



THE LONDON BOROUGH
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DATE: 21 October 2015

To: Members of the
DEVELOPMENT CONTROL COMMITTEE

Councillor Peter Dean (Chairman)
Councillor Nicky Dykes (Vice-Chairman)
Councillors Vanessa Allen, Graham Arthur, Douglas Auld, Kathy Bance MBE,
Eric Bosshard, Katy Boughey, Lydia Buttinger, Simon Fawthrop, Ellie Harmer,
Charles Joel, David Livett, Russell Mellor, Alexa Michael, Richard Scoates and
Michael Turner

A meeting of the Development Control Committee will be held at Bromley Civic
Centre on **THURSDAY 29 OCTOBER 2015 AT 7.30 PM**

MARK BOWEN
Director of Corporate Services

Public speaking on planning application reports is a feature at meetings of the Development Control Committee and Plans Sub-Committees. It is also possible for the public to speak on Contravention Reports and Tree Preservation Orders at Plans Sub-Committees. Members of the public wishing to speak will need to have already written to the Council expressing their view on the particular matter and have indicated their wish to do so to Democratic Services **by no later than 10.00 a.m.** on the working day before the date of the meeting.

The inclusion of public contributions, and their conduct, will be at the discretion of the Chairman. Such contributions will normally be limited to two speakers per proposal, one for and one against, each with three minutes to put their point across.

For further details, please telephone **020 8313 4745**.

A G E N D A

- 1 **APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**
- 2 **DECLARATIONS OF INTEREST**
- 3 **CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 8 SEPTEMBER 2015 (Pages 1 - 14)**

4 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

In accordance with the Council’s Constitution, questions to this Committee must be received in writing 4 working days before the date of the meeting. Therefore please ensure questions are received by the Democratic Services Team by 5pm on Friday 23 October 2015.

5 (15/00909/FULL1) - HARRIS ACADEMY BECKENHAM, MANOR WAY, BECKENHAM BR3 3SJ (Pages 15 - 102)

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

The Chairman to move that the Press and public be excluded during consideration of the item of business listed 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.

Items of Business

Schedule 12A Description

7 HARRIS ACADEMY BECKENHAM, MANOR WAY, BECKENHAM BR3 3SJ (Pages 103 - 104)

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

.....

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held at 7.30 pm on 8 September 2015

Present:

Councillor Peter Dean (Chairman)

Councillors Vanessa Allen, Graham Arthur, Douglas Auld, Kathy Bance MBE, Eric Bosshard, Katy Boughey, Lydia Buttinger, Stephen Carr, Simon Fawthrop, Ellie Harmer, Charles Joel, David Livett, Russell Mellor, Alexa Michael, Angela Page, Richard Scoates and Michael Turner

Also Present:

Councillors Peter Morgan and Ian F. Payne

24 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillors Nicky Dykes and Michael Turner; Councillors Angela Page and Stephen Carr acted as their respective substitutes.

25 DECLARATIONS OF INTEREST

In relation to Item 5.3 - Footzie Social Club, Councillor Mellor declared he would approach consideration of the development with a clear, open and non-determined mind. Councillor Mellor spoke as Ward Member for Copers Cope but did not take part in the final discussion and refrained from voting.

26 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 13 JULY 2015

RESOLVED that the Minutes of the meeting held on 13 July 2015 be confirmed and signed as a correct record.

27 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

The following three written questions were received from Councillor Peter Fookes, Ward Member for Penge and Cator:-

Question1

Further to my question at the last Full Council meeting, what progress has been made in taking action against the owners of 23 Genoa Road, Penge who have built a massive extension without planning consent?

Chairman's Response

After a planning investigation into the above property in connection with the unauthorised rear extension, the applicant submitted an application on 13 July 2015 which was invalid and returned on 28 August 2015.

The enforcement officer's delegated report dated 6 July 2015 was prepared prior to receiving the above retrospective application on 13 July 2015 and is currently with our legal services team. This matter was held in abeyance as an application was submitted to the Council. I understand that the enforcement notice against the unauthorised development is due to be issued this week as a result of the returned invalid application.

Question 2

What action is being taken against the owner of 15 Genoa Road, Penge, who consistently dumps building waste at the front of his property before clearing it up? Can we not issue an untidy site notice?

Chairman's Response

Section 215 Notices are served when the land in question is considered to be adversely affecting the amenity of the area under the Town and Country Planning Act 1990 (as amended).

The owner of the property has removed the items of rubbish from the front of the property and as a result of doing so removes the need to issue a Notice.

The planning investigation team has, as a result of these actions, written to the owners to warn them of the Council's concerns and informing them that further action could be considered if it continues.

Question 3

How many enforcement notices remain outstanding across the borough?

Chairman's Response

At this moment in time, there are 39 cases awaiting full compliance with Enforcement Notices served.

Three oral questions were received from members of the Avalon Area Action Group, Orpington.

Mr Bill Miller made the following statement before the questions were raised:-

"The three of us here represent the Avalon Area Action Group which is concerned with Bromley's proposed intensive use of Manorfields as a hostel for the homeless.

The three questions are posed to this Committee to address our concerns about the meeting on 9 June and specifically that:-

- the information contained in the planning officer's 10 page report reviewed was too shallow on which to make an informed decision;
- insufficient consideration was given to the legal challenges of the application; and
- if you follow the official paperwork through, there are discrepancies on precisely what permissions and conditions have been, or should have been granted over the development."

Question1

Can the Members of the DCC please re-read the email sent to them on 12 July and advise whether there is anything in the requested amendments to the minutes which is incorrect, irrespective of whether the DCC would regard these amendments as material or not? If there are inaccuracies, would the Committee please explain what they are.

Chairman's Response

The AAAG e-mail of 12 July 2015 was sent direct to DCC members and was therefore available to Members on 13th July 2015. The Members of the Committee approved the Minutes that were prepared by the Council. They are not in a position to give separate comment on the e-mail submitted by the AAAG.

Supplementary Question

The question has not been fully answered. If there were any inaccuracies in the document we sent, please explain what they are.

Chairman's Response

The Chairman reaffirmed the Committee were not in a position to comment on the e-mail submitted by the AAAG and there were no inaccuracies in the Committee Minutes which were confirmed by all Members at the previous meeting.

Question 2

The Minutes confirmed that no challenges were made to the barrister's statements. Can the Committee please confirm that they considered the barrister's statements and a) had either satisfied themselves prior to the meeting that the barrister's comments were irrelevant or b) that they decided at the meeting that the allegations did not justify further investigation before a decision was made? And if so which was it?

Chairman's Response

The oral representation was made direct to the Committee at the meeting on 9 June 2015 and Members had the opportunity to take that representation and all other planning policy and material planning considerations into account.

Questioner's Statement

This response is completely incongruous; the Committee ignored non-compliance with policy.

Question 3

The planning notification issued by the Planning Officer on 11 June to Alliance Planning refers to permission being granted 'for the development referred to in your application received on 5th March 2015 as amended by documents received on 26 May 2015'. The last document issued by the Planning Officer and included in the Agenda for 9 June 2015 at page 86 stated : The maximum occupation of the one, two and three room units within the House in Multiple Occupation (HMO) (not the self-contained units) will be 50 persons (any age).

Therefore is the correct interpretation that permission is only granted in respect of a maximum occupation of 50 (as the permission makes no reference to any subsequent documents after 26 May)? and if so does the application need to be represented at the Development Control Committee if the Applicant wishes to house a higher number of occupants?

Chairman's Response

The planning permission defines the consent that has been granted. This does not set a limit on the number of occupiers. The agenda at page 6 sets out a comment on the application from the Environmental Health/Housing Officer about separate HMO restrictions (these are not town planning matters). An updated Environmental Health/Housing officer comment about HMO restrictions was made and this was reported to the Committee. The actual planning application did not contain a maximum figure.

Supplementary Question

So no maximum limit was set for the application?

Chairman's Response

That is correct.

28 PLANNING REPORTS

28.1 (DC15/00140/FULL3) - Old Town Hall, 30 Tweedy Road, Bromley BR1 3FE

Members considered the following planning application report:-

Item No.	Ward	Description of Application
5.1 (page 15)	Bromley Town	<p>Application for planning permission and listed building consent to enable partial demolition of the Bromley Town Hall building and replacement with extensions no greater than 3 storeys high to facilitate a change of use from Office (Class B1) to 94 bedroom hotel use (Class C1) to include hotel restaurant, conference, wedding and multi-functional space in addition to 2 independent restaurants (Class A3) fronting Widmore Road together with re-configuration of the existing access ramp on Widmore Road and provision of pick up/drop off in Tweedy Road and South Street.</p> <p>Planning Permission for the erection of a 5-storey residential apartment building (Class C3) containing 53 units (18 x 1 bed, 34 x 2 bed, 1 x 3 bed), with basement parking for 28 cars and 104 cycle parking spaces upon the neighbouring South Street Car Park, together with associated landscaping and public realm improvements.</p>

Oral representations in support of the application were received from the applicant's agent, Mr Mark Hoskins. Mr Hoskins made the following points:-

- Having been selected to progress the regeneration of the Old Town Hall, Cathedral Hotels recognised that as well as providing a unique opportunity, there was also a significant responsibility for them to deliver a new scheme which would respect the historic identity of the building and its surroundings. Extensive collaboration had taken place with key stakeholders including the Council's officers, Historic England and CABE.
- The proposed mixed-use development scheme fulfilled the aspirations for Site C of the Bromley Town Centre Area Action Plan.
- The diverse mix of boutique hotel, restaurants and residential uses would add to the vitality of the town centre.
- The hotel and restaurant uses alone were expected to deliver 120 fte jobs.
- In heritage terms, the proposed hotel and restaurant use for the Old Town Hall represented a very 'good fit' and would provide compatible uses for the existing building resulting in minimal physical change to the fabric of the Grade II listed structure. It would also safeguard the viable reuse of a building which Historic England had identified as a 'building at risk'.

- The quality of design had been a paramount consideration since the inception of the project both in respect of the changes to the Old Town Hall and the new apartment building. All stakeholders had been integral to the process of design, evolution and refinement.
- The proposals for the Old Town Hall would involve removal of the insensitive 1970s additions at the rear and replacing them with sympathetic extensions remaining wholly subservient to the host building.
- The enabling residential scheme upon the South Street Car Park Site had been configured to knit with the existing urban environment, being of appropriate scale and mass, retaining a significant landscaped corridor fronting Tweedy Road and incorporating a cranked main elevation to enhance vistas towards the listed Town Hall and East Street.
- The proposals complied with relevant planning policy in all respects. Furthermore, due to the significant merits of the scheme in regeneration, economic and heritage terms, a multitude of other planning considerations weighed heavily in favour of the proposals.
- The Old Town Hall was a building which had rather lost its way in recent years. This scheme would help restore it as a focal point within the town centre creating an asset unique to Bromley.

In response to Member questions, Mr Hoskins considered that due to its town centre location, the target market for the residential properties would be aimed mainly at young professionals and possibly older residents but would also attract people who recognised the benefit of town centre living.

With regard to concerns raised in relation to the single pick up/drop off bay at the front of the hotel, Mr Hoskins reported that the provision of parking was essential for the operational management of the hotel. Discussions had taken place with TfL in this regard and relevant parties would explore long-term options for parking on other sites and the possible provision of a valet service in the future. In the meantime however, town centre parking was located nearby. Discussion had also taken place to ensure the bay would not cause traffic congestion and the Fire Service had been approached to ensure emergency vehicles would not be obstructed.

The Development Control Manager reported the following:-

- Comments from Ward Member Councillor Michael Rutherford in support of the application had been received and circulated to Members.
- The Waste Adviser had raised no objections to the application.
- Under the head 'Old Town Hall' on page 15 of the report, the beginning of the first sentence was amended to read:- 'The original Town Hall faces Tweedy Road.....'
- The ninth bullet point on page 16 of the report was amended to read:- 'Alterations to the Tweedy Road hotel entrance.....'
- The second paragraph on page 32 should refer to 28 car parking spaces, not 26 as reported.

- The final paragraph of the description of development set out on page 15 of the report was amended to read:- 'Planning permission for the erection of a 5-storey residential apartment building (Class C3) containing 53 units (18 x 1 bed, 34 x 2 bed, 1 x 3 bed), with basement parking for 28 cars and 108 cycle parking spaces upon the neighbouring South Street Car Park, together with associated landscaping and public realm improvements.'
- The proposed conditions were amended to run in numerical order.
- The Accommodation Schedule for the South Street Car Park phase was added to the list of documents.
- A Plan A-117 Rev P1, relating to typical layouts for hotel rooms was added to the list of documents.
- For the sake of clarity, minor amendments were made to conditions 9, 12, 13, 14, 17, 22, 23, 26, 28, 37, 40 and 44.

The Chairman considered the site to be of significant importance and remarked that the listed building had remained vacant for far too long. The submitted proposals were of excellent design which accorded with the Council's Area Action Plan and Members were encouraged to recognise the commerciality of town centre schemes. The listed building would be retained as a result of the development which would have minimal impact on the surrounding area. The erection of five storeys was not considered too excessive and the proposed parking provision was adequate. The site was located in an area with access to good public transport together with several public car parks in close proximity. The Chairman fully supported the proposals and moved that the application be granted.

Councillor Buttinger seconded the motion to approve the application and requested the condition regarding landscaping include a requirement for replacement trees to be of an indigenous species.

It was agreed that the current building had outlived its office use. The proposed development was of good quality design and would result once again, in the building being made available to the general public. The residential element of the proposals was required to make the scheme viable and would be well-placed in the town centre with accessibility to good transport facilities. There was some concern that the proposed taxi area (which would also be used as a 'cellar drop'), may cause traffic congestion and in this regard, it was suggested that underground car parking for hotel users could be provided at South St Car Park.

Councillor Fawthrop did not support the application on the grounds that the large number of visitors to the hotel could result in an overspill of traffic in Bromley as a whole.

Councillor Carr considered valet parking could be made available to guests; a service which need not necessarily be in close proximity to the hotel.

In summing up, Members agreed that the Old Town Hall was a beautiful building both internal and external which must be maintained and accessible for public use.

Members having considered the report 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 Chief Planner with amendments to conditions 2, 4, 19, 30, 37 and 40 as follows:-

Condition 2: Include amended plans received since the report was written including minor amendments i.e. details of rooms in the Old Town Hall accessible by wheelchair and a detailed drawing of the Court Street pavement ramp.

Condition 4: Amended to read:-

'No demolition of any part of the Old Town Hall shall take place until a contract has been let for the implementation of the Old Town Hall part of the development hereby approved.

Reason: To comply with Policy BE8 of the Unitary Development Plan and to ensure that approved demolition takes place within the context of a scheme for improvement to the Old Town Hall and not on a random basis.'

