

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

Minutes of the meeting held at 7.00 pm on 16 June 2021

Present:

Councillor Yvonne Bear (Chairman)
Councillor Gary Stevens (Vice-Chairman)
Councillors Vanessa Allen, Julian Benington, Mary Cooke,
Christine Harris, Charles Joel, Will Rowlands and
Richard Scoates

Also Present:

Councillor Hannah Gray, Councillor Peter Morgan and
Councillor Angela Wilkins

35 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies were received from Councillor Aisha Cuthbert - Councillor Mary Cooke attended as substitute.

36 DECLARATIONS OF INTEREST

Councillor Yvonne Bear asked the Committee to note that, in her previous role as Executive Assistant to the Renewal, Recreation and Housing Portfolio Holder, she had been closely involved in the development of the draft Economic Development Strategy.

37 QUESTIONS FROM COUNCILLORS AND MEMBERS OF THE PUBLIC ATTENDING THE MEETING

Three questions for oral reply were received at the meeting. A copy of those questions, together with the Chairman's responses can be viewed as Appendix A to these Minutes.

38 MINUTES OF THE RENEWAL, RECREATION AND HOUSING PDS COMMITTEE MEETING HELD ON 30 MARCH 2021

RESOLVED that the minutes of the meeting held on 30 March 2021 be confirmed as a correct record.

39 MATTERS OUTSTANDING FROM PREVIOUS MINUTES

Report CSD21072

The report set out progress against outstanding actions from previous meetings.

RESOLVED: that the report be noted.

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

The Committee scrutinised the following proposed decisions to be taken by the Renewal, Recreation and Housing Portfolio Holder.

A WOMEN IN REFUGES TENDER
Report HPR2021/036

A contract had been held with Bromley & Croydon Women's Aid (BCWA) since 1st January 2016 for the provision of tenancy sustainment services for women and children fleeing domestic violence. This contract was due to expire on 31st December 2020 as all the extension options were utilised. However due to the pandemic a further 1 year extension was granted and therefore it was now due to expire on 31st December 2021. The report set out a summary of performance outcomes delivered by Bromley & Croydon Women's Aid, over the contract period and the procurement strategy for the future Refuge and Tenancy Sustainment contract.

The Committee was informed that, in the last year, demand for the service had risen and 88 women and 95 children had been placed. Members were informed that the specification allowed for further increases in demand.

RESOLVED: That the Portfolio Holder be recommended to approve proceeding to a competitive tender, via an open tender process, for the provision of Tenancy Support and Sustainment services for women in refuge for a contract period of five years; the estimated cost of the proposed contract is £131k per annum with a total contract value of £655k.

B 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 allowed 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.

It was noted that this report had been considered and supported by Development Control Committee on 20th May 2021.

RESOLVED: That the Portfolio Holder be recommended to authorise the making of 46 non-immediate Directions (covering the areas described in paragraph 3.41 of the 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 will come into force 12 months from the day on which they are made, if they are subsequently confirmed following public consultation.

C 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

The report sought confirmation of an immediate Article 4 Direction to withdraw the permitted development (PD) right which allowed the enlargement of dwelling houses 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.

The report had been considered and supported by the Development Control Committee on 20 May 2021.

RESOLVED: That the Portfolio Holder be recommended to confirm the immediate Direction before 23 August 2021, to ensure that it remains in force.

41 PRE-DECISION SCRUTINY OF EXECUTIVE REPORTS

The Committee considered the following reports on the Part 1 agenda for the meeting of the Executive on 30 June 2021

A ADOPTION OF BROMLEY ECONOMIC DEVELOPMENT STRATEGY

Report HPR2021/029

The report set out the Council's first ever Economic Development Strategy (EDS). The strategy had been developed with input from departments across the Council, external stakeholders, the business community and key service delivery partners. The Portfolio Holder introduced the report, focussing on the two key priorities of providing space for the development of offices, warehouses and factories, and providing the digital infrastructure that businesses needed. He stated that the strategy would be a living document - it was important that Bromley was an exciting, attractive and welcoming place for both business and residents, and that its green strategy should fit in with economic activity. He also highlighted the importance of parking to the success of the borough's retail centres, and the need for both good quality large office spaces and smaller, services units suitable for new businesses.

