submitted to future meetings of the DCC;**
- 3 a non-immediate Article 4 Direction be introduced across the entire Borough (to avoid compensation claims) and that licensing colleagues be asked to review arrangements for all sizes of HMOs including those with three or more occupants;**
- 4 an immediate Article 4 Direction be introduced for Biggin Hill and Darwin wards given the timing of public transport; and**

5 recommendations 3 and 4 be referred to the Executive for consideration.

41 DELEGATED ENFORCEMENT ACTION - APRIL 2020 TO MARCH 2021

Report HPR2021/022

Members considered action taken for the period April 2020 to March 2021 in regard to enforcement action authorised under delegated authority.

The Head of Planning and Development Support confirmed that a key to explain the abbreviations in the report would be included in future submissions.

Referring to page 266, item 18/00589, Councillor Huntington-Thresher advised that the site was situated in Chelsfield and Pratts Bottom Ward and not Darwin as stated. Although a PCN was issued in 2020, it appeared that clearance was still on-going. He asked where the site was actually situated and what the present position was in regard to works. The Head of Planning and Development Support confirmed the site was known as Wheatsheaf Hill near Knockholt Station. The PCN was served in 2020 but since then other action had been taken and would be included in the next report. Consideration was being given to issuing an injunction on the site.

The Head of Planning and Development Support advised Councillor Joel that an e-mail had been sent to him setting out the current position in regard to the Waste Transfer Site in Westerham Road/Shire Lane.

RESOLVED that the report be noted.

The meeting ended at 10.45 am

Chairman

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Minute Annex

ANNEX A

ORAL QUESTIONS TO THE CHAIRMAN OF DCC AT THE MEETING HELD ON 20 MAY 2021

Question 1: From Alisa Igoe

Item 6, Land at South Eden Park Road

Reference: Page 21 - London Borough of Bromley Housing Strategy 2019 – 2029

"Lower paid workers, including those in key roles, are finding it very difficult to get accommodation they can afford within a reasonable travelling distance of the borough. As a result of this, the health and social care sectors, in particular, report difficulty recruiting and retaining staff"

Question:

In light of Bromley's own comments, this needs to support lower paid workers and in particular NHS workers who have supported us so magnificently during the pandemic, is it not vital to insist the developer complies with the condition to build 35% affordable housing at this large 143 unit development?

Chairman's Response

Under the terms of extant planning permission the developer can progress the development without any scheme of affordable housing having been agreed, because it has been demonstrated that the development is not viable at this point in time. However, by retaining condition 3 and securing a viability review mechanism through S106 legal agreement the Council has assurance that, should the development become more viable in the future, it may be able to provide some affordable homes or a payment in lieu towards off-site affordable housing.

Supplementary Question

At the DCC meeting on 20 October 2020, the applicant offered £345k in lieu of the 35% affordable housing condition which was a small amount of money for what would be approximately 50 homes. Do you consider this to be an adequate amount of money to build 50 homes elsewhere and would it also include having to buy the land for the homes?

Chairman's Response

No, I do not consider that amount of money to be at all adequate and that is even more reason to retain condition 3 and secure a viability review mechanism through the Section 106 Legal Agreement at a later date when the development could be more viable and therefore there could be more money available to build affordable housing.

Question 2: From Lauren Whiting

My question is in regard to HMOs, in particular those currently being developed in Biggin Hill.

Will Bromley Council introduce a local planning policy that will limit the density of this type of development?

Chairman's Response

Local Plan policies 4 and 9 and London Plan policy H9, would apply to planning applications for HMOs and we are discussing the issue of HMOs under item 12 on the agenda this evening. We have a policy in progress so we are taking the issue of HMOs very seriously.

Question 3: Professor Bernard Williams on behalf of Shortlands Golf Club

The BEAMS Report states in its conclusions ‘the conservation area status would protect the Shortlands Golf Club (although this does have Metropolitan Open Space Status) thereby preserving the boundaries of the village as it was originally conceived and protecting the open space for future generations.’ Other references to the golf course in the body of the BEAMS report are, however, noticeably sparse .

The Report also references the NPPF 2019, Para. 186 which states that “local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest.”

Question

Does the Committee agree with the Trustees of Shortlands Golf Club and its highly qualified heritage consultant that the case for the inclusion of the Golf Course in the proposed CA has not been made in a manner which would satisfy the NPPF policy para.186 beyond question?

Chairman's Response

The DCC report sets out the recommendation for the adoption of the Shortlands Village Conservation Area including the golf club. The justification for including the golf club is set out in the BEAMS report with relevant elements cited in Table 1 (in response to the Golf Club’s representation). As per paragraph 3.3 of the report, representations received show there was widespread support for the proposed Conservation Area. As noted in paragraphs 3.6 and 3.7, this included support from Historic England.