Condition 19: Amended to read:-

'Before any work on site is commenced, energy strategy assessments and strategies for reducing carbon emissions shall be submitted to and approved by the Local Planning Authority simultaneously for each phase. The result of these strategies shall be incorporated into the final design of the buildings prior to first occupation in accordance with the approved documents. The strategies shall include measures to allow the development to achieve an agreed reduction in carbon dioxide emissions of at least 35% above the TER level required by the Building Regulations 2013. The development should aim to achieve a reduction in carbon emissions of at least 20% from on-site renewable energy generation. The final designs, including the energy generation shall be retained thereafter in operational working order and shall include details of schemes to provide noise insulation and silencing for and filtration and purification to control odour, fumes and soot emissions of any equipment as appropriate.

Reason: In order to seek the most up to date scheme at the time of implementation and to achieve compliance with the Mayor of London's Energy Strategy and Policy 5.2 and 5.7 of the London Plan 2011.'

Condition 30: Amended to read:-

'(i) Before any part of the Old Town Hall part of the site hereby permitted is first occupied, bicycle parking (including covered storage facilities where appropriate) shall be provided in accordance with details submitted and approved and the bicycle parking/storage facilities shall be permanently retained thereafter.

(ii) Prior to the commencement of the South Street Car Park part of the development hereby permitted, details of bicycle parking (including covered storage facilities where appropriate) shall be submitted to and approved by the Local Planning Authority. The cycle storage will be provided in accordance with approved details prior to the first occupation of any of the units and shall be permanently retained thereafter.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in order to provide adequate refuse storage facilities in a location which is acceptable from the residential and visual amenity aspects.'

Condition 37: Amended to read:-

'The use of the restaurants hereby permitted shall not operate before 7 am or after 12.30 am the following day, on any day, with the last customer entry no later than 11 pm.

Reason: To comply with Policy BE1 of the Unitary Development Plan and in the interests of the amenities of the area.'

Condition 40: Amended to read:-

'The hotel and ancillary hotel restaurant within the Old Town Hall part of the site shall be used as a hotel and for no other purpose (including any other purpose in Class C of the schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To comply with the submitted plans and Policy BE1 of the Unitary Development Plan and in order to enable the Council to reconsider any change of use with regard to the listed building and in the interests of the amenities of the area and the vitality and viability of the town centre.

28.2 (DC/15/00141/LBC) - Old Town Hall, 30 Tweedy Road, Bromley BR1 3FE

Members considered the following planning application report:-

Item No.	Ward	Description of Application
5.2 (page 51)	Bromley Town	<p>Application for planning permission and listed building consent to enable partial demolition of the Bromley Town Hall building and replacement with extensions no greater than 3 storeys high to facilitate a change of use from Office (Class B1) to 94 bedroom hotel use (Class C1) to include hotel restaurant, conference, wedding and multi-functional space in addition to 2 independent restaurants (Class A3) fronting Widmore Road together with re-configuration of the existing access ramp on Widmore Road and provision of pick up/drop off in Tweedy Road and South Street.</p> <p>Planning Permission for the erection of a 5-storey residential apartment building (Class C3) containing 53 units (18 x 1 bed, 34 x 2 bed, 1 x 3 bed), with basement parking for 28 cars and 104 cycle parking spaces upon the neighbouring South Street Car Park, together with associated landscaping and public realm improvements.</p>

The Chairman moved that the application be approved; this was seconded by Councillor Michael.

Members having considered the report, **RESOLVED that LISTED BUILDING CONSENT be GRANTED** as recommended, subject to the conditions set out in the report of the Chief Planner.

28.3 (DC/15/00701/FULL1) - Footzie Social Club, Station Approach, Lower Sydenham SE26 5BQ

Members considered the following planning application report:-

Item No.	Ward	Description of Application
5.3 (page 57)	Copers Cope	Demolition of the existing buildings and redevelopment of the site comprising the erection of a basement plus part 8/9/10/11/12 storey building to accommodate 296 residential units (148 x one bed; 135 x two bed and 13 x three bed units) together with the construction of an estate road, 222 car parking spaces, 488 cycle parking spaces and landscaping of the east part of the site to form an open space accessible to the public.

Oral representations in support of the application were received from the applicant's agent, Mr Christopher Francis. Mr Francis made the following statement:-

"There is a political nettle in front of you this evening and I ask you to have the courage to grasp it.

Whilst there is wide-spread acknowledgement of the desperate need for additional new housing, particularly in London, you as a Council consistently say "not in our backyard". This I believe, is because you are seeking to preserve what you consider to be an essential facet of grand suburbia – detached and semi-detached houses with gardens – whilst ignoring the needs of the young and old who want one and two bedroom flats in accessible locations.

This site, close to Lower Sydenham Station is ideally located to provide a worthwhile boost to local housing provision without giving rise to any harm to the amenity of other established residential occupiers.

Elsewhere in the borough there would be loud and extensive objections to the development of c.300 new units so ask yourself why there is a lack of objection from residents to this scheme? It has been well advertised; we consulted over 370 local residents and held an open evening: it featured on the front page of the South London Press and was also in the Bromley Shopper.

Yes the site is designated as MOL – this is a designation found in the 1976 GLDP based on a large grid square area on a diagrammatic plan not on any critical analysis of this site. As our submission shows if such critical analysis is undertaken using the criteria now set out in the London Plan the site would not be designated as MOL as it:

- i) *is not clearly distinguishable from the built up area;*
- ii) *does not include facilities which serve either the whole or significant parts of London; and*
- iii) *does not contain features or landscapes of national or metropolitan value.*

If you decide to refuse this application you are saying to all Londoners including all Bromley's residents, "we don't care about the needs of your children and those who want to live in a well-served part of our borough; we only wish to keep the status quo, but by the way we will allow significant development in the MOL if it is for the likes of us" – just look at the cricket club up the road and 89 Kings Hall Road.

As politicians you will be very aware that the direction of decision makers in Government and at the GLA is actively to address housing need. The Inspector who recently overturned the Council's decision to refuse the development of the HG Wells Centre made a particular point at the outset of his decision in noting that:

"The Government is seeking to significantly boost the supply of housing, as set out in paragraph 47 of the NPPF."

We have submitted evidence, which each of you has received, which shows that Bromley does not have the required five year supply of identifiable housing land, let alone provision to exceed the London Plan targets as also required. You only come to where you are as a result of permissions granted on appeal: 223 units at Dylon1 for example. Permission for this current application will go to addressing this policy shortfall and therefore should be looked at favourably without having to go through the appeal process."

Councillor Carr (Leader of the Council) challenged Mr Francis' assertion that Bromley's housing targets had not or could not be met, pointing out that the Borough had consistently met its London Plan targets and that the Council's current statements on housing land supply and the draft Local Plan show how future housing targets would be met. Mr Francis said his claim was evidenced by documentation put forward by Nathaniel Litchfield & Partners Ltd which indicated a shortage of identified land would render the targets unachievable.

Mr Francis further informed Members that an appeal would automatically be submitted should Members decide to refuse the application.

Supporting correspondence together with a package of documents was received from the applicant and circulated to Members. Appendices 1 (correspondence from the GLA) and 2 (comments from TfL) which were omitted from the published report were also circulated.

The final sentence of the second paragraph on page 89 of the report was amended to read:-

'It could be used to establish that the benefits of the scheme outweigh the harm done by inappropriate development through very special circumstances, however the case for very special circumstances has not convincingly been made in this instance.' (The remainder of the sentence was deleted).

In the third recommended ground for refusal on page 112 of the report, the semi-colon after the word 'gain' was removed and inserted to follow the word 'open' on the subsequent line.

The Chief Planner confirmed debate would always occur around housing targets however, the current figures reflected information contained within the recently adopted London Plan and its Strategic Housing Land Availability Assessment so overall, officers had confidence that targets would be achieved.

Speaking as Ward Member for Copers Cope, Councillor Mellor confirmed he was addressing the application with an open mind and without a predetermined opinion. Having closely scrutinised the agenda item and papers sent to him from Nathaniel Litchfield & Partners on behalf of the applicant, by letter of 28 August 2015 together with a detailed Nathaniel Litchfield & Partners review (August 2015) entitled Bromley Five Year Housing Land Supply Assessment dated 27th August 2015, Councillor Mellor offered his personal opinion and objected to the application on the following grounds:-

- the site was situated within MOL and should be protected as such;
- inadequate car parking provision had been made;
- the proposals would create an over-development of the site and result in a lack of amenity space;
- there was a lack of infrastructure – e.g. education and health (in particular, there was no GP surgery in the Ward); and
- there was a lack of adequate public transport with only a single bus service operating within the area and a limited train service from Lower Sydenham station.

Councillor Mellor congratulated the author of the planning report for producing a non-biased, well-crafted, detailed document which also contained a full list of referenced policies.

The Chairman also refuted Mr Francis' statement that the housing targets would not be met and moved refusal of the application on the grounds set out

in the report. This was seconded by Councillor Michael who supported the Council's role as a custodian of MOL and GB land.

The proposed development was considered by Members to be of poor design and one which would result in an over-development of the site.

Whilst Councillor Bance would like to see affordable housing provided, the dimensions of a number of the proposed accommodation were too small. The site was also designated as MOL and should remain so.

Based on her knowledge of the area, Councillor Allen reported that the current site was in a dreadful state. Many houses in the surrounding area had been converted into flats and whilst the site could be considered for housing, this particular application was of poor design and an over-development. Councillor Allen suggested the application could be deferred.

Members having considered the report, objections and representations **RESOLVED that the application be REFUSED** as recommended, for the reasons set out in the report of the Chief Planner as follows:-

1. The proposed redevelopment of this site designated as Metropolitan Open Land (MOL) for residential purposes is considered to be inappropriate development in principle. The applicant has failed to demonstrate very special circumstances or that the proposal is a sustainable form of development. Furthermore the substantial level of harm that would arise from the development by way of harm to the MOL, design, and amenity and flood risk is considered to outweigh any housing land supply or other socio-economic benefits that would arise or benefits of opening up public access to the MOL and enhancing its landscape. As such the proposal is contrary to the aims and objectives of the NPPF (2012) and Policies 7.17 of the London Plan (2015) and G2 of the UDP (2006).
2. This site is considered to be an inappropriate location for a tall building as it fails to satisfy the requirements of Policy BE17 of the UDP. Furthermore, the proposal by virtue of its scale, form and monolithic appearance, amount of development, adverse impact on the Landscape and the Skyline, poor response to the existing street network and connections, failure to improve or enhance the legibility and character of the area, adverse podium design, lack of active frontage and poor public realm amounts to overdevelopment of the site and fails to provide a scheme of high quality design contrary to the aims and objectives of the NPPF (2012), Policies H7, BE1 BE4 and BE18 of the UDP, Policies 7.1, 7.2, 7.3 7.4, 7.5 and 7.6 of the London Plan, The Mayors Housing SPG and SPG1 Good Design Principles and SPG2 Residential Design Guidance.
3. The proposal by virtue of its podium design, poorly considered access arrangements, outlook for some of the ground floor units; and questions over the ability of single aspect flats to promote natural ventilation and mitigate solar gain or provide adequate amenity in terms of noise when windows are open; fails to demonstrate that a high quality living environment with

satisfactory standards of amenity will be provided for future residents. Furthermore it has not been demonstrated that the development is capable of providing 10% wheelchair provision across all tenures, with suitable access, car parking and internal layout. The proposal is therefore contrary to Policies H7 and BE1 of the UDP, Policies 7.1, 7.2, 7.3 and 7.6 of the London Plan, The Mayors Housing SPG, SPG2 Residential Design Guidance and the Bromley's Affordable Housing SPD (2008).

4. This site lies within Flood Zone 2 and 3 and meets the requirements for Sequential Test in the NPPF. Despite the ability of the design to mitigate flood risk, the approach taken has significant adverse effects on the quality of the development. As such it has not been demonstrated that an appropriate solution to mitigate potential flood risk can be achieved in accordance with the aims and objectives of the NPPF (2012) and Policy 5.12 of the London Plan.

Councillor Mellor abstained from voting.

The meeting ended at 8.20 pm

Chairman

Agenda Item 5

Harris Academy Beckenham, Manor Way

Application No: 15/00909/FULL1

Ward: Kelsey & Eden Park

Address: Harris Academy Beckenham, Manor Way, Beckenham BR3 3SJ

OS Grid Ref: E: 537430 **N:** 168596

Applicant: Kier Construction

Description of Development:

Demolition of all buildings on site (except the basketball block) and erection of replacement buildings to accommodate a 3 storey 6FE Academy (8,112 sqm GIA) for 1,150 pupils and a 2 storey primary Academy (2,012 sqm GIA) for 420 pupils together with temporary classroom accommodation for a period of two years, provision of 97 car parking spaces, 170 cycle parking spaces, associated circulation and servicing space, multi-use game areas and landscaping

Key Designations

Biggin Hill Safeguarding Birds

London City Airport Safeguarding

Urban Open Space

Within Manor Way Conservation Area (shown on Map – see Attachment 2)

PTAL 1a

Proposal

Harris Primary Beckenham was given permission by the Secretary of State for Education to open a 2FE primary school in September 2014, however following the refusal of an application for temporary accommodation on this site (14/01636) the opening of the school was deferred for a year to September 2015. The application for temporary primary school classes (14/01636) was allowed on appeal.

The current application is for the new primary Free School 2 Forms of Entry (2FE) and the re-provision of the existing secondary Academy (including 6th form) (6FE) and temporary secondary school provision to provide accommodation during construction of the secondary school.

BACKGROUND

This report concentrates on events after the resolution of the Committee at its 13th July 2015 meeting to grant planning permission for application 15/00909 subject to the completion of a s106 agreement. It should be read alongside all material received prior to the DCC meeting and available to the Committee in particular the 13th July Agenda. Advice on Legal implications is given in the confidential Part 2 of this report.

On 24th July, a Pre-Action Letter Judicial Review was received from Kelsey Estate Protection Association (KEPA). This sets out a Proposed Claim for Judicial Review of the Council's 13th July resolution to approve planning permission. This letter preceded the grant of planning permission mainly due to the need for the s106 agreement to be prepared and completed before the application could be granted. The issuing of a decision on 15/00909 has been held back, taking account of Legal advice and allowing time for further contact and mediation. By way of context it should be added that planning permission was granted on 15th July 2015 for application 15/00908, which was for the replacement secondary school (without the new Primary school) as this was not subject to a s106 agreement.

Relevant documents are appended as follows: -

- Document A – DCC Agenda 13/07/15 for 15/00909
- Document B – DCC Minutes for 13/07/15 for 15/00909

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At Document A, the 13th July Agenda is set out without change. The approved minutes for that meeting are shown in Document B. These indicate the matters reported to the Committee at the 13 July meeting and matters drawn to the Committee's attention. These matters include late objections received from KEPA on the topics of transport and educational need. They also include oral representations on behalf of KEPA, oral representations on behalf of the applicant and oral representations about education need on behalf of the Portfolio Holder for Education.

SUBSEQUENT CORRESPONDENCE

Selected correspondence is attached in chronological order. This is summarised and analysed below in the sequence:

- Correspondence between KEPA and the Council
- Correspondence between the applicant and the Council

Correspondence between KEPA and the Council

The 'Pre-Action Letter – Judicial Review' dated 24 July 2015 is set out at Document C.