The Committee welcomed the Strategy, and several Members of the Committee had already submitted detailed comments. In response to Member comments, officers confirmed that although an Equalities Impact Assessment had not been carried out these issues had been taken into account in developing the Strategy. The Strategy did not contain detailed financial implications, but officers confirmed that would be financial implications for some of the projects and initiatives covered in the document.

The Chairman commented that the Strategy needed to be viewed alongside housing, planning and job-creation issues. It should be subject to a thorough review at least every five years, and six-monthly monitoring on progress by the PDS Committee.

The Chairman requested that Members continued to submit their comments on the Strategy to officers – it was agreed that any comments received from Committee members would be incorporated within the plan and a final draft circulated for approval before the plan went forward to the Executive.

RESOLVED: That the Executive be recommended to approve the formal adoption of the Economic Development Strategy to provide a framework for the economic development of the borough from 2021 to 2031.

B CRYSTAL PALACE SUBWAY RESTORATION WORKS PROCUREMENT

The report provided a progress update on the restoration of Crystal Palace Subway and sought authority in relation to procuring the main contract works for the restoration of the Crystal Palace Subway and progressing the cultural venue project in the event of a successful grant funding bid.

Councillor Angela Wilkins attended the meeting as ward Councillor for Crystal Palace, and urged the Committee to support the proposals. She thanked officers for their efforts in securing grants to finance the project.

It was noted that there was a potential shortfall in funding of £237k – officers were looking at options and the situation would become clearer once tenders were received.

RESOLVED: That the Executive be recommended to

(1) Note the contents of the report, namely information regarding the procurement of the main contract works for the restoration of the Crystal Palace Subway, which is fully funded by grants.

(2) Approve the procurement of the main contract works, noting that the Subway restoration project is already in the Capital Programme, with funding secured.

(3) Approve amendment to the existing Capital Programme for the Crystal Palace Park Subway to reflect revised costs and available funding.

C NEXT STEPS FOR THE CRYSTAL PALACE PARK REGENERATION PLAN

Report HPR2021/031

On 25th March 2021, the Development Control Committee resolved to grant outline planning permission for the Crystal Palace Park Regeneration Plan, subject to legal agreement. The next step in delivering the Regeneration Plan was to develop the shadow S106 agreement, or a similar mechanism, and refer the outline planning application (OPA) to the Greater London Authority. In order to proceed, a drawdown of money was required to appoint an external planning lawyer and commission reactive support from consultants, AECOM.

Councillor Angela Wilkins attended the meeting as ward Councillor for Crystal Palace, and urged the Committee to support the proposed decision.

RESOLVED: That the Executive be recommended to approve funding for expenditure of up to £65k to develop the legal agreement for the Crystal

Palace Park Regeneration Plan OPA which, if the scheme progresses to disposal, will be reimbursed from future Capital Receipts.

D GATEWAY REPORT FOR THE PROVISION OF STATUTORY HOMELESSNESS REVIEWS

Report HPR2021/028

Homeless Households had a statutory right to a review of decisions made by the Council in respect of applications for accommodation and accommodation offered under the provisions of part VII of the Housing Act 1996 (as amended by the Homelessness Act 2002). The process for conducting such reviews was set out in the legislation under s202, part VII of the Housing Act 1996 and required that reviews were conducted by someone independent of the original decision and sufficiently senior to the person making the original decision.

Legal Advice confirmed that the decision to contract out the statutory homelessness reviews function must be agreed by Executive in order to comply with the Homelessness legislation and accompanying statutory order in relation to the reviews function. Executive previously confirmed this agreement in 2016 (Report CS17045) and were asked to confirm continuation of this arrangement.

The current contract for statutory housing reviews commenced on 1st June 2017 for three years with the option to extend for a further two years, which was utilised. The contract expired on 31st May 2022. It was proposed to retender this provision as set out in sections 6 and 10, subject to Executive agreement on the principle of contracting out.

In response to a question about at what point it would be feasible to return to internal provision, officers confirmed that there were not likely to be enough reviews to make employing an additional member of staff feasible, and the contract allowed for an increase of 30-40% in the numbers of reviews.

RESOLVED: That the Executive be recommended to:

(1) Continue to contract out the statutory reviews function under the terms set out in this report.

(2) Note the intent to tender the statutory housing reviews requirement, subject to Executive approval on the principle of contracting out, for a 4 year contract with an option to extend for a further 2 year period at an estimated whole life value of £120k.

