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DATE: 8 April 2019

DEVELOPMENT CONTROL COMMITTEE

Meeting held Thursday 4 April 2019

Members agreed that as the planning appeal considered by Members on 6 November 2018 had now been determined, the Part 2 Minutes relating to that appeal should be made available to the public and are attached hereto.

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DEVELOPMENT CONTROL COMMITTEE

Exempt minutes of the meeting held at 7.00 pm on 6 November 2018

(Declassified as Part 1 – available to the public, at the Development Control Committee meeting held on 4 April 2019)

41/1 PLANNING APPEAL

Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Report DR000000

Members considered whether or not to defend the third ground of refusal on the planning appeal against the Council's refusal to permit the redevelopment of 1 Westmoreland Road, Bromley. The report highlighted the absence of expert witness evidence for the third reason for refusal (highway) and costs risks.

If Members were minded not to defend the third ground, they would need to reconsider the overall planning balance of the proposal and whether refusal grounds one and two continued to outweigh the educational need and merited refusal of the proposal.

Written representations from Ward Member Councillor Dykes in favour of fighting the appeal on the three original reasons for refusal was received and circulated to Members.

Concern was raised that the views of TfL and Planning Officers did not support the third reason for refusal. Several Members considered the third ground for refusal would be difficult to defend at appeal. Others believed that revoking the third reason would undermine the thrust of refusing the application.

Members noted that the junction located in the vicinity of the site was always heavily congested and the establishment of a school would only exacerbate the problem.

Councillor Fawthrop supported retention of the third reason for refusal. He was disheartened that the expert knowledge of local Members was not taken into account.

Councillor Tickner said it was difficult to believe that no expert traffic consultant could be found and considered it the responsibility of planning officers to do so. He moved that all three reasons for refusal be retained. Councillor Turner seconded the motion.

Councillor Bear drew Members' attention to information set out in the Planning Appeals – Costs 2017-2018 report which contained summaries of the reasons for costs being awarded against the Council e.g. *'Council relied on vague and generalised assertion to support its position, failed to substantiate how proposal*

would amount to inappropriate development. Councillor Bear was concerned that a Planning Inspector may come to a similar conclusion in this case and urged Members to be absolutely certain about their decision before proceeding to contest the appeal at Inquiry.

One Member reported that the building was currently being used as a temporary school and education use had already been established for the site. Although this proposal was a high building, several other high buildings in the area had previously been approved. However, there was insufficient parking provision with just two disabled parking spaces. There were also no plans available to show how coaches would gain access to the site.

The Planning Development Control Officer reported that TfL and Highways engineers had raised no objections to the application and the previously engaged transport consultant had decided he could not support the Council's highways reason for refusal. Other consultants approached by the Council believed there was no case to make.

The site was included in the Bromley AAP as a potential location for a tall building and in the draft Local Plan (which was on the brink of adoption) as a site allocation for a potential 6-8FE secondary school. Councillor Terry pointed out that the St Hugh's site had also been allocated for a school and that application had been refused. The Chief Planner confirmed that the difference with the St Hugh's case was that the Highway Authority had raised specific objections on highways grounds.

The Chief Planner stated that a proof of evidence was, in effect, required to defend the third reason for refusal and informed Members that attendance at the Inquiry was controlled by the Planning Inspectorate.

In summing up, the Chairman reported that the application had been determined on its own merits. The building was located at a very busy junction which was likely to become busier with the opening of the St Mark's Lifestyle Quarter and occupation of the high-rise building at the former HG Wells site. She said that Members should not pre-empt the Inspector's decision at appeal. She therefore supported retention of the third reason for refusal.

Following a vote of 10-3, Members **RESOLVED that the appeal continue to be contested on the three grounds of refusal originally decided by the Committee on 13 December 2017.**

The meeting ended at 8.40 pm

Chairman