In brief, this is a challenge to the decision of the Committee on the grounds that it was not based on objective evidence-based planning facts and was therefore fundamentally administratively flawed.

The matters that are subject to challenge by KEPA are as follows: -

Education Need

KEPA refers to the Education PDS report of 27 January 2015 which shows a surplus of places in the (education) planning areas 1 and 2 from 2015/16 to 2017/18. In addition more places could come forward at the proposed Langley Park School, adding to the surplus.

Transport and Conservation Area Impacts

KEPA refer to the Conservation Officer's report as being flawed because it is based on an erroneous approach to parking and traffic assessment. The walk distance of 200 metres should have been used under the Lambeth methodology, not 500 metres. The erroneous analysis should in KEPA's view have been remedied.

Balance of Education need and damage to the Conservation Area

The Committee were unable to make a balanced judgement, in KEPA's view, between Education need and damage to the Conservation Area, due to erroneous information provided.

The KEPA 'Pre-Action Letter – Judicial Review' dated 12th August 2015 is set out in full at Document E, itself in response to the Council's letter dated 6th August (attached at Document D). This KEPA letter in brief makes additional points as follows: -

Educational Need

KEPA add that for Educational Areas 1 and 2, the Council figures include 5% headroom for educational choice and 8% of the demand profile for private education and ignored the 60 places available at the approved Langley School. The current figure for educational need excluding the 5% and 8% factors should have been presented to the Committee, in KEPA's view there is a surplus of 29 places in 2017/18.

Transport, Conservation Area and overall Balance

KEPA consider that whilst the Lambeth Methodology envisages a degree of flexibility, this has been taken beyond a rational and reasonable application. There will be a greater level of

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parking stress than in the planning officer's report. Had the planning committee had accurate statistics on parking stress and educational need, it would have come to a different conclusion.

The KEPA 'Pre-Action Letter – Judicial Review' dated 7th September 2015 is set out in full at Document G. This letter is a rebuttal of Council officer comments of 4th September (Document F).

KEPA 'Radial Maps' message and map attachments of 18th September 2015 is set out in full at Document H. KEPA consider that map 1 and map 2 based on out-turn school roll numbers in 2014 and 2015 respectively shows there to be no known educational need.

Correspondence between the Applicants and the Council

The Applicants set out their comments on Pre-Action matters in their letter dated 17th September 2015 and accompanying documents. These comprise an overall commentary in a report by T.P. Bennett and a Technical Note by the (transport) consultant RPS (dated 13 August 2015). They are attached in full at Document J.

The T.P Bennett report points out that the late submissions by Peacock and Smith were responded to by the applicant in their address to the Committee. The T.P Bennett report continues with an analysis based on the London Plan Policy 3.18D:

In particular, proposals for new schools should be given positive consideration and should only be refused where there are demonstrable negative local impacts which substantially outweigh the desirability of establishing a new school and which cannot be addressed through the appropriate use of planning conditions or obligations.

The T.P Bennett report goes on to assess Educational Need, Parking 'stress' and the overall balance.

Education Need

T.P Bennett consider, based on the Council's Primary School Development Plan, that there is a shortage of Education Planning Area 2 places in 2015/16 even with the 60 places provided by Harris Beckenham. There is a surplus of places in Planning Areas 1 and 2 together but only with Harris Beckenham, Crystal Palace Primary School and an extra form of entry at both Stewart Fleming and James Dixon Primary Schools. Of these, only Harris Beckenham has a planning permission and that is for a temporary period. Similarly, Park Langley School lacks a planning permission.

The Government's Education Funding Agency (EFA) state that '*Bromley continues to need places for primary children and you have rightly included the school in your place planning*'. In conclusion, T.P Bennett consider that there is a demonstrable need for additional primary school places to serve this part of the Borough.

Parking Stress (the amount of on-street parking and capacity)

The applicant's team point out that the Lambeth Methodology is only a guideline, it has no policy status. There is no 200 metre guideline for schools where parking visits are brief. The 200m guideline relates to residential development. The applicants agreed the approach in discussions with the Highways team and carried out their survey of current circumstances at the time of maximum peak parking demand.

The applicant's team consider that their surveys are in line with the Lambeth Guidance and are appropriate. There will be sufficient capacity to accommodate on-street drop-off and pick up. Furthermore, a planning condition is to be attached to secure a school Travel Plan including measures to encourage the use of alternative modes of transport to the car.

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Planning Balance

The Applicants' team consider that there is a demonstrable need for Primary school places to serve this part of the Borough. The new Primary Academy is now open and these pupils would need to be accommodated elsewhere while the permanent school is not built. Traffic impacts will be mitigated by the school travel plan. There will be no detrimental impact to the adjoining Manor Way Conservation Area. The proposals should be granted planning permission as early as possible due to the delay in permanent accommodations for the Primary School and the considerable public cost.

Officer Comments

Officer comments taking into account the correspondence since 13th July are set out below:

- Please refer to Document K Officer Comments on KEPA letter of 24/07/15 – Education
- Please refer to Document L Officer Comments ? Conservation
- Please refer to Document M Officer Comments – Transport

DISCUSSION

At the root of the KEPA challenge are the assessments of Educational Need, Transport/Parking, impact on the Conservation Area and the overall planning balance.

The Council offered an all parties meeting with a view to exploring a mediated solution. This did not take place, leading the Council to invite written comments which are referred to earlier in this report.

The essentials of a planning decision are development plan policy and material planning considerations. The officer report to the DCC in July sets out: - the proposal; the supporting evidence; comments from the local community including the original objections from KEPA (Peacock & Smith); and the Consultee comments. It moves on to identify the relevant Planning Policies and Planning History before addressing the main evaluation in the Conclusion and Summary section and Recommendation.

In short, the July DCC report analyses the development plan policy and material planning considerations, as it should do. It draws attention to strong policy support for schools from both the NPPF and the London Plan (2015). In addition, the report draws attention to the full copies of documents available on the Planning File.

At this October 2015 Special DCC, the original documents and the subsequent material should be considered.

Education Need

The main basis for identifying educational need in the July 2015 DCC report and the Council's subsequent analysis is the Council's Primary School Development Plan (PSDP) approved in January 2015. The PSDP sets out the demand for primary school places across the Borough and how they could be met by short term measures (e.g. temporary classes) and long term measures (e.g. new and extended schools). The PSDP details how this can happen in subdivisions of the Borough, the Education Planning Areas and explicitly shows the basis for the Primary School provision.

The Harris Beckenham Primary School is specifically shown in the PSDP as part of the Plan's proposals to meet educational need. Furthermore, of several schools proposed to meet the identified need in Planning Areas 1 and 2, it is one of the most advanced in terms of delivery.

The Officer Education commentary, after considering KEPA's numerical analysis, confirm that it is needed and should proceed without delay.

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Parking 'stress'

The Council's Highways Officer has further considered the Parking 'Stress' issue in the light of KEPA's correspondence, the Technical Note prepared by the Applicant's consultant RPS and the material received before the DCC meeting of 13th July 2015. He concludes that the Parking survey carried out by RPS is not misleading. In reaching this conclusion, the Council's Highways Officer has advised that the extra walking time to cover 300 metres is about 2 to 3 minutes. The significance of the 300 metres distance is that it is the difference between the views of the Applicant's and KEPA's transport consultants as to a reasonable parking survey boundary.

The 'Lambeth Methodology' is a method for assessing car parking 'stress' (the amount of available car parking capacity) prepared by Lambeth Council for residential and commercial developments. It is often used elsewhere within Greater London. Nonetheless, it is guidance only.

This type of planning permission would be subject to a travel plan secured by planning condition. This travel plan will encourage staff, pupils and parents to travel to the school site by walking, cycling, public transport and car-sharing.

The Council's Highways Officer further concludes that there is sufficient on-street parking capacity to accommodate the primary school and the secondary school operating at full capacity.

Conservation Area and Balance

The KEPA correspondence considers that the assessment of detriment to the Conservation Area is fundamentally flawed as it is predicated on the traffic officer's report which is in turn predicated on the outcome of traffic surveys deploying the Lambeth Methodology which in the view of KEPA's traffic consultants were incorrectly applied. The Council's Highways Officer has considered the matter again and concluded that the RPS survey is not misleading.. It follows that the assessment in relation to the Conservation Area is not 'fundamentally flawed'.

The Conservation officer considered the effect of the development on the Conservation Area but did not identify harm and found that it preserves the character and appearance of the Conservation Area and its setting, to which the Council is required to pay special attention and give considerable weight in the terms of national legislation, national policy and the Development Plan.

KEPA correspondence

The KEPA letter dated 24th July 2015 identified action that the Council could take, including a referral of the application back to the Committee. This report does that, enabling the Committee to consider the challenges raised by KEPA.

Next Steps

If the Council grants planning permission, a challenge by way of a Judicial Review could follow commencing within 6 weeks of the issuing of the Council's decision notice. If successful, that could ultimately lead to a quashing of the planning permission. There would be costs involved in the defence of any Judicial Review application, and, in the event of such a challenge being successful, there may be additional costs involved which are not quantifiable at this stage. The Council has taken Legal advice, set out in the Part 2 confidential attachment.

Summary

The challenges raised by KEPA are referred to and addressed in the report. Technical analysis and reports are focussed on the given nature of the challenges by KEPA. These, and the officer responses, should all be taken into account.

Harris Academy Beckenham, Manor Way

Overall, having reviewed and updated, the officer recommendation is the same as that on 13th July 2015.

Recommendation:

- i. **That the Committee Review their resolution of 13th July 2015 taking into account this report; and**
- ii. **Permission be granted subject to the same S106 legal agreement and the same conditions as in the 13th July 2015 resolution.**

Documents in this report:

- Document A - DCC Agenda of 13/07/15 meeting for application 15/00909
- Document B - DCC Minutes of 13/07/15 meeting for application 15/00909
- Document C - KEPA 'Pre-Action Letter – Judicial Review' dated 24th July 2015
- Document D - Council's letter dated 6th August 2015
- Document E - KEPA 'Pre-Action Letter – Judicial Review' of 12th August 2015
- Document F - Council's letter dated 4th September 2015
- Document G - KEPA 'Pre-Action Letter – Judicial Review' dated 7th September 2015
- Document I - Council's letter to KEPA and the Applicants dated 11th September 2015
- Document H - KEPA email dated 18th September 2015 with 'Radial Maps' attachments
- Document J - Applicant's comments on KEPA 'Pre-Action' matters by letter dated 17th September 2015
and RPS Technical Note dated 13th August 2015
- Document K - Officer Comments– Education
- Document L - Officer comments – Transport

Attachments

- Attachment 1 - Site plan (same as 13/07/15 DCC report)
- Attachment 2 - Conservation Area in vicinity of the site



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DATE: 2 July 2015

To: Members of the
DEVELOPMENT CONTROL COMMITTEE

Councillor Peter Dean (Chairman)
Councillor Nicky Dykes (Vice-Chairman)
Councillors Vanessa Allen, Graham Arthur, Douglas Auld, Kathy Bance MBE,
Eric Bosshard, Katy Boughey, Lydia Buttinger, Simon Fawthrop, Ellie Harmer,
Charles Joel, David Livett, Russell Mellor, Alexa Michael, Richard Scoates and
Michael Turner

A meeting of the Development Control Committee will be held at Bromley Civic
Centre on **MONDAY 13 JULY 2015 AT 7.30 PM**

MARK BOWEN
Director of Corporate Services

Public speaking on planning application reports is a feature at meetings of the Development Control Committee and Plans Sub-Committees. It is also possible for the public to speak on Contravention Reports and Tree Preservation Orders at Plans Sub-Committees. Members of the public wishing to speak will need to have already written to the Council expressing their view on the particular matter and have indicated their wish to do so to Democratic Services **by no later than 10.00 a.m.** on the working day before the date of the meeting.

The inclusion of public contributions, and their conduct, will be at the discretion of the Chairman. Such contributions will normally be limited to two speakers per proposal, one for and one against, each with three minutes to put their point across.

For further details, please telephone **020 8313 4745**.

A G E N D A

- 1 **APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**
- 2 **DECLARATIONS OF INTEREST**
- 3 **CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 9 JUNE 2015**
(Pages 1 - 22)

4 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

In accordance with the Council’s Constitution, questions to this Committee must be received in writing 4 working days before the date of the meeting. Therefore please ensure questions are received by the Democratic Services Team by 5pm on Tuesday 7 July 2015.

5 PLANNING REPORTS

Report Nos.	Application Number and Address	Page Nos.	Ward
5.1	(15/00909/FULL1) - Harris Academy Beckenham, Manor Way, Beckenham BR3 3SJ	23 - 60	Kelsey and Eden Park
5.2	(15/00908/FULL1) - Harris Academy Beckenham, Manor Way, Beckenham BR3 3SJ	61 - 88	Kelsey and Eden Park

6 LOCAL LIST OF VALIDATION REQUIREMENTS FOR PLANNING APPLICATIONS
(Pages 89 - 124)

7 PETITION - BULL LANE ALLOTMENTS (Pages 125 - 128)

8 BROMLEY'S LOCAL PLAN - POTENTIAL SITE ALLOCATIONS DRAFT POLICY AND DESIGNATIONS ALTERATIONS' FOR CONSULTATION (Pages 129 - 146)

(A copy of the ‘Local Plan – Potential Sites, Draft Policy and Designation Alterations’ referred to as Appendix 1, will be made available in the Members’ Room and published on the Council’s website shortly. A paper copy will also be available at the meeting.)

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DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held at 7.30 pm on 13 July 2015

Present:

Councillor Peter Dean (Chairman)
Councillor Nicky Dykes (Vice-Chairman)
Councillors Graham Arthur, Douglas Auld, Eric Bosshard,
Katy Boughey, Kevin Brooks, Lydia Buttinger, Simon Fawthrop,
Ellie Harmer, Charles Joel, David Livett, Russell Mellor,
Alexa Michael, Richard Scoates, Michael Turner and
Angela Wilkins

Also Present:

Councillors Nicholas Bennett J.P., Tom Philpott and
Stephen Wells

**16 APOLOGIES FOR ABSENCE AND NOTIFICATION OF
SUBSTITUTE MEMBERS**

Apologies for absence were received from Councillors Vanessa Allen and
Kathy Bance; Councillors Angela Wilkins and Kevin Brooks acted as their
respective substitutes.

17 DECLARATIONS OF INTEREST

No declarations of interest were received.

**18 CONFIRMATION OF THE MINUTES OF THE MEETING HELD
ON 9 JUNE 2015**

Minute 11 - Planning Appeals - Costs 2014/15 (page 10)

The final paragraph was amended to read:- *'Some Members commented it
should be the policy of the DCC that, where appropriate, the recommendation
of "members views requested" be used in reports to Development Control and
Plans Sub-Committees.'*

RESOLVED that subject to the amendments set out above, the Minutes
of the meeting held on 9 June 2015 be confirmed and signed as a correct
record.

19 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

No questions were received.