**E ARTICLE 4 DIRECTION - 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 set out the options available for controlling HMOs in the Borough and whether such options were justified given the available evidence. The report had been considered by Development Control Committee on 20th May 2021 and the Committee had supported introducing a non-immediate borough-wide Article 4 Direction covering the whole borough, and an immediate Article 4 Direction covering Biggin Hill and Darwin wards. The Committee had also requested that the licensing arrangements for HMOs be reviewed, and it was confirmed that officers were doing this.

Councillors Benington and Scoates, as ward members for Biggin Hill and Darwin respectively, spoke in support of an immediate Article 4 Direction for their wards. Councillor Benington stated that there was limited public transport and community facilities in the area and in one small part of his ward there were already 13 HMOs, with another 7 expected, mostly owned by a single company.

Officers confirmed that an Article 4 Direction could only control the future development of HMOs by requiring that planning permission be obtained. If an immediate Article 4 Direction was imposed there was a risk that potential developers could claim compensation from the Council if permission was refused.

RESOLVED: that the Executive be recommended to consider the imposition of a non-immediate borough-wide Article 4 Direction to control HMOs, with an immediate Article 4 direction covering Biggin Hill and Darwin wards.

**F 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 report had already been considered by Development Control Committee, which had supported the proposals, including the Golf Course within the proposed Shortlands Conservation Area.

Councillor Mary Cooke addressed the meeting as ward member for Shortlands, expressing the view that the Golf Club should not be included

within the Conservation Area. She considered that the Golf Club was well-run and maintained its land responsibly, and there was no benefit for including it in the Conservation Area.

The Chairman invited Professor Bernard Williams to address the Committee on behalf of the Golf Club. He stated that being in a Conservation Area would impose additional burdens and bureaucracy on the club, which would have to apply for permission each time it needed to carry out work on any of its trees. The land was private with no public access, it was well-maintained and the Metropolitan Open Land designation gave a high level of protection from development.

Officers confirmed that a rolling five year management plan could be agreed covering all trees on the Golf Course – a similar arrangement was already in place at Langley park Golf Course. The benefits of including the Golf Course were set out in the report – although the course was well-maintained at present it was impossible to know if less responsible owners might take over at some point in future. If a replacement club house was sought, being in a Conservation Area would ensure that a replacement building was to a high standard of design and amenity.

RESOLVED: That the Executive be recommended to approve the designation of the Shortlands Village Conservation Area and the extension of the Bromley Town Centre Conservation Area as recommended.

G BUILDING COUNCIL HOUSING PROGRAMME (PART 1)
Report HPR2021/037

The report provided an update on the Phase One sites within the Council's housing delivery programme (these were 'live' sites that had already obtained planning consent and/or were under construction), including a supplementary capital estimate request. The report provided a high-level update on three sites (West Wickham Library and Car Park, Beckenham Car Park and Bromley North) that had been identified for feasibility works to test their suitability for being included within Phase Two of the Council's housing delivery programme, as well as providing an update of housing units being purchased.

The Committee noted that in paragraph 6.2.3 of the report regarding the Beckenham Car Park proposals, Beckenham Public Hall had been referred to in error and the report should instead have referred to Venue 28.

It was confirmed that when completed, the properties would be owned by the Council, but management would be outsourced.

RESOLVED: That the Executive be recommended to -

(1) Review and note the contents of this report in relation to the update on Housing Delivery Programme's Phase 1 sites which have planning consent and/or are under construction.

(2) Review and note the contents of this report in relation to the updates provided for West Wickham Library & Car Park site and Beckenham Car Park site which are identified as potential Phase 2 sites for the Housing Development Fund (as set out in Sections 6.1 and 6.2 of this report), noting that Officers will provide Members of the Executive with a comprehensive update report on these September 2021.

(3) Approve the use of £130k S106 funds for additional costs relating to Anerley and Bushell Way developments.

(4) Approve the allocation of £620k from the Housing Investment Fund for the estimated costs to proceed to planning for the three sites at West Wickham Library and Car Park, Beckenham Car Park and Bromley North.

(5) Approve the further recommendations set out in the Part 2 report.

