

EXECUTIVE

30th June 2021

(A) Questions from Members of the Public for Oral reply

1. From Professor Bernard Williams FRICS to the Portfolio Holder for Renewal, Recreation and Housing

The whole of the golf course land is designated as Metropolitan Open Land. The officers are on record (answers to question raised at the RRH PDS Committee on 18th June) as saying that this is irrelevant as the land is of 'special architectural and historic merit' and that its status as MOL does not come into consideration when considering whether or not to designate the golf course as part of the Conservation Area.

Do the members agree that if it is felt necessary to protect the golf course land from built development then MOL status is an adequate safeguard and that using an unsubstantiated case for designating the land on its 'special architectural and historic merit' in order to bolster this security is a misuse of the Council's powers under Section 69 of the Civic Amenities Act 1967?

Reply:

The Planning (Listed Building and Conservation Areas) Act 1990 is the applicable Act. Section 69 of this Act imposes a duty on Local Planning Authorities to designate areas of special architectural or historic interest as conservation areas, where the Local Planning Authority determines designation is warranted.

The Executive report and the BEAMS report set out the justification for designation; for example, see table 3.1 on page 10 which states that the golf club warrants inclusion due to the contribution that the open space makes to the historic interest of the area. With regard to the interaction between a conservation area and MOL designation, paragraph 3.9 of the report explains that conservation area designation should be justified based on whether an area meets the requirements of the Act, and the fact that the golf club already has significant protection through the MOL designation is not a relevant consideration when considering whether an area should be designated as a Conservation Area.

Supplementary Question:

Professor Williams asked whether Members were aware that Historic England had written expressing concerns about inclusion of the Golf Club in the new conservation Area and suggested that this meant that the case for inclusion may not be clear cut.

Reply:

Cllr Morgan responded that he was aware, and that although the case may not be clear cut this did not mean that the Council were necessarily wrong.

2. From Professor Bernard Williams FRICS to the Portfolio Holder for Renewal, Recreation and Housing

Guidelines from Historic England stipulate that: 'working with community groups, including both residents and businesses during the preparation of an appraisal will help to reduce potential need for significant amendments to the draft document later'. (Conservation Area Appraisal, Designation and Management Historic England Advice Note 1 (Second Edition.)

No approach was made to Shortlands Golf Club by BEAMS during the appraisal period in spite of the fact that the Club is by far the largest landowner in the proposed Conservation Area. As a consequence the Club's valid objections to the proposals could not be discussed face-to-face with the consultants resulting in the Report failing to address the critical issue of whether or not the golf course has any 'special architectural and historic interest'.

*As a result of this failure to observe best practice the golf club has had to rely upon the consultation process, public questions and lobbying committee members to get its case understood – and in this process has had **no opportunity** to debate the issues **face to face** with those arguing for the inclusion of the golf course in the Conservation Area.*

Do the members agree that the failure of BEAMS to follow best practice guidelines laid down by Historic England in not consulting with Shortlands Golf Club during the Appraisal Period has resulted in the case for exclusion of the golf course not being properly investigated and presented to the members of the various committees charged with scrutinising the proposals?

Reply:

The Council's approach to appraising the conservation area has been consistent with relevant legislation. The proposed conservation area and the appraisal which underpinned it were consulted on extensively, as is shown by the response rate mentioned in paragraph 3.3 of the Executive report. The golf club were specifically consulted as part of this exercise.

3. From Mr Denis Cooper, Chairman of Shortlands Golf Club, to the Portfolio Holder for Renewal, Recreation and Housing

Shortlands Golf Club produced a 42-page written objection to the proposal to include the Club's land in the proposed Shortlands Village Conservation Area. The author of that report, Dr. Jonathan Edis, is a highly respected heritage expert who spent 10 years as conservation officer for Beds. CC before becoming a consultant.

Following a very detailed evaluation of the BEAMS Report and its findings Dr. Edis concluded that the BEAMS Report had not made a proper assessment of the status of the golf course in terms of its special architectural or historic merit as required by Historic England and the National Planning Policy Framework for the purposes of designation within the Conservation Area.