20 PLANNING REPORTS

20.1 (15/00909/FULL1) - Harris Academy Beckenham, Manor Way, Beckenham BR3 3SJ

Members considered the following planning application report:-

Item No.	Ward	Description of Application
5.1 (page 23)	Kelsey and Eden Park	Demolition of all buildings on site (except the basketball block) and erection of replacement buildings to accommodate a 3 storey 6FE Academy (8,112 sqm GIA) for 1,150 pupils and a 2 storey primary Academy (2,012 sqm GIA) for 420 pupils together with temporary classroom accommodation for a period of two years, provision of 97 car parking spaces, 170 cycle parking spaces, associated circulation and servicing space, multi-use games areas and landscaping.

The Planning Development Control Officer reported the following:-

1. Late objections in respect of both applications received on behalf of KEPA, including a Transport Report by independent consultants, raised concerns about the impact on residential amenity for the secondary only application including use of the MUGA. In respect of the primary and secondary application, concerns about the impact on the conservation area through views of the site and the associated increased activity, unacceptable highway impacts including parking stress, harm to residential amenity through noise and disturbance and flaws in the educational need argument in particular relating to the proposed school at Langley Park which it was argued had not been taken into account and the possibility of the use of permitted development rights to open a school elsewhere to accommodate the need.
2. A number of other late objections had been received raising issues as summarised in the committee report and additionally the issues raised in the KEPA objection.
3. There were also some late letters of support, including one from the Central Beckenham Residents Association.

4. The Council's Highway Engineer had provided comments on the Transport Report received with the late KEPA objection. He confirmed that the Highway Authority maintained no objection to either application. He pointed out that the focus of the objection was flaws in the parking stress survey methodology which claimed that the 200m distance used in the assessment was not correctly followed. In fact the Lambeth Methodology for parking surveys allowed for a 500m distance for commercial development and the 200m distance was for residential schemes.
5. The Education Authority's Head of Strategic Place Planning had provided comments on the educational need issues raised in the late KEPA objection. He pointed out that there were many risks relating to the school expansion programme in Bromley and there was no guarantee that any of the schemes without planning permission would progress. He considered that the argument for need had been made clear and there would be a deficit without Harris Beckenham. The actual demand for this site had been evidenced through the admissions process.

None of the late information and responses received altered the recommendations as set out in the agenda. Copies of all of these documents were available on the application files.

Oral representations in objection to the application were received from Mr Mark Batchelor on behalf of Kelsey Estate Protection Association. Mr Batchelor made the following points:-

- The development would have a significant impact on residents in Manor Way.
- The educational need requirement was questionable.
- The development would result in an increased headcount of 75%.
- There would be an impact on vehicular traffic; the Parking Stress Survey had indicated an increase in traffic of 124% at peak times.
- The applicant's parking survey showed people would need to walk ½ kilometre from the nearest parking provision to the school gate.
- The development would be harmful to the character of the conservation area.

Mr Batchelor urged Members to give proper weight to educational need requirement when considering the application.

Oral representations in support of the application were received from Mr Mike Ibbott, the applicant's agent. Mr Ibbott commented briefly on key issues and responded to KEPA comments. He also made the following points:-

- Planning Officers had produced a comprehensive report and had worked closely with the applicant and agent at both pre and post-application stages to address key planning issues.
- Education was at the heart of the planning system – the policy test was set out in London Plan Policy 3.18D.
- The secondary application would enable the school to operate at its agreed capacity. The primary school need was established and documented in the Council's Primary Schools Development Plan; without it, there would be a deficit of education in the Borough.
- There were no planning proposals in regard to the new Park Langley School and there was no likelihood of a permitted development scheme being put forward in the short term. The school would also service a different catchment area.
- The secondary school was expanding to agreed capacity.
- The primary school would operate in the same way as the secondary school with off-site drop-off/pick-up. KEPA comments were wrong – the Lambeth methodology is only a guideline and the 200m rule is based on long-term parking for residential development which was very different from school drop-off. The Highways Officer agreed the methodology and agreed with the conclusions.
- MUGA had very generous separation distances. The playground was part of the school's PE provision.
- This was an existing school site and the policy test emphasised education need against local impacts.

Mr Ibbott responded to Member questions as follows:-

- He was unsure how many of the existing four disabled parking spaces were utilised by staff however, the school would manage them according to need.
- In regard to reconfiguring the new primary school building by turning it 90% away from residential properties to face the other building, Mr Ibbott stated that the new school was designed to create a buffer between the playground and the other building. Various configurations had been tested and the current proposal had proved, on balance, to be the best option.

There would be no direct overlooking onto residential properties. The option to rotate the building had not been discussed with planning officers.

The following oral representations on behalf of the Portfolio Holder for Education, Councillor Peter Fortune were received from Executive Support Assistant Councillor Tom Philpott:-

"I wanted to set out my support for the Harris Beckenham Primary Academy. The new school is central to my planning for school places in Beckenham. The Harris Federation has already demonstrated their ability to improve the secondary provision at Harris Beckenham. I know how ambitious the Federation is about raising standards and outcomes for our local children and I am sure once open, Harris Primary Academy Beckenham will join the other high performing and popular schools in this part of the borough.

All bar one local primary school in Beckenham were oversubscribed in the last academic year, with many places filled by siblings and the proximity from which schools attracted pupils decreased as demand grew. The evidence of need for the school as presented to the Education Scrutiny Committee on 27 January this year is clear. Without Harris Beckenham, we would have a deficit of 13 school reception places this September and that situation only gets more acute as we move into the next decade, rising to 53 in 2020/21. When we add 5% for contingency and choice, in line with Council policy and that of many other councils, that deficit increases to 75 by the beginning of the next decade. When we look at the data for the over-subscribed, non-faith primary schools in proximity to this site, they draw their pupils from extremely tight locations. Last year one of these schools took pupils from no more than a third of a mile away.

The balance to be struck between protecting our local neighbourhoods from over-development and providing the infrastructure they require is a fine balance to be struck. As a Council we have a statutory responsibility to provide sufficient school places for people living in our neighbourhoods. In this instance I am convinced that the proposal before the committee meets local need and through the use of existing school land fits well with local, nation and regional planning policy and minimises the impact on the local community."

In making his own representations, Councillor Philpott referred to the new Langley Free School and urged Members to consider the following:-

- This very welcome additional school has been approved by the Secretary of State as an educational institution but has not yet confirmed their site, been given planning permission or agreed their premises with the EFA. The Langley Boys site where the free school may be situated is, by my calculation, 1.3 miles drive from the Harris Beckenham site.
- Even if the Langley School took all of its 2 FE entrants from the Planning Area which Harris Beckenham would be located in, LBB would still have a

deficit of places in this area (without Harris Beckenham) once the 5% surplus policy is accounted for.

- In reality it is unlikely that Langley will take 100% of its pupils from this area as, depending upon the oversubscription criteria they use, it is likely that they will draw student not just from the north in Beckenham but also from West Wickham in the South and the Langley estate to the North East.
- Therefore we do not feel that the potential creation of this new school invalidates the need for the Harris Beckenham Primary Academy.

As Ward Member for Kelsey and Eden Park, the Chairman had received a significant amount of mail from interested parties both in support and in objection to the application. He had, therefore, considered the application as objectively as possible. The new Langley Free School was nowhere near fruition and there was categorically, a distinct educational need within the Borough. Whilst the Chairman had objected to the previous application on the grounds of over-development and loss of amenity to local residents, the current proposal would result in a smaller footprint of land being used and the playground between the two schools would act as an acoustic wall to lessen the impact on local residents. There would be minimal impact on the conservation area.

Whilst there would be an increase in traffic, a Traffic Plan had been submitted. Local residents would be within walking distance of the school and arrival and departure hours would be staggered. The Chairman therefore moved that permission be granted.

Councillor Michael particularly liked the configuration of the buildings and the way in which the primary school would act as a buffer to block noise. The removal of 26 trees from the site raised concerns and in this regard the addition of a condition regarding replacement trees was requested. It was noted that the school would be open for community use. For the reasons set out above Councillor Michael seconded the motion for permission to be granted.

It was generally agreed that:-

- the current application was much-improved;
- the Council had a statutory duty to provide education sites within the Borough;
- Condition 20 be amended to include a proviso that floodlights should not be used at any time;
- Permitted Development Rights be removed as a matter of course;
- a slab level condition should be included.

Members having considered the report, objections and representations
RESOLVED that PERMISSION BE GRANTED SUBJECT TO THE PRIOR COMPLETION OF A SECTION 106 LEGAL AGREEMENT as recommended and subject to the conditions and informatives set out in the report of the Chief Planner with conditions 6 and 20 amended to read:-

'6 (i) A detailed scheme of landscaping which shall include:-

- details of replacement trees;
- details of bird and bat boxes;
- details of log piles;
- details of ecological improvements to the existing pond;
- details and samples of any hard surfaces (NB: No loose materials shall be used for surfacing of the parking and turning area hereby permitted);
- full details of boundary treatments;
- proposed plant numbers, species, location and size of trees and tree pits;
- furniture and lighting; and
- details of the management and maintenance of the landscaping for a period of five years;

shall be submitted to and approved in writing by the local planning authority prior to construction of any above ground works.

(ii) The approved landscaping scheme shall be implemented in full and all planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development hereby approved, in accordance with the approved scheme under part (i). Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

Reason: In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policies BE1, BE7, NE3, NE5 and NE7 of the UDP.

20 The Multi Use Games Area (MUGA) hereby approved, shall only be used between the hours of 08:25 and 18:00 on any day Monday to Sunday inclusive and for the avoidance of doubt there shall be no floodlighting erected or used at any time.

Reason: In the interests of protecting neighbouring residential properties from activities that could result in excessive noise and disturbance outside of normal school hours and in accordance with Policy BE1 of the UDP (2006).'

A further two conditions were added as follows:-

24 Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking and re-enacting this Order) no buildings, structures, alterations, walls or fences of any kind shall be erected or made within the curtilage of the school buildings hereby permitted without the prior approval in writing of the Local Planning Authority.

Reason: In the interests of protecting amenity in accordance with UDP Policy BE1.

25 Details of the proposed slab and finished roof levels of the buildings hereby approved and the existing site levels shall be submitted to and approved in writing by the Local Planning Authority before work commences on the permanent buildings hereby approved and the development shall be completed strictly in accordance with the approved levels.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

20.2 (15/00908/FULL1) - Harris Academy Beckenham, Manor Way, Beckenham BR3 3SJ

Members considered the following planning application report:-

Item No.	Ward	Description of Application
5.2 (page 23)	Kelsey and Eden Park	Demolition of all buildings on site (except the basketball block) and erection of replacement buildings to accommodate a 3 storey 6FE Academy (8,112 sqm GIA) for 1,150 pupils together with temporary classroom accommodation for a period of two years, provision of 71 car parking spaces, 128 cycle parking spaces, associated circulation and servicing space, multi-use games areas and landscaping.

The commentary contained in Minute 5.1 also pertains to this report.

Members having considered the report, objections and representations **RESOLVED that PERMISSION BE GRANTED** as recommended, subject to the conditions and informatives set out in the report of the Chief Planner with conditions 6 and 20 amended to read:-

'6 (i) A detailed scheme of landscaping which shall include:-

- details of replacement trees;
- details of bird and bat boxes;

- details of log piles;
- details of ecological improvements to the existing pond;
- details and samples of any hard surfaces (NB: No loose materials shall be used for surfacing of the parking and turning area hereby permitted);
- full details of boundary treatments;
- proposed plant numbers, species, location and size of trees and tree pits;
- furniture and lighting; and
- details of the management and maintenance of the landscaping for a period of five years;

shall be submitted to and approved in writing by the local planning authority prior to construction of any above ground works.

- (ii) The approved landscaping scheme shall be implemented in full and all planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development hereby approved, in accordance with the approved scheme under part (i). Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

Reason: In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policies BE1, BE7, NE3, NE5 and NE7 of the UDP.

20 The Multi Use Games Area (MUGA) hereby approved, shall only be used between the hours of 08:25 and 18:00 on any day Monday to Sunday inclusive and for the avoidance of doubt there shall be no floodlighting erected or used at any time.

Reason: In the interests of protecting neighbouring residential properties from activities that could result in excessive noise and disturbance outside of normal school hours and in accordance with Policy BE1 of the UDP (2006).'

A further two conditions were added as follows:-

22 Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking and re-enacting this Order) no buildings, structures, alterations, walls or fences of any kind shall be erected or made within the curtilage of the school buildings hereby permitted without the prior approval in writing of the Local Planning Authority.

Reason: In the interests of protecting amenity in accordance with UDP Policy BE1.

23 Details of the proposed slab and finished roof levels of the buildings hereby approved and the existing site levels shall be submitted to and approved in writing by the Local Planning Authority before work commences on the permanent buildings hereby approved and the development shall be completed strictly in accordance with the approved levels.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

21

KELSEY ESTATE PROTECTION ASSOCIATION (KEPA)

- The Residents' Association Protecting the Amenity of the Historic Kelsey Estate and the Manor Way Conservation Area -

24th July 2015.

PRE-ACTION LETTER - JUDICIAL REVIEW

For the Attention of:

Mr Doug Patterson, Chief Executive
Mr Jim Kehoe, Head of Planning
Cllr Stephen Carr, Leader of the Council
Cllr Peter Dean, Chair Development Control Committee

1. Proposed Claim for Judicial Review

This pre-action letter of a proposed claim for Judicial Review is in respect of application DC/15/00909/FULL1 approved by the Development Control Committee at 7.30pm on Monday 13 July 2015. This is an application to demolish all buildings on the current Harris Academy site on Manor Way, Beckenham and erection of replacement buildings to accommodate a 3 storey 6FE Academy for 1,150 pupils and a 2 storey primary Academy for 420 pupils together with temporary classroom accommodation for a period of 2 years, and provision of 97 car parking spaces.

2. The Claimant

Kelsey Estate Protection Association (KEPA), the residents' association representing the Manor Way Conservation Area.

3. Defendant's Reference Details

The London Borough of Bromley

4. Details of Claimant's Legal Advisers

Richard Stein of Leigh and Day Solicitors has been commissioned to provide legal advice and will be further commissioned to represent KEPA at the point of application for Judicial Review.

Please note that in accordance with the legislation pertaining to judicial review issues with a public interest connected to conservation KEPA will be applying for a protected cost order.

5. Details of the Matter being Challenged

The Development Control Committee decision on 13 July 2015 was predicated on erroneous purposefully statistics and conclusions in the Planning Officer's report to the Committee. The Planning Officer had been alerted to the fundamental errors prior to the meeting but chose not to revisit and amend the reports. The decision of the committee was not based on objective evidence-based planning facts and was thereby fundamentally administratively flawed. We are challenging that decision and seeking remedy.

6. Detailed of Interested Parties

None

7. The Issue

The date and details of the decision

The decision was made by the Development Control Committee on 13 July 2015 to grant permission.

Summary of Facts

The grounds for Judicial Review are that the decision by the Development Control Committee on 13 July 2015 was the subject of procedural impropriety. There was a failure of the traffic officer, conservation officer and planning officer in drafting their reports and the Councillors in the Development Control Committee considering those reports to observe procedural rules that are expressly set out in planning law – to make planning decision on objective material evidence based planning facts - and a failure to observe the basic rules of natural justice and to act with procedural fairness (procedural ultra vires).

Planning decisions must be based on evidence-based and material planning facts. In this application the Planning Authority in its report to the Committee and the Councilors on the Development Control Committee were under a legal duty to determine 3 matters: an analysis of primary school places education need in planning areas 1 and 2 (the contiguous areas being the designated education planning unit for primary school places); an analysis of the detriment to the Manor Way Conservation Area resulting from the application; and a balancing exercise between the two. The first two of these must be based on material evidence-based fact. The last element is a judgement flowing from the facts but the Courts have made clear (see *Barnwell Manor Wind Energy Ltd v Northants DC, English Heritage, National Trust* 7 SSCLG [2014] EWCA civ 137) that in making that judgement the Planning Department and Councilors must not simply weigh each side equally, rather considerable weight must be given to protection of the Conservation Area. In practice in this case, this means the scope and scale of educational need must be significantly greater than the damage to the Conservation Area.

In respect of the assessment of primary pupils educational need the Planning Authority relied on the Education Policy and Development Committee report of 27 January 2015 which at item 8 appendix 2 submitted for approval the most recent statistics on primary school places. These statistics showed for the relevant planning areas 1&2 a surplus of place as follows: 2015/16 (+20), 2016/17 (+41), 2017/18 (+39). An additional 60 places from the Langley Park primary school which has been approved and plans to open in 2016/17 and which falls into the same planning area were excluded. We are also cognizant of the fact that these statistics already include a 5% buffer of additional places to accommodate parental choice and also include a 8% buffer for pupils who will choose private provision.

At the point of the consideration of this application it is indisputably the fact according to the Authority's own statistics that there is no educational need for 2015/16. There is equally no need in 2016/17. The picture in 2017/18 is less clear cut. If the application was refused there would be a deficit of 21 places in 2017/18 and approximately the same for the next 10 years. However that deficit takes no account of the approved places at Langley Primary school. The Authority argued that these places cannot be considered because they are not currently in existence. Whilst this would be reasonable if the application at hand were for 2015/16 places it wholly unreasonable when the application is for 2017/18. In any professional environment of forward planning one must make reasonable judgements. Indeed the projection of pupils demand itself is based on future judgement and not present fact. We maintain that in any professional private business and public policy environment it is wholly unreasonable to simply dismiss this planned provision, particularly considering that Langley school has made it clear that they will open in 2016/17 and that they are able to do so in temporary accommodation with out planning permission resulting from the relaxation of the GPDO.

In respect of the assessment of detriment to the Conservation Area the planning officer's report is fundamentally flawed. The Conservation Officer's assessment of damage to the Conservation Area is predicated on the traffic officer's report which in turn is predicated on the outcome of traffic surveys deploying the Lambeth Methodology. The Lambeth Methodology requires parking and traffic assessment to be conducted within 200 metres walking distance from the school gates. The applicant surveyed an area up to 580 metres from the school gate. The result was a dilution of the parking and traffic situation and a diluted projection. KEPA's traffic consultants, SLR Consulting, deploying the Lambeth Methodology correctly showed parking stress rising to 125%. This fundamental point was raised with the planning officer Tim Horsman before the Committee meeting with a request the report be re-visited and amended. This request was ignored and implicitly refused. Instead, during the preamble to the meeting Tim Horsman mentioned very quickly that the application of the Lambeth Methodology had been agreed between the transport department and the applicant and all was in order. This was a shocking statement. We contend that the planning department were quite aware of the erroneous analysis but rather than remedy the error sought to cover it up in order to expedite approval of the application.

The transport department does not have locus and discretion to agree the terms of the Lambeth Methodology, to do so would make the whole methodology meaningless and redundant. Notwithstanding this point, Nojan Rastani, the traffic officer's report, dated 20/04/2015 explicitly states that the terms of the Lambeth Methodology agreed with the applicant was 200 metres walking distance from the school gates. Tim Horsman's statement to the Committee is willfully erroneous to achieve the desired outcome. It is also noteworthy that there are many examples of school planning applications where the Authority has deployed the precedent of 200 metres walking distance from the school gate, for example DC/14/01672/VAR.

Turning to the final matter – the balance of educational need against damage to the Conservation Area. The planning committee implicitly concluded that a future deficit of 21 places in 2017/18, ignoring the 60 places of the Langley Primary school was enough of an educational need to outweigh damage to the Conservation Area based on erroneous analysis of that damage. Following on from the paragraphs above the planning Committee were unequivocally unable to make that judgement because of the erroneous statistics and reports provided by the planning and traffic officers. The correct action would have been to re-schedule the committee meeting once the reports had been accurately re-produced.

8. The Details of the Action that Defendant is Expected to Take

We understand that the Planning Notice has not issued in respect of this application as the attendant Section 106 Agreement has not yet been completed. The Planning Authority has the power to refer the application back to the Planning Committee to be correctly re-considered with full and accurate reports from the Conservation Officer, the Traffic Department and the Planning Department. In doing so, the Planning Authority would not be subject to any compensation claims by the applicant as the Planning Notice has not issued. This action would remedy the grounds for Judicial Review and thereby obviate that application and attendant award of costs against the Authority. We consider this remedy to be wholly reasonable and a course of action in the interests of due process, democratic process and natural justice.

9. ADR Proposals

None

10. Details of Information Sought

We request an explanation to the conduct set out in paragraph 8 above and the information set out in paragraph 11 below.

11. The Details of any Documents Considered Relevant and Necessary

We request copies of the following:

All correspondence and draft and final reports (written, electronic, notes of meetings and conversations) between the traffic department, planning department officers, Conservation Officer, Bromley Councillors and the planning permission applicant and his agents in respect of the implementation of the Lambeth Methodology and the outcome of the traffic and parking surveys.

All correspondence and draft and final reports (written, electronic, notes of meetings and conversations) between the Conservation Officer, planning department officers, transport officers, Bromley Councillors and the planning permission applicant and his agents in respect of the conservation area assessment connected with the application.

All correspondence and draft and final reports (written, electronic, notes of meetings and conversations) between the education department and the planning department and Councillors and the planning permission applicant and his agents in respect of the statistical assessment of educational need and the treatment in those statistics of the Langley Primary school planned to open in September 2016.

A copy of the Leader of the Council's investigative report into Councillor Wells 30 November 2014 email to Mr Bollen and others in the Education Department recording his agreement with the Chief Executive of the Council, the Education Department and the Planning Department that the Planning Authority would not robustly defend the appeal to the Planning Inspectorate in respect of application DC/14/01636/FULL1 or APP/G5180/A/14/2228314

A copy of changes in the educational needs statistics for Planning Areas 1 and 2 in the last 12 months following Councillor Wells email to educational department officers pursuant to the paragraph above to ensure that the educational need statistics and arguments in respect of the planning application subject to this pre-action letter are made more robust

12. The Address for Reply and Service of Court Documents

At this pre-action stage all papers should be sent to 68 Manor Way, Beckenham BR3 3LR. Subject to the outcome of this pre-action letter and formal submission of Judicial Review documents we will provide you with a revised address of our legal representatives

13. Proposed Reply Date

We would be most grateful for a full reply by Friday 14 August 2015

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8290 0608

020 8461 7647
marion.paine@bromley.gov.uk DX5727 Bromley

Mr M Mielniczek
68 Manor Way,
Beckenham
BR3 3LR

Your ref:

Our ref: L15 18/5/35/13

06 August 2015

Dear Mr Mielniczek,

**PROPOSED REDEVELOPMENT OF HARRIS ACADEMY SITE, MANOR WAY,
BECKENHAM**

I acknowledge receipt of your document entitled "Pre-Action Letter – Judicial Review" in the name of the Kelsey Estate Protection Association (KEPA) in respect of the above, received here by email on 24th July (which I will refer to hereafter as "the Letter").

However, if and insofar the Letter is intended to comply with the requirements of the High Court's current Pre-Action Protocol for Judicial Review (April 2015) to be found at(https://www.justice.gov.uk/courts/procedure-rules/civil/protocol/prot_jrv) then it is premature due to the fact that no decision notice has been issued in respect of the matter on which you have raised complaint. Established case law and, now, Civil Procedure Rule 54.5(5) confirm that the reduced six weeks time period for judicial review only runs from the date of the decision notice. Further, CPR 54.21(2)(a)(i), as supplemented by Practice Direction 54E, would require such proceedings to be taken in the Planning Court.

May I reassure you that the Council has carefully reviewed the contents of the Letter with Senior Counsel. However, the advice we have received is that there is nothing in the matters alleged in your letter which warrants the commencement of a Judicial Review, which is a procedure concerned with the legality of the decision-making process and not the planning merits. Nevertheless, as the Council wishes to work with all interests within the local community it is currently considering all its options, in its capacity, here, as local planning authority including taking the matter back to committee.

In this regard, although the Letter (para. 9) states "*ADR Proposals – None*" the Council is mindful of its duties under the Judicial Review Pre-Action Protocol (paras. 9-12) to explore possible routes of settlement to avoid litigation. As you have not made any proposals in this respect may I suggest that a meeting be arranged with the Council's Chief Planner, Mr Jim Kehoe to explore your concerns. I understand that Mr Kehoe is on leave until 25th August but if you contact Ms Najmin Qureshi (Najmin.qureshi@bromley.gov.uk), his personal assistant, she will arrange a suitable meeting time following Mr Kehoe's return.

It is proposed that up to 3 representatives attend, from each of KEPA, the Council, and the applicants and that Mr Kehoe chairs the meeting, at the Civic Centre. This meeting could be relatively informal, without legal representatives, and including a 10 minute opportunity for each of KEPA, the Council and the Applicants to make a statement, followed by a discussion.

Please be aware that your willingness to attend and your input at such a meeting with Mr Kehoe may assist with the course of action then Council then takes .

I also note from the Letter that you have stated "*None*" in relation to para. 6 "*Details of Interested Parties*". That is incorrect. The applicant, Keir Construction Limited, is, very much, an interested party in relation to any litigation. Therefore, it must be formally notified by you, and not informally through the Council, as Keir may wish to respond directly. Therefore, I recommend that you effect such formal notification as soon as possible by sending, first class, a copy of your letter to Keir Group Services, Legal Department, Tempsford Hall, Sandy, Bedfordshire SG19 2BD.

In addition, the Education Funding Agency and Harris Federation also appear to have a relevant interest. I understand that their contact details for service are as follows:
-Stuart Sands, Education Funding Agency, Sanctuary Buildings, Great Smith Street, London SW1P 3BT, and
- Jonathan Coad, Harris Federation, 4th Floor, Norfolk House, Wellesley Road, Croydon CR10 1LH.

Finally, at para. 13 of the Letter you propose a reply date of Friday, 14 August 2015 as the date for the Council's "*full reply*". Unfortunately, your combined Freedom of Information Act request, the non-service on Keir as well as the holiday period all make the achievement of this deadline unachievable. Given that the Council has not yet issued the decision notice in respect of the above-application I propose that Friday, 4th September is a more sensible deadline, and, to which officers will now work.

Yours sincerely

Marion Paine
Lawyer (Planning, Litigation & Licensing)
London Borough of Bromley

KELSEY ESTATE PROTECTION ASSOCIATION (KEPA)

- *The Residents' Association Protecting the Amenity of the Historic Kelsey Estate and the Manor Way Conservation Area* -

PRE-ACTION LETTER - JUDICIAL REVIEW

12 August 2015

By email:

To:
Marion Paine, Lawyer - by email

CC:
Mr Doug Patterson, Chief Executive - by email
Mr Jim Kehoe, Head of Planning - by email
Cllr Stephen Carr, Leader of the Council - by email
Cllr Peter Dean, Chair Development Control Committee - by email

Dear Ms Paine

Thank you for your letter of 6 August (your ref L15/8/5/35/13).

Thank you for referring to Civil Procedure Rule 54.5(5) setting out the 6 week time-line for issuing Judicial review claim from the date of the planning decision Planning Notice and CPR 54.21(2)a)(i) supplemented by Practice Direction 54E requiring such proceedings to be taken in the Planning Court. As you know, it is the application for Judicial Review and not the pre-action letter of proposed judicial review that is issued in the Planning Court. Further, as we acknowledged in our letter, including paragraph 8 "action the Defendant is expected to take" we intentionally issued the pre-action letter ahead of the issuance of the Planning Notice so that the remedial action available to the Authority was not unduly restricted. Once the Planning Notice issues the planning authority's option to return the application to the planning committee would be made problematic by paragraphs 97-100 Town and Country Planning Act 1990 including the matter of a claim for compensation by the applicant. Accordingly, we intentionally did not name any interested parties in paragraph 6 but we are content for you to informally notify them of this correspondence, which I infer you have done. Once the Planning Notice issues and subject to action flowing from our correspondence and any remedial action, we will issue a further formal pre-action letter with the applicant as an interested party and further to that an application for Judicial Review in the Planning Court. We do not consider contractors commissioned by the applicant to carry out work on their behalf to be interested parties.

We are happy to agree to your suggestion to meet with Mr Kehoe, the Chief Planner, to whom this letter is copied and we would be grateful if his office can provide us with suitable dates on his return week commencing 31 August or 7

September. I should point out that we did seek such a meeting at a much earlier date ahead of the application going to planning committee but the request was declined and we were instead invited to meet a planning officer at the site whilst she conducted a scheduled site visit.

At this stage we think it sensible for the meeting to be between the Authority and KEPA only. As pointed out in your letter the ground for judicial review is the legal process of the decision as administered by the Authority and not the planning merits of the application submitted by the applicant. We are content to restrict the meeting to 3 members of KEPA and 3 members of the Authority and will inform you of our representatives in due course and will exclude legal representation as you suggest. Following this meeting if the Authority feels it will be of further help to invite other parties to another wider meeting we will consider a further invitation.

We note your Counsel's comments in respect of grounds for Judicial Review. For the avoidance of doubt it may be help to re-affirm that in our pre-action letter KEPA is not seeking to substitute its view of the planning merits of the application for that of the planning committee, nor is it seeking to substitute its view of the balance of educational need against the detriment to the conservation area for that of the planning committee. Our concern is solely with the administrative law governing the process and the material mistakes of fact. In challenges to planning decisions it is normally necessary to establish that the decision maker acted on an erroneous impression created by a mistake as to, or ignorance of, a relevant fact (or availability of evidence of that fact) and that that fact was "established", in the sense that, if attention had been drawn to the point, the correct position could have been shown by objective and un-contentious evidence (see *Hounslow LBC v SSCLG* (2009) EWHC 1055 Admin) per Collins J at [14]-[15].

Whilst the wording of the Lambeth Methodology (LM) envisages a degree of flexibility and common sense, such flexibility must be within the bounds of rationality and reasonableness. Within the LM a clear distinction is drawn between commercial developments deploying a 500 metre survey distance and others deploying 200 metres and it would not be rational to treat an infant school as a commercial development contrary to established borough precedent. Equally, the methodology allows for flexibility to extend and contract the 200 metre cut off points where for example the route straddles corners, but the distance to Stone Park Avenue is 250 metres and yet it was extended beyond this point and the distance to Kelsey Way is 170 metres yet it was extended round the corner to 580 metres beyond even the commercial parameters. This is not a rational and reasonable application. Equally important the parameters applied by the applicant were non-compliant with those agreed with Bromley as evidenced in documentation we hold. Accordingly, the planning officer's report mis-directed the planning committee in its consideration of parking stress and the evaluation of its effect on the conservation area.

The planning officer's report also mis-directed the planning committee in its consideration of the scale and nature of educational need. The application was in

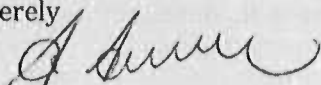
respect of school places commencing 2017/18. The Council presented figures to the committee for the relevant educational planning areas 1 and 2 of 1,056 available places (including the Harris Beckenham temporary 60 primary places) and 1,095 demand for places, giving a surplus of 39 places and a deficit of 21 if the Harris places desisted in 2017/18. This is spread across all the 17 primary schools in planning areas 1&2 or just over 1 pupil a school. As low as that figure was it was still inaccurate as it included 5% headroom of places designed to accommodate parental choice, the exclusion of which would turn the 21 place deficit above into a 29 surplus. Whilst educational choice derived from the 5% headroom may be deemed a desirable objective it does not constitute educational need in material planning terms. In addition the figures entirely ignored the 60 places available at the approved Langley primary school to come on stream September 2016 a full year before the 2017 effective date of the application under consideration. The report also declined to mention that 8% of the demand profile opt each year for private education. The planning committee should have been presented with the correct figure of educational need which was objectively +29 surplus for 2017/18 and been invited to further consider the factors of 5% headroom for choice, 8% opting for private education and the imminent Langley primary school. Instead they were directed that there was a deficit of places of 21 places and these children would be without a school place. This is objectively inaccurate and misleading. Accordingly the officer's report mis-directed the committee.

We further maintain that if the planning committee had not been mis-directed in the officer's report and instead furnished with the accurate statistics on parking stress and educational need, the planning committee in discharging its duty to balance educational need against detriment to the conservation area in the manner set out in legal precedent (*Barnwell Manor v Northants DC SCLG 2014 EWCA*) would have arrived at a different conclusion. It would be wholly irrational in the meaning of that word for the purpose of judicial review to conclude that the objective statistical educational need of 29 pupil place surplus across 17 schools would outweigh the parking stress of 120+% and attendant damage to the conservation area, notwithstanding the exclusion of the Langley primary places. It would be concluding that additional choice rather than objective need over-rode the duty to preserve and enhance the conservation area.

We acknowledge your Counsel may take a different view on these matters to our Counsel. We look forward to discussing the matter with the Authority once suitable dates have been provided by Mr Kehoe.

We are content with your proposed revised date for the provision of requested information.

Yours sincerely



MR M MIELNICZEK
On behalf of KEPA

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04/09/2015

Officer Comment on KEPA letter of 24/07/15

KEPA

In respect of the assessment of primary pupils educational need the Planning Authority relied on the Education Policy and Development Committee report of 27 January 2015 which at item 8 appendix 2 submitted for approval the most recent statistics on primary school places. These statistics showed for the relevant planning areas 1&2 a surplus of place as follows: 2015/16 (+20), 2016/17 (+41), 2017/18 (+39). An additional 60 places from the Langley Park primary school which has been approved and plans to open in 2016/17 and which falls into the same planning area were excluded. We are also cognizant of the fact that these statistics already include a 5% buffer of additional places to accommodate parental choice and also include a 8% buffer for pupils who will choose private provision.

OFFICER COMMENTS

The local authority uses education planning areas to assist it in its school place planning. These areas are used by Government and the Greater London Authority to project future demand, record fluctuations in pupil numbers and inform proposals for meeting need.

Harris Beckenham Primary Academy is based centrally within education planning area 2. The primary relevant information in determining the need for the school is the demand for school places in education planning area 2. The relevance of the consideration of demand for places from other education planning areas decreases, based on school proximities, the further a school is located from the planning area boundary. Conversely a school located on a planning boundary may satisfy demand from more than one education planning area. Any new school or expansion has an effect on the availability of school places and the proximity distance a school's offers places to local children.

The proximity distances for schools offering places surrounding Harris Primary Academy have reduced in recent years. In 2015 Bromley Road's proximity is 0.682 miles (1FE), Clare House 0.327 miles (2FE), Marian Vian 0.624 (3FE+bulge) and Unicorn 0.593 (2FE). Without Harris Primary Academy Beckenham there would be a shortage of school places in central Beckenham surrounding the Manor Way Harris Beckenham site.

In providing primary school places the local authority needs to provide sufficient schools places that also satisfy the statutory requirement to provide a reasonable offer of a place to each child. This needs to include consideration of the travel distance and times for a child to access a school place. The Home to School Travel and Transport Guidance - Statutory guidance for local authorities July 2014 (DfE) sets a statutory walking distance of 2 miles if below the age of 8 and 3 miles if aged between 8 and 16. The guidance also sets out that transport arrangements should not require a child to make several changes on public transport resulting in an unreasonably long journey time and best practice suggests that the maximum each way length of journey for a child of primary school age to be 45 minutes. Based on the above criteria, many of the schools in education planning area 1 would be outside of consideration due to the travelling times and distances involved.

04/09/2015

Officer Comment on KEPA letter of 24/07/15

For the reasons set out above, with Harris Beckenham located centrally in education planning area 2 and the distances involved in accessing many schools in neighbouring planning areas being 'unreasonable', in this instance we believe that using education planning area 2 as the primary dataset provides the most robust basis for assessing the need for the school.

Based upon consideration of the GLA data for education planning area 2 (Beckenham), need for the school can be demonstrated as in each year from 2015/16 through to 2020/21 there would be a deficit of places if Harris Beckenham Primary Academy was not open. This deficit would increase from 13 places in 2015/16 to 53 places by 2020/21. Furthermore, if the 5% uplift for contingency and choice is added in line with the Council's policy to ensure adequate provision in school place planning to meet its statutory duty for sufficient school places, the deficit rises from 35 in 2015/16 to 75 in 2020/21. Crucially on this basis in 2018/19 further provision will have to be made in education planning area 2 beyond the 60 additional places at Harris Primary Academy Beckenham. This justifies the need for Harris Beckenham Primary Academy now and the need for Langley Park Primary Free School or another provider at a later date.

As the matter of considering education planning areas 1 & 2 has been raised, our analysis of current and future need demonstrates that there is a need for Harris Beckenham Primary Academy when considering both planning areas. The planned admission numbers table from the Jan 2015 Primary School Development Plan indicate a 20 place surplus (less than 1 FE) in 2015/16 Planning areas 1 & 2 subject to the provision of

- 60 places (2FE) at Harris Beckenham, and
- 60 places (2FE) at Crystal Palace Primary School, and
- 30 place additional bulge class at Stewart Fleming,
- 30 place additional bulge class at James Dixon.

However, the opening of The Crystal Palace Primary School has been deferred until at least 2016 in the absence of a temporary or permanent site.

The planned admission numbers table from the Jan 2015 Primary School Development Plan indicate a 41 place surplus in 16/17 and a 39 place surplus in 17/18, both equating to just over 1 form of entry, subject to the provision of

- 60 places (2FE) at Harris Beckenham, and
- 60 places (2FE) at Crystal Palace Primary School, and
- 30 place (1FE) permanent expansion at Stewart Fleming,
- 30 place (1FE) permanent expansion at James Dixon

However, only Harris Beckenham currently has the benefit of planning permission (subject to possible JR). Whilst the Jan 2015 report recommended the feasibility of expansions required to provide an additional 1 FE at both Stewart Fleming and James Dixon be investigated with the Governors of these schools, they have yet to obtain planning permission (Application at Stewart Fleming currently awaiting determination).

04/09/2015

Officer Comment on KEPA letter of 24/07/15

Additionally, assuming a 2016 opening of The Crystal Palace Primary School, it will recruit by ballot within a 1.5 mile diameter (intended to be centred on the junction of Crystal Palace Parade and Westow Hill - SE19 1TX). Given the admission point of SE19 1TX the places available to Bromley residents are likely to be significantly lower than the 60 places in the January 2015 Education PDS report. The reason that Crystal Palace Free School was included within the report with 60 places was because, although the school was initially approved with the London Borough of Croydon, discussion with the proposer and Education Funding Agency suggested that school may possibly locate in Bromley. To date no site has been secured or planning consent sought.

Regarding the 8% of children who will be being privately educated. The Council uses GLA school roll projections which are based on school level roll data which exclude private rolls. The privately educated children would be additional to the pupils projected by the GLA and were not factored into the statistics presented to members.

KEPA

At the point of the consideration of this application it is indisputably the fact according to the Authority's own statistics that there is no educational need for 2015/16. There is equally no need in 2016/17. The picture in 2017/18 is less clear cut. If the application was refused there would be a deficit of 21 places in 2017/18 and approximately the same for the next 10 years. However that deficit takes no account of the approved places at Langley Primary school. The Authority argued that these places cannot be considered because they are not currently in existence. Whilst this would be reasonable if the application at hand were for 2015/16 places it wholly unreasonable when the application is for 2017/18. In any professional environmental or forward planning one must make reasonable judgements. Indeed the projection of pupils demand itself is based on future judgement and not present fact. We maintain that in any professional private business and public policy environment it is wholly unreasonable to simply dismiss this planned provision, particularly considering that Langley school has made it clear that they will open in 2016/17 and that they are able to do so in temporary accommodation with out planning permission resulting from the relaxation of the GPDO.

OFFICER COMMENTS

The applicants refer to the availability of a further 60 places available through the proposed Langley Park Primary indicated as coming on stream in 2016/17. Since the January 2015 report the Langley Park Primary School has now been approved to open by the Secretary of State for Education, however, whilst there will be a Local Plan consultation in Sept 2015 indicating the proposed allocation on the existing Langley Schools Complex there is a significant Local Plan process culminating in a public Inquiry before any Local Plan allocation can be adopted and no planning application has been submitted. With regard to the use of temporary accommodation this is indeed an option that any Free School with approval from the Secretary of State for Education could explore, however, this is reliant on finding suitable temporary accommodation. Failure to find suitable accommodation can

04/09/2015

Officer Comment on KEPA letter of 24/07/15

result in deferred opening as has been the case with both Harris Beckenham and The Crystal Palace Free School. The Council has received no notification of a proposed temporary opening under permitted development to accommodate Langley Park Primary in 2016.

Harris Primary Academy Beckenham was approved in a previous Free School wave with an original target opening date of September 2014, deferred until 2015. The school has the benefit of an approved temporary permission guaranteeing its ability to open and places have been offered by the school in line with the Council Primary School Development Plan. In the section above with have provided justification for Harris Primary Academy Beckenham on the basis of need considering both the local education planning area (2 – Beckenham) and need across education planning areas 1 & 2. When adding the 5% uplift in places to allow for contingency and choice the current projections provide justification over the period 2015/16 to 2020/21 for both Harris Primary Academy Beckenham and additional provision that could be Langley Free School. Furthermore, the Council needs to ensure that the place are available when need requires. There is a need for the school from September 2015/16 and there no other provision is available to meet the demonstrable need.

In summary the planned admission numbers table from the Jan 2015 Primary School Development Plan indicate proposals for 6FE to accommodate the permanent increase in reception intake. Currently only 2FE at Harris Beckenham benefits from permission (subject to JR).

Whilst Langley Park Primary Academy has received approval from the Secretary of State for Education past experience has demonstrated that an inability to find temporary accommodation can lead to a deferral of opening. It should be noted that both Langley Park School for Boys (114%) and Langley Park School for Girls (103.3%) are currently operating above their premises' capacity based on the autumn 2014 school census. This would impact the ability of either school to accommodate the Free School within the existing school buildings without expansion and/or remodelling works that would require planning consent.

Furthermore, the evidence above clearly demonstrates the argument is not about either/or Harris Beckenham Primary Academy or Langley Park Primary Academy, but that both schools are required based on the current GLA projections.

KEPA

Turning to the final matter – the balance of educational need against damage to the Conservation Area. The planning committee implicitly concluded that a future deficit of 21 places in 2017/18, ignoring the 60 places of the Langley Primary school was enough of an educational need to outweigh damage to the Conservation Area based on erroneous analysis of that damage. Following on from the paragraphs above the planning Committee were unequivocally unable to make that judgement because of the erroneous statistics and reports provided by the planning and traffic officers. The correct action would have been to re-schedule the committee meeting once the reports had been accurately re-produced.

04/09/2015

Officer Comment on KEPA letter of 24/07/15

OFFICER COMMENTS

The information above, responding to concerns raised by KEPA, provide additional explanation to support the understanding of the statistics which were presented to the planning committee. The statistics were not erroneous, based on the detailed analysis of the Planned Admission Numbers by Primary Education Planning Areas, and provided members of the planning committee with an accurate picture of the need upon which they were able to base a judgement and make their decision.

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KELSEY ESTATE PROTECTION ASSOCIATION (KEPA)

- *The Residents' Association Protecting the Amenity of the Historic Kelsey Estate and the Manor Way Conservation Area* -

PRE-ACTION LETTER – JUDICIAL REVIEW

7 September 2015

By email:

To:

Mr Jim Kehoe, Head of Planning

CC:

Mr Doug Patterson, Chief Executive

Ms Paine, lawyer

Cllr Stephen Carr, Leader of the Council

Cllr Peter Dean, Chair Development Control Committee

Dear Mr Kehoe

Thank you for your email and letter 4 September enclosing appendices from Bromley education in respect of educational need and RPS in respect of the traffic report.

Section 8 of KEPA's pre-action letter set out expected action to take to resolve the proposed judicial review. Ms Paine's reply invited KEPA to meet with the Authority to discuss this point of resolution. KEPA committee members arranged diaries to meet with you and your colleagues on 11 September. We declined your subsequent suggestion to invite third parties to this meeting and set out the reasons why your suggestion would be inappropriate and prejudicial to the judicial review. We suggested you may wish to present discussions you had had with third parties to the meeting and that we would then consider whether a wider follow-on meeting would be appropriate. You have informed us that you have disregarded our view and invited one or more third party. Accordingly, we are forced to conclude that you have cancelled the 11 September meeting between KEPA and the Authority and KEPA members have now reinstated their diaries with work commitments moved for your diary. Nevertheless, KEPA stands ready to meet with the Authority in a bilateral meeting as originally agreed at a revised date proposed by the Authority and we have provisionally cleared the afternoon of Friday 18 September if that is helpful.

In the interest of completeness we also comment on the appendices enclosed in your letter appended to this letter.

Yours sincerely

Mike Mielniczek
For KEPA

APPENDICE

Traffic Survey and Lambeth Methodology. We are not clear why the Authority invited RPS to comment on KEPA's assertion that the Authority misdirected the planning committee in respect of the traffic survey report. The letter implies that the Authority has invited the applicant and RPS to address this point on the Authority's behalf, which would clearly be inappropriate. Notwithstanding this important point RPS's technical note is incomplete and mis-understands the substance of the mis-direction.