Question 4: From Alisa Igoe

Item 6, Land at South Eden Park Road

Reference: Page 26 - London Borough of Bromley Housing Strategy 2019 – 2029

"In April 2019 there were 1,556 households in temporary accommodation in Bromley. This figure more than doubled in five years. In April 2013, it was 764. Nearly 80% of those households include dependent children. Because there is so little affordable housing in Bromley, most temporary placements are outside the borough, 73% as at March 2020. Most of these out of borough placements are a significant distance away. Pressure on accommodation in the borough means that current policy is to place people (where possible) within 75 minutes travelling time from schools and up to 90 minutes from their place of work."

Question:

A minimum 75 minutes travel to school/90 minutes to work, places exceptional strain on low-income families. Will the Council follow its own policies, page 23 states "immediate target of 1,000 new affordable homes", by insisting the developer at South Eden Park Road comply and will Committee members please be asked to vote to retain the approximate 50 affordable homes?

Chairman's Response

Under the terms of extant planning permission, the developer can progress the development without any affordable housing, as it is not currently viable. However, the Officers recommendation to the Committee is that the application to remove condition 3 is refused so that viability can be re-visited at a later time and, potentially, some affordable housing can be secured.

Supplementary Question

In April 2019 there was 1,556 households in temporary accommodation. By the time of the Renewal, Recreation and Housing PDS Committee meeting in March 2021 the number had risen to 1800 households in temporary accommodation, a rise of 244. This is an incredible rise which could not be due solely to COVID. How many affordable homes required to build each year?

Chairman's Response

The number of affordable homes relates to major applications for developments of 11 or more units. In this borough, there is a requirement for applicants to build a minimum of 35% affordable housing for all major developments of 11 or more units. There is no set total figure for affordable housing.

Supplementary Question from Councillor Fawthrop

Are you aware that out of the number of homeless families quoted, approximately 400 of those are in settled accommodation through the More Homes Bromley project which entitles them to two years' of stable accommodation.

Chairman's Response

I was aware of that and we are doing more work to put homeless people, in particular those who have to stay in nightly paid accommodation into stable accommodation where they can stay for two years or so.

Supplementary Question from Councillor Wilkins

How many of those properties are out-of-borough? My understanding is that a large number of those are actually in Medway towns or other areas but not in-borough.

Chairman's Response

Some of them are out-of-borough in Medway towns and other places but you will be aware that all the modular housing that the Council has recently granted planning permission for is within borough including in the Crystal Palace Ward.

Question 5: From Lauren Whiting

How many HMO's are you aware of in Biggin Hill that are in the process of being purchased or completed and of those what are the names of the companies placing the tenants?

Chairman's Response

The DCC report appendix sets out publicly available information relating to HMOs at Biggin Hill. We are not able to share other information at this time. The Bromley planning application search function -

<https://searchapplications.bromley.gov.uk/online-applications/> allows members of the public to search for any planning applications received, including applications to convert to HMOs. Even where a house is converted through permitted development, there may still be an application for a certificate of lawfulness, which may provide further details.

Question 6: From Professor Bernard Williams on behalf of Shortlands Golf Club

The Shortlands Golf Club and Shortlands Village have lived in peaceful co-existence for 125 years during which period this private members' Club has successfully maintained the course and its facilities in the excellent condition needed in order to retain a viable number of playing members. It has had Metropolitan Open Space Status for over 30 years.

Question

Can the officers please explain what they considered to be the potential adverse effects on the proposed Conservation Area of excluding the golf course when deciding to include it?

Chairman's Response

I draw your attention to my response to your first question, which referred to relevant parts of the report where justification for the Conservation Area is set out, including reasons why the golf club is recommended for inclusion. I am delighted that the Shortlands Golf Club and Shortlands Village have lived in peaceful co-existence for 125 years and I hope now with the Conservation Area status proposed, the two of you will live in peaceful co-existence for another 125 years at least.

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**WRITTEN QUESTIONS FOR THE CHAIRMAN OF DCC AT THE MEETING HELD
ON 20 MAY 2021**

Question 1: From Valerie Gaisford-St. Lawrence

Why is 21/00227/UNAUTH 61 Elmstead Lane BR7 5EQ not listed on Appendix 1 in your Public Agenda Item 13 Delegated Enforcement Action - April 2020 to March 2021?

Chairman's Response

No enforcement action had been duly authorised in connection with this specific property address between those two dates under delegated authority.

The report clearly states that all the cases listed have had enforcement action authorised. It is not a report to show all the reported outstanding enforcement cases currently pending consideration.

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