In spite of the weight which ought to have been accorded to the opinions of such an eminent authority on heritage matters the officers decided not to pass this back to BEAMS or Historic England for comment on the grounds that in their opinion the report 'raised no issues which would have warranted referring his report to BEAMS or Historic England'

Do the members of the Executive Committee agree that this failure to afford BEAMS and Historic England the opportunity to reconsider their views in the light of Dr.Edis' report constituted a flaw in the consultation procedure sufficiently serious as to call into question the legitimacy of the whole process of designation of the golf course?

Reply:

There is no requirement to invite reconsideration of consultee's views. Council officers do have sufficient expertise to assess the comments of all respondents, and establish recommendations taking account of those comments.

4. From Mr Denis Cooper, Chairman of Shortlands Golf Club, to the Portfolio Holder for Renewal, Recreation and Housing

At the RRH PDS Committee on 18th June a member expressed the view that it was essential to designate the golf course as part of the Conservation Area on the basis that at some time in the future the Trustees might decide to sell the land for property development. The members present accepted this statement without demur and voted by a large majority to retain the golf course in the proposed Conservation Area.

Do the members agree that this is not a valid reason for voting to designate the golf club as part of the Conservation Area given that the only permissible consideration has to be whether it has special architectural or historic merit and that members of the RRH PDS Committee should have been made aware of this fact before being asked to vote in favour of endorsing the BEAMS Report unamended?

Reply:

Members agree that designating a conservation area purely to give extra protection to a piece of land would not meet the requirements of the Act. However, the proposed designation of the Shortlands Village Conservation Area is justified due to the special architectural or historic interest, as is detailed in the Executive report. The designation is not recommended as a means to give additional protection to the area.

Supplementary Question:

As a supplementary question, Mr Cooper stated that the Golf Club's trustees had a duty to maintain their land in good condition and had no intention of developing the land.

Reply:

Cllr Morgan responded that he understood that the Golf Club was well-run, but the purpose of designation was not to add another level of protection to the existing Metropolitan Open Land status. Any development of the clubhouse would have to meet high standards, but the Conservation Area did not prevent good development.

(B) Questions from Members of the Public for Written Reply

1. From Dermot Mckibbin to the Portfolio Holder for Resources, Commissioning and Contract Management

Please publish for all the wards in Bromley the number of electors entitled to vote and those that did vote in the 2021 London elections, the 2019 general election and the 2018 local elections. When will the Council review the 2021 election results?

Reply:

I have passed your question to the Returning Officer and Electoral Registration Officer to respond.

2. From Dermot Mckibbin to the Portfolio Holder for Resources, Commissioning and Contract Management

Please show the number of postal and proxy votes cast in each ward for all wards in Bromley for the 2021 elections, the 2019 general election and the 2018 local elections.

Reply:

I have passed your question to the Returning Officer and Electoral Registration Officer to respond.

3. From Helen Brookfield to the Portfolio Holder for Resources, Commissioning and Contract Management

How does the Council define an empty property and how does it research possible empty residential properties over commercial properties?

Reply:

For the purposes of the Premium, an Empty Home is one that has been “unoccupied” and “substantially unfurnished” for two years or more. Periods of six weeks or less when the property is occupied/furnished are disregarded for purposes of calculating the two-year period.

The Council carries out reviews to identify possible empty residential properties via its contractor Liberata UK Ltd. The review includes written communication and inspections of the properties where required.

4. From Helen Brookfield to the Portfolio Holder for Resources, Commissioning and Contract Management

In view of the increasing numbers of empty properties in the borough and the rising cost in temporary accommodation will the Council now review its decision not to increase the maximum amount of council tax for the owners of empty properties and if not why not?

Reply:

In January 2021 the Executive decided to defer the decision to increase the Empty Home Premium for a further year in recognition of the ongoing impact of the pandemic. The Council will consider whether a further deferral of an increase in the Premium is appropriate in light of the continued impact of the pandemic and the difficulties still being experienced by owners with the development, repairs and/or sale of empty properties.

5. From Angela Barnett to the Portfolio Holder for Public Protection and Enforcement

What procedures does the Council have for making empty properties safe after a fire? Why was there a second fire within days at Northdene?

Reply:

The responsibility lies with the owner of the property, and I am aware that in this case the Police have served a Community Protection Warning Notice on the owner. The Council's Building Control officers would only become involved in the case of a formally recorded Dangerous Structure.