RPS point out that the detailed application of the LM is not prescribed and is designed to be flexible and common sense should prevail. However, they fail to mention that its application is proscribed by the test of **rationale** and **reasonableness** and a judgement about rationale and reasonableness is implicitly referenced against the 200m non-commercial and 500m commercial limits, otherwise that distinction within the LM would be meaningless. Accordingly, the flexibility of its application does not extend so far from the non-commercial survey limit of 200m to be in excess of the commercial survey limit of 500m or to go around corners onto busy main roads. RPS imply that it would be reasonable to survey the whole length of Manor Way and beyond. The rationale of the 200m non-commercial deployed by Bromley for primary schools is the recognition that parents will strive to park within this limit and create traffic congestion and danger in doing so and it is therefore unreasonable and irrational to survey greater in excess of 200m. If, for example, the first 1 mile of a road has 3 parking spaces parents will not park 1.5 miles away they will double-park and obstruct the road much closer to the school.

RPS also fail to understand that once a reasonable and rational application of the LM is agreed between the applicant and the Authority both parties are bound by it. It is quite clear from the traffic officer's report to committee, corroborated by other documents in our possession, that the Authority agreed the application of 200m for the reasons set out above and also in line with Bromley precedent for other infant aged educational establishments. RPS should not have presented 500m survey data and whilst the traffic officer may not have realized the error the Authority should have taken remedial action once and at whatever point the error was pointed out.

Educational Need. The education officer's narrative in the appendix continues to be selective and in parts contradictory and erroneous in the vein of earlier reports.

Turning first to the narrative appended to KEPA's highlighted first statement. In paragraph 2 it states that the primary relevant information in determining educational need for a school is subsidiarity. First assess the immediate local need, then need for places in the relevant planning area and then the relevance of contiguous planning areas based on the proximity of the school to the boundary. We should point out this was not the Authority's recorded position at the time of the temporary school application. At that time because PA2 was in equilibrium and PA1 in deficit the Authority took a contrary position to that now

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KEPA has surveyed all of the households in Manor Way and Kelsey Way and on the principal of subsidiarity above: no households are in need of a place in Manor Way and Kelsey Way and as such there is no immediate need. Pushing to the next phase of subsidiarity we can see from the September 2014 figures (the most up to date figures at the point of the education report for this application) the radial recruitments as follows: Balgawan 0.88 miles, Bromley Road All miles, Churchfields 1.01 miles, Clare House 0.46 miles, Harris Kent House 1.01 miles, Marian Vian 0.45 miles, Worsley Bridge All miles, Oak Lodge 0.86 miles and Unicorn 0.46 miles. A cartogram using these radials illustrates that all households in the area of the school are already served and that there is no unmet need at the point of the planning committee meeting. Deploying the Authority's policy statement on needs assessment above it is evident that all of the schools above fall well within the 2 mile/45 minute limits above and their radials illustrate they are catering for all local need.

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In the final paragraph the report states that the GLA roll projections exclude 8% of pupils who opt for private education. We have it on the authority of Ben Corr, Demography Manager at the GLA that this is not the case. The GLA figures do not disaggregate pupils opting for private education. We suggest your education colleagues re-check this point with the GLA.

Turning to the comments appended to the second KEPA highlighted statement. The report argues that it was right and reasonable for the Authority to exclude the approved Langley primary school 60 places in its assessment of need to the planning committee because (i) although it acknowledges it can open on prescribed temporary sites without planning permission it may find it difficult to find a site (ii) the wider planning authority's time-line of consulting on the new Local Plan could theoretically end up in a public enquiry and therefore affect the Langley schools ability to locate the primary on its site. It is disingenuous to pray-in-aid the wider local plan process as a reason against including Langley primary the statistics. The Authority is aware of the current reserved policies in the extant UDP and the treatment of those policies as the Authority rolls out the new Local Plan. It is aware of the siting of new secondary Beckenham Academy sponsored by Ravensborne school sited temporarily on its site. And it is aware Bromley's extant planning policies would not prevent temporary location of Langley primary on the Langley site or alternative site.

KELSEY ESTATE PROTECTION ASSOCIATION (KEPA)

- *The Residents' Association Protecting the Amenity of the Historic Kelsey Estate and the Manor Way Conservation Area* -

PRE-ACTION LETTER – JUDICIAL REVIEW

7 September 2015

By email:

To:

Mr Jim Kehoe, Head of Planning

CC:

Mr Doug Patterson, Chief Executive

Ms Paine, lawyer

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Dear Mr Kehoe

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Yours sincerely



Mike Mielniczek
For KEPA

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Town Planning

Civic Centre, Stockwell Close, Bromley, BR1 3UH

Telephone: 0208 464 3333 Fax:
Direct Line: 0208 313 4441 Internet: www.bromley.gov.uk
Email: Jim.Kehoe@bromley.gov.uk

Your Reference: Our Reference: nq/jk

Letter sent by email to:

11 September 2015

Dear Mr Mielniczek (KEPA),

RE: Judicial Review – Pre Action Letter – Harris Primary DC/15/00909/FULL1

Thank you for your letter of 7th September.

As the intended meeting of 11th September as originally proposed on 6th August is not taking place and is not likely to take place as originally proposed, we have further considered the next steps.

The Council will make a decision as to whether to take the matter back to committee in the near future.

As an alternative to the intended meeting, we now invite KEPA to make any further written submissions to inform that decision (to supplement its previous correspondence) by 18th September 2015. We will similarly invite the interested parties to do so.

We will then as soon as possible inform KEPA and the interested parties as to whether the Council propose to take the matter back to committee.

In the event that the Council issues a Planning Decision Notice before that time, you will be informed promptly.

Yours sincerely,

Jim Kehoe
Chief Planner
Jim.Kehoe@bromley.gov.uk



Town Planning

Civic Centre, Stockwell Close, Bromley, BR1 3UH

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Yours sincerely,

Jim Kehoe
Chief Planner
Jim.Kehoe@bromley.gov.uk



Marc Hume Director of Regeneration and Transformation

Qureshi, Najmin

From: Michael Mielniczek
Sent: 18 September 2015 16:12
To: Kehoe, Jim
Cc: Dean, Peter, Cllr; Carr, Stephen, Cllr.; Patterson, Doug; Paine, Marion
Subject: Re: Judicial Review - Pre Action Letter - Harris Primary DC/15/00909/FULL1
Attachments: RADIAL MAPS.pdf; ATT00001.htm

Dear Mr Kehoe

Thank you for your email and attachment. Your letter invites KEPA to submit any further material by Friday 18 September for the Authority's consideration. I have consulted with KEPA committee members and we conclude that the materials submitted to date cover the ground. We nevertheless (attached) submit two radial maps which illustrate the educational need facts and statistics set out in the aforementioned material.

Map 1 plots the radial recruitment for the nine schools in the immediate area. The figures in manuscript on the maps and which constitute the radials are taken from the Authority's education department's yearly publication for parents. Map 1 provides the figures from the 2015 publication which are the September 2014 out-turn roll numbers. This is the information that would have been available at the point of the officer's report and committee decision. The facts of these outturn figures perfectly illustrate that there was known to be no educational need.

Map 2 is drawn from the 2016 publication issues on Monday this week. This publication incorporates the September 2015 out-turn rolls. It again perfectly illustrates that there is no educational need.

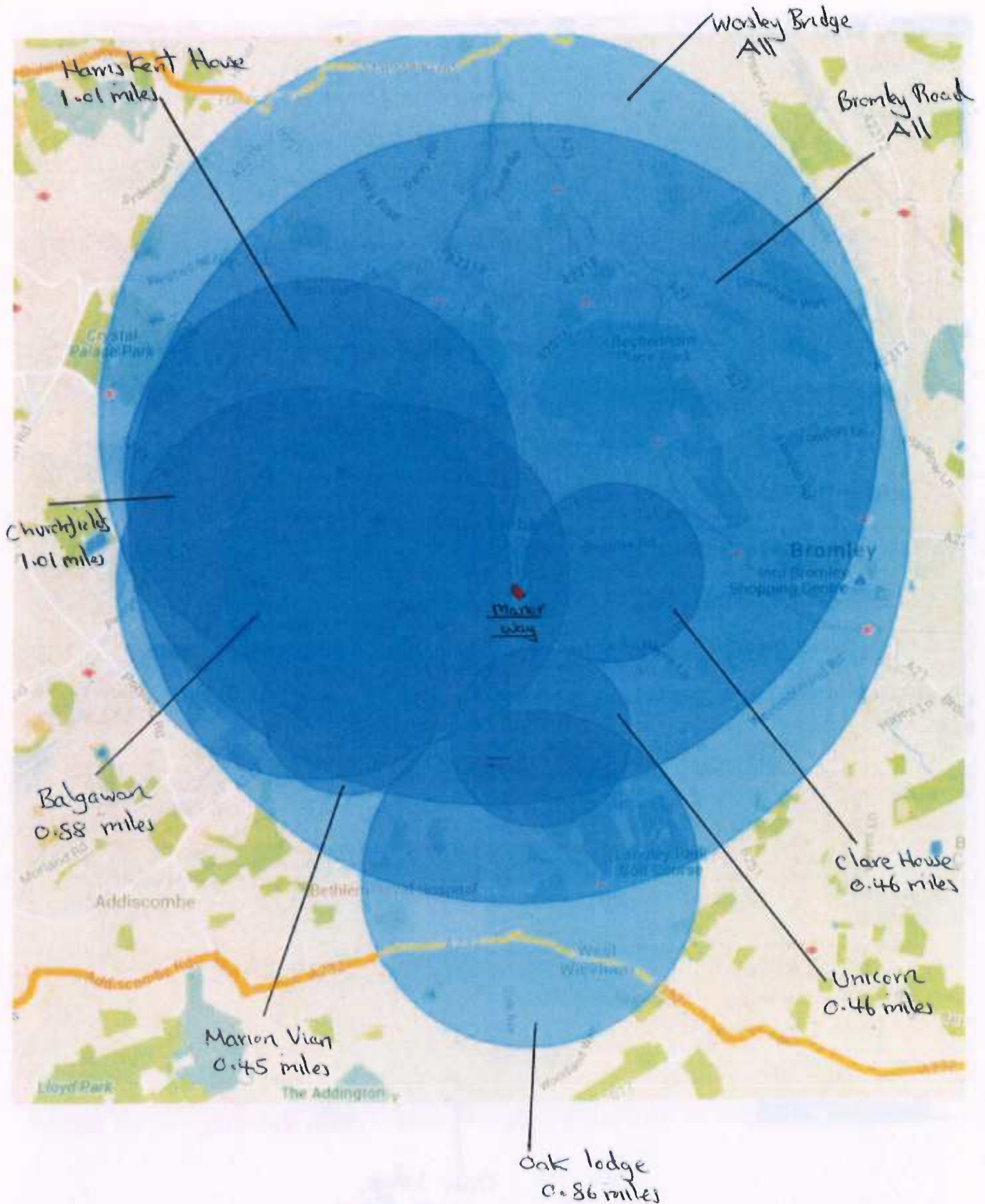
Both maps perfectly illustrate the absence of educational need. They reinforce the statistical evidence of absence of need in the Council's own statistics which KEPA pointed out.

On the matter of Langley primary school 60 places we understand that extensive discussions have taken place with the planning department since the beginning of the year. Drawings and preparatory work have been commissioned and a planning application is expected imminently. As trailed in school and Department for Education notices and reaffirmed in communication to prospective parents, the school plans to open on the Langley school site in September 2016. The Authority chose not to make this information available in the planning report to councillors.

Kind Regards

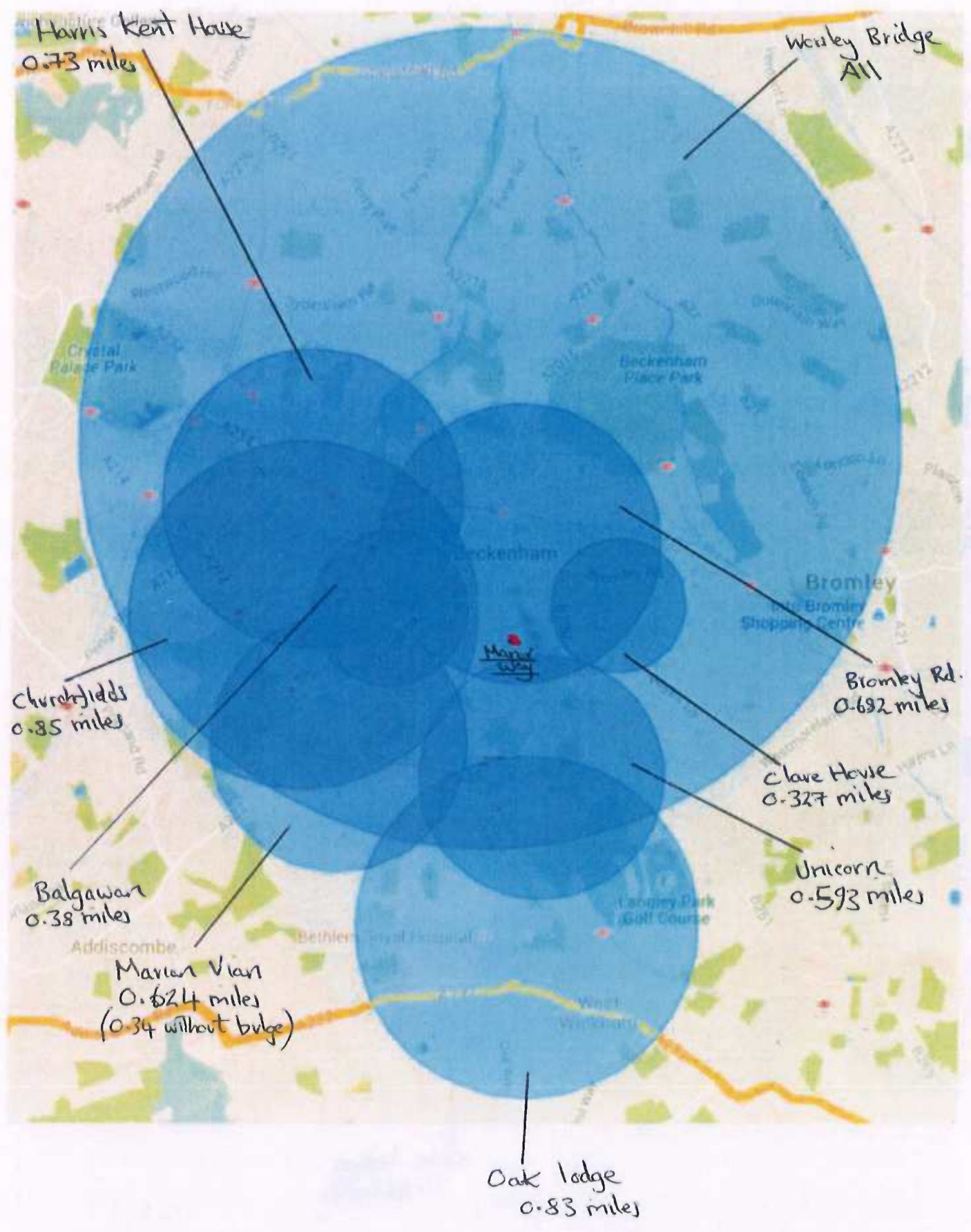
MAP 1

Radial School Recruitment Sept 2014 cut turn
from Bromley's 2015 Starting Primary
Education in Bromley pamphlet for Parents



MAP 2

Radial School Recruitment Sept 2015 cut-turn
from Bromley's 2016 Starting Primary
Education in Bromley pamphlet for parents.