H YORK RISE - ORPINGTON
Report HPR2021/032

The report provided update on scheme development and sought approval to award a direct contract award to Module-AR under the LHC, NH2 procurement framework to proceed with residential development of 35 homes at York Rise, Orpington, BR6 8PR, subject to planning permission. Additional funding was required for the project as a more permanent style of building was now proposed, although still using modular construction.

Councillor Charles Joel read out a statement on behalf of the Farnborough and Crofton ward councillors. They were concerned about the four storey element of the development, and the need for more car parking spaces. Officers confirmed that the intention was to maximise the provision of housing to reduce housing needs, and that the proposal complied with the updated London Plan, but that six car parking spaces would be provided on adjoining Mytime land. The Committee was informed that efforts would be made to negotiate an increase to ten spaces, and on this basis supported the proposals.

RESOLVED: That Executive be recommended to

(1) Note the progress of the project as set out within this report.

(2) Recommend that Council approves a supplementary capital estimate of £2.1m.

(3) Recommend that Council approves the revised financing of the scheme as set out in paragraph 14.10 including an internal loan from the General Fund to the Housing Revenue Account of £6,064k.

(4) Approve a direct contract award to Module-AR for a total contract value estimated at £8.1m, using the LHC, NH2 Framework, for a design and build contract of housing at the site, as set out in para 9 of this report.

(5) Authorise an appropriation of the Council's interest in the land shown edged red on the plan at Appendix A for planning purposes under section 122 of The Local Government Act 1972 and section 237 of the Town and Country Planning Act 1990, both as amended.

(6) Delegate authority to the Director of Corporate Services to deal with all necessary legal arrangements to effect and bring into implementation the appropriation set out in this report.

(7) Delegate authority to the Director of Housing, Planning and Regeneration in consultation with the Portfolio Holder to take all of the necessary steps to appropriate the site shown in the plan at Appendix A for housing purposes to be accounted for in the Housing Revenue Account (HRA)

(8) To delegate authority to the Assistant Director of Highways to adopt the road, subject to planning permission; following initial discussions with LBB highways officers, given that the York Rise site was a Council development it had been agreed that the road would be adopted subject to it being built to appropriate standards.

(9) Approve the utilisation of £758k Section 106 contributions.

I BECKENHAM PUBLIC HALL LEASE DISPOSAL
Report HPR2021/034

The report provided an update on the Beckenham Public Hall lease disposal, the progress to date and recommendations to bring the project forward. It was confirmed although a full repairing and insuring lease would be granted the Council would continue to own the building. The lease would ensure that community use continued, with provision for charities, and that there would be a community toilet. Officers confirmed that a bid had not been submitted to the Heritage Lottery Fund as there was little prospect of such a bid being accepted.

The property would have to close while refurbishment works were carried out, except for the club. It was unclear what the timescale was at this stage, but members would be kept informed.

RESOLVED: That the Executive be recommended to

(1) Approve the lease disposal.

(2) Authorise and delegate authority to the Director of Housing, Planning and Regeneration in consultation with the Portfolio Holder to progress the lease disposal negotiations, including agreeing to and settling the final detailed terms.

(3) Authorise the Director of Corporate Resources to agree, settle, negotiate and complete the legal documentation and any other ancillary legal documents arising thereto and to sign and complete them on behalf of the Council.

**42 HOUSING, PLANNING AND REGENERATION PORTFOLIO PLAN
UPDATE 2021/22 REFRESH AND Q4 UPDATE
Report ACH20-044**

The report presented the Committee with an update on progress for Quarter 4 2020-21 and the refresh of the Portfolio Plan for 2021/22.

Councillor Allen raised the following issues –

Priority 2, Action (2) (A): The CIL process needed to be explained.

Priority 2, Action (4): What was the position with regard to heritage buildings at risk? (An update would be arranged.)

Priority 2, Action (5) (H): What backlogs were there with Library maintenance? (All library buildings were in the strategic property maintenance plan, and a condition survey was being carried out of all buildings, including libraries and leisure centres.)

Priority 3, Action (4) (c): This should be re-worded now that the proposals to move Beckenham Library had been abandoned.

RESOLVED: That the report be noted.

**43 RENEWAL, RECREATION AND HOUSING PDS COMMITTEE
WORK PROGRAMME**

The Committee received the latest version of its work programme. The Chairman stated that she wanted the Committee to carry out a programme of “deep dives” at its meetings on priority issues affecting the portfolio and for the work programme be amended to align with this. Councillor Benington requested an update on HMOs at the next meeting.