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E-mail mike.ibbott@tpbennett.com

tp bennett
architecture
interiors
planning

17 September 2015

Jim Kehoe
Chief Planner
London Borough of Bromley
Civic Centre
Stockwell Close
BROMLEY
Kent
BR1 3UH

Dear Mr Kehoe

**REPLACEMENT SECONDARY ACADEMY AND NEW PRIMARY ACADEMY AT
HARRIS ACADEMY BECKENHAM, MANOR WAY, BECKENHAM BR3 3SJ (LBB ref: 15/00909/FULL1)
PRE-ACTION LETTER – JUDICIAL REVIEW**

I refer to the above application and to the Kelsey Estate Protection Association's (KEPA) pre-action letter received by LB Bromley on 24 July 2015. The application was considered by the LB Bromley Development Control Committee on 13 July 2015 when it was resolved to grant planning permission subject to completion of a legal agreement securing a financial contribution of £40,000 towards highways maintenance and reimbursement of the Council's associated legal costs. While the draft S106 agreement has been agreed, it has not been engrossed and no planning decision has been issued.

I am the planning agent to the applicant, Kier Construction Ltd (KCL); KCL in turn are contracted to the Education Funding Agency (EFA) to deliver these new schools which are operated by the Harris Federation. In this capacity you have provided me with copies of KEPA's original letter and of your subsequent correspondence – namely your letters of 6 August and 4 September 2015, and KEPA's letters of 12 August and 7 September 2015.

In invoking the Judicial Review Pre-Action Protocol you have sought to meet with KEPA to discuss their concerns, and a meeting was arranged for 11 September at which the applicants, as an interested party, were to be represented. KEPA, however, withdrew from that arrangement on the basis that they did not consider it appropriate for us to be present. To avoid any further delay, your letter of 11 September therefore invites us to provide any further written representations on the matters raised by KEPA; a similar request has been made to KEPA I understand. The Council will then make a decision whether or not to take the matter back to Committee.

Thank you for this opportunity to comment. The EFA, the Harris Federation and KCL are anxious that the planning decision is issued as soon as possible. The Primary Academy is now operating in temporary accommodation on the site and it is vital that its students move into permanent accommodation as soon as possible. The hold up in issuing the planning permission has already delayed the anticipated delivery of the new building beyond September 2016, resulting in very significant additional costs to the public purse.

File Reference: [R:\Active Projects\BUP\P2766 Maris Beckenham\Documents\400 Statutory Authorities\401 Local Planning Authority\JR\150917 HPABE JR response final.doc]

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E-mail mike.ibbott@tpbennett.com

tp bennett
architecture
interiors
planning

I set out in the attached document a summary of the applicant's views on the substantive issues that KEPA have raised. We believe these were adequately and appropriately considered at the 13 July committee meeting.

We urge that the matter is brought back to Development Control Committee at the earliest opportunity to enable the planning decision to be issued and work on delivering this much-needed community facility to commence.

Yours sincerely,

Mike Ibbott
Director
for tp bennett

cc Gordon Carter, KCL
Gordon Powell, Stuart Sands, EFA
Jonathan Coad, Harris Federation

File Reference: [R:\Active Projects\BUP\P2766 Maris Beckenham\Documents\400 Statutory Authorities\401 Local Planning Authority\JR150917 HPABE JR response final.doc]

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HARRIS ACADEMIES BECKENHAM:

APPLICANT'S COMMENTS ON PRE-ACTION MATTERS

18 September 2015

1. LBB Development Control Committee resolved on 13 July 2015 to grant planning permission for the replacement secondary and new primary academies at Harris Academy Beckenham in Manor Way (LBB ref: 15/00909/FULL1) subject to various planning conditions and completion of a legal agreement securing a financial contribution of £40,000 towards highways maintenance and reimbursement of the Council's associated legal costs.
2. The same committee also granted planning permission for the secondary academy replacement only (LBB ref: 15/00908/FULL1).
3. KEPA (Kelsey Estate Protection Association) lodged a pre-action letter for judicial review with the LPA on 24 July 2015. The letter set out the challenge on the basis that the decision "was predicated on erroneous purposefully [sic] statistics and conclusions in the Planning Officer's report [sic] ... and was thereby fundamentally administratively flawed."
4. In the applicant's view, the matters of educational need and parking stress were very adequately addressed by the officer's report. KEPA's lengthy representations on these matters were received by the LPA on 10 July but were seen by the applicant only on the day of the committee (13 July). Nevertheless the applicant responded specifically to these issues in addressing the committee, expanding on the summary of the overall planning approach to the planning decision that had been sent in advance to Members of the Committee (on 9 July).
5. These matters were also specifically addressed by Tim Horsman (Head of Development Management) in introducing the applications to the committee and by KEPA's planning consultant Mark Batchelor (Peacock and Smith Ltd). Cllr Philpott (Assistant Portfolio Holder for Education) also addressed the committee. Members' subsequent debate made clear they understood these issues and how they weighed in the planning balance.
6. In these terms, while KEPA may disagree with the conclusions reached and the decision taken, there is no basis on which to challenge the Council's administration of that decision.
7. This note briefly restates the merits of the planning decision in the terms of the key policy test in London Plan Policy 3.18D:

"Are [there] demonstrable negative local impacts of the proposal which substantially outweigh the desirability of establishing a new school and which cannot be addressed through the appropriate use of planning conditions or obligations?"

8. In other words, is the alleged parking stress arising from the new primary school on this site (as assessed by the Lambeth Methodology) sufficient to outweigh the educational need that is disputed by KEPA?

Educational need

9. KEPA suggest that there is no educational need and that LBB's own statistics do not show such a need. They suggest that advent of the proposed school at Langley would meet this need.
10. Since committee, this matter has been addressed in detail by the Council in Appendix A to its letter to KEPA of 4 September. In summary, the Council's Primary School Development Plan shows that there is a shortage of primary places in Planning Area 2 from the current academic year (2015/16) even with the additional 60 places provided at Harris Beckenham. This shortfall stabilises at 21-23 places by 2023/24. The Council's response of 4 September refers to a much larger deficit of some 75 places by 2020/21 if Harris Beckenham and the usual 5% allowance for parental choice are excluded.
11. The PSDP records a surplus of primary places if Planning Areas 1 and 2 are taken together, from 20 in the current academic year to a maximum of 41 in subsequent years. This is predicated, however, not only on Harris Beckenham but also Crystal Palace Primary School (2FE), and 1FE expansion at both Stewart Fleming and James Dixon Primary Schools. Of these, only Harris Beckenham has planning permission, and that only for a temporary period, and with the current application now subject to threat of Judicial Review. There remains considerable uncertainty about delivery of this additional primary capacity.
12. KEPA suggest that the proposed Park Langley School could meet this shortfall. The Council's latest data show that the educational need is such that both schools are required, serving different catchments within Planning Area 2. In any case, the Park Langley School remains a school in name only, a point stressed at the 13 July committee; there are no planning proposals for it and there is no vacant space to accommodate it even temporarily on the Langley Park Boys and Girls Schools sites which are both operating above their capacity.
13. Since Committee on 13 July, the new Harris Primary Academy Beckenham has opened in temporary accommodation on the site.
14. The Education Funding Agency reiterates its support for the permanent provision of this school. Dominic Herrington, the Regional Schools Commissioner for the South East and South London has commented to the Council as follows:

I would like to reiterate my support for this free school, which has not diminished now that the school has opened.

The Department has signed a funding agreement for the school to open; we did this on the basis that we fully expect it to offer a good quality education for primary pupils in this part of Bromley. I have confidence in the trust running the school –

Harris has considerable experience of successfully providing places at a number of other outstanding schools in London. Bromley continues to need places for primary children, and you have rightly included the school in your place planning.

Building works on the proposed permanent accommodation have not been able to start until planning permission has been granted, which is now likely to mean that pupils will be in temporary accommodation longer than originally intended. This is not in the best interest of the pupils and I hope it will be resolved shortly.

15. It seems KEPA expects these pupils to be disbursed elsewhere when the temporary permission runs out on 31 July 2017 and “the temporary schools desists in that year.” This is to ignore the detrimental impact on those pupils and the school, the on-going need for primary places in Planning Area 2, and the significant educational benefits of having a new primary school co-located with a partner secondary.

Parking stress

16. KEPA opines that the methodology agreed with the highways officer for assessing the impact of drop-off and pick-up of pupils was fundamentally flawed: they suggest that the Lambeth Methodology should only have been applied to areas within 200m walking distance of the school entrance – where their own parking survey showed parking stress of up to 125%.
17. The applicant responded to this at committee, and the applicant’s transport consultants have subsequently prepared a detailed Technical Note (attached) which was provided to KEPA with the Council’s letter of 4 September.
18. As stated at committee, the Lambeth Methodology is only a guideline; it has no policy status. The 200m distance relates specifically to permanent parking for residential development; there is an equivalent distance of 500m for commercial development. There is no such guideline for schools where parking visits are brief. Rather a common sense approach is advocated that may involve extending a survey to the next junction or other suitable location along a road.
19. This approach was agreed with the Council’s highways officer in pre-application discussions, and surveys were undertaken on 4 February 2014 and again on 6 February 2015, both Fridays when all secondary pupils start and finish at the same time – ie the maximum peak parking demand. These surveys yielded no instances of double parking.
20. The Council’s highways officer closely examined the Transport Assessment and supplementary information submitted with the planning application. He concluded that the proposal was acceptable in highways terms, subject to appropriate mitigation by way of a financial contribution of £40,000 towards highways maintenance of Manor Way (secured by planning obligation) and approval of a School Travel Plan (by condition). The proposed planning condition is worded as follows (emphasis added):

(i) Before any of the new school buildings hereby approved are first brought into use a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority

(ii) The Travel Plan should include measures to promote and encourage the use of alternative modes of transport to the car and shall also include a timetable for the implementation of the proposed measures and details of the mechanisms for implementation and for annual monitoring and updating. The Travel Plan shall be implemented in accordance with the agreed timescale and details.

Reason: In order to ensure appropriate management of transport implications of the development and to accord with Policy T2 of the Unitary Development Plan

Planning balance

21. As noted above, London Plan Policy 3.18D sets out the balance to be considered in determining planning applications for new or replacement schools:

“... proposals for new schools, including free schools should be given positive consideration and should only be refused where there are demonstrable negative local impacts which substantially outweigh the desirability of establishing a new school and which cannot be addressed through the appropriate use of planning conditions or obligations.”

22. In this case, there is a demonstrable need for additional primary school places to serve this part of the Borough. The new Primary Academy is now open and these pupils would need to be accommodated elsewhere if the permanent school were not built.
23. The design of the proposals responds appropriately to its Urban Open Space setting and has no detrimental impact on the character or appearance of the adjoining Manor Way Conservation Area.
24. The intensification of the existing school site has some impacts in terms of increased traffic. It has been demonstrated that there is more than sufficient capacity to accommodate on-street drop-off and pick-up. Impacts will be mitigated by the promotion of alternative means of travel through a school travel plan which is secured by planning condition. A financial contribution of £40,000 will also be made towards highways maintenance by way of planning obligation.
25. All other technical matters have been addressed and measures secured by planning condition as appropriate.
26. On this basis, the proposals should be granted planning permission as recommended by planning officers.
27. It is important that a decision on the new permanent accommodation for the primary school is not further delayed. KEPA's intervention has already delayed the school opening beyond

tp bennett

September 2016. This is at very considerable public cost given the inefficiencies introduced into the complex construction programme while the Secondary Academy remains in operation and the need now fully to implement the temporary accommodation with four classrooms.

Mike Ibbott

Planning Director, tp bennett LLP

on behalf of Kier Construction Ltd, contractor to the Education Funding Agency

Method 1

The first method involves using a standard deviation calculator to determine the standard deviation of a data set. This method is typically used when the data is normally distributed and the standard deviation is known or can be estimated.

Method 1

Method 2

Method 3

Method 4

HARRIS ACADEMIES BECKENHAM:

APPLICANT'S COMMENTS ON PRE-ACTION MATTERS

18 September 2015 (amended)

1. LBB Development Control Committee resolved on 13 July 2015 to grant planning permission for the replacement secondary and new primary academies at Harris Academy Beckenham in Manor Way (LBB ref: 15/00909/FULL1) subject to various planning conditions and completion of a legal agreement securing a financial contribution of £40,000 towards highways maintenance and reimbursement of the Council's associated legal costs.
2. The same committee also granted planning permission for the secondary academy replacement only (LBB ref: 15/00908/FULL1).
3. KEPA (Kelsey Estate Protection Association) lodged a pre-action letter for judicial review with the LPA on 24 July 2015. The letter set out the challenge on the basis that the decision "was predicated on erroneous purposefully [sic] statistics and conclusions in the Planning Officer's report [sic] ... and was thereby fundamentally administratively flawed."
4. In the applicant's view, the matters of educational need and parking stress were very adequately addressed by the officer's report. KEPA's lengthy representations on these matters were received by the LPA on 10 July but were seen by the applicant only on the day of the committee (13 July). Nevertheless the applicant responded specifically to these issues in addressing the committee, expanding on the summary of the overall planning approach to the planning decision that had been sent in advance to Members of the Committee (on 9 July).
5. These matters were also specifically addressed by Tim Horsman (Head of Development Management) in introducing the applications to the committee and by KEPA's planning consultant Mark Batchelor (Peacock and Smith Ltd). Cllr Philpott (Assistant Portfolio Holder for Education) also addressed the committee. Members' subsequent debate made clear they understood these issues and how they weighed in the planning balance.
6. In these terms, while KEPA may disagree with the conclusions reached and the decision taken, there is no basis on which to challenge the Council's administration of that decision.
7. This note briefly restates the merits of the planning decision in the terms of the key policy test in London Plan Policy 3.18D:

"Are [there] demonstrable negative local impacts of the proposal which substantially outweigh the desirability of establishing a new school and which cannot be addressed through the appropriate use of planning conditions or obligations?"

8. In other words, is the alleged parking stress arising from the new primary school on this site (as assessed by the Lambeth Methodology) sufficient to outweigh the educational need that is disputed by KEPA?

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10. Since committee, this matter has been addressed in detail by the Council in Appendix A to its letter to KEPA of 4 September. In summary, the Council's Primary School Development Plan shows that there is a shortage of primary places in Planning Area 2 from the current academic year (2015/16) even with the additional 60 places provided at Harris Beckenham. This shortfall stabilises at 21-23 places by 2023/24. The Council's response of 4 September refers to a much larger deficit of some