RESOLVED that the work programme be noted, and a revised themed work programme be submitted to the next meeting.

44 THEMED SESSION: PLANNING, ECONOMIC RECOVERY AND DIGITAL INFRASTRUCTURE

(A) Planning and Building Control

The Committee received a presentation from Tim Horsman, Assistant Director, Planning and Building Control. The presentation covered the breadth of services in the Division, the level of planning applications (there had been a substantial increase), complaints and appeals. The indicator for Quality of Decisions for Major Planning Applications had improved from 12.7% of major applications determined allowed at appeal (2016/2018), to 8.7% (2017/2019).

In response to questions, Mr Horsman confirmed that officers were working on a dashboard of performance monitoring figures. The Chairman commented that it was encouraging that turn-around times for planning applications were within targets, but she considered that performance could be improved. The internal target for validating applications was five days, and officers did contact applicants and agents to explain what additional information was required. Mr Horsman was aware that validation had taken too long in recent months, and a consultant had been engaged to examine the problem. He also confirmed that S.106 would remain, even after the CIL was introduced.

RESOLVED that an action planning performance dashboard for 6 monthly presentation to the PDS Committee be agreed.

(B) Economic Recovery

The Committee received a presentation from Alicia Munday, Interim Assistant Director, Regeneration. The presentation covered support for high streets and local businesses, including associated funding bids, and discretionary and mandatory grants, and the Economic Development Strategy.

Responding to questions, Ms Munday confirmed that about £44m had been provided to the local economy, helping about ten thousand businesses, but it was difficult to track how many jobs had been protected or created. Businesses that had been refused funding could still apply for support – initially, only businesses with no other support received funding, but now all businesses were eligible to apply. The Council had received some criticism for being slow to pass on money, but this was because rigorous checks had been applied meaning that there was no evidence of any fraud.

RESOLVED that economic development progress dashboard and project updates for 6 monthly presentation to the PDS Committee be agreed.

(C) Digital infrastructure

Alicia Munday continued the presentation looking at Digital Infrastructure. Full fibre connectivity was currently extremely low in the borough and needed to improve rapidly to support increased home working and business growth. A

Bromley Digital Infrastructure Toolkit had now been published online, and a Memorandum of Understanding had been agreed with Openreach. Openreach had announced plans to provide fibre connections for five exchanges in the borough (Farnborough, Orpington, Biggin Hill and Chislehurst. Progress would be monitored on a six-monthly basis, and the Chairman asked Members to consider which indicators would be most useful to see).

Councillor Julian Benington suggested that there should be signs up around the works in Biggin Hill and Downe showing the involvement of the Council.

RESOLVED that a digital coverage progress dashboard and project updates for 6 monthly presentation to the PDS Committee be agreed.

Copies of the presentations are attached as Appendices B and C.

45 RENEWAL, RECREATION AND HOUSING INFORMATION BRIEFING

The Committee noted the Renewal, Recreation and Housing Information Briefing, containing the latest versions of the Risk Register and Contracts Register.

The Chairman requested that two additional planning risks be added to the register - the lack of a currently demonstrable 5 year housing supply and the risk of designation due to high levels of appeals allowed. It was noted that a "Call for Sites" consultation would be initiated over the summer.

In response to a question about the effect of Covid-19 on income, it was confirmed that officers were expecting some loss of income, but the position was being monitored closely.

RESOLVED that the Risk Register be updated to reflect the additional risks identified.

PART 2 (CLOSED) AGENDA

46 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**

**47 PRE-DECISION SCRUTINY OF PART 2 (EXEMPT) EXECUTIVE
REPORTS**

The Committee considered the following reports on the Part 2 agenda for the meeting of the Executive on 30 June 2021:

A BECKENHAM PUBLIC HALL LEASE DISPOSAL
Report HPR2021/034B

The Committee considered the Part 2 report and made recommendations to the Executive

B BUILDING COUNCIL HOUSING PROGRAMME
Report HPR2021/037B

The Committee considered the Part 2 report and made recommendations to the Executive.

C YORK RISE, ORPINGTON
Report HPR2021/032B

The Committee considered the report and made recommendations to the Executive.

The Meeting ended at 9.46 pm

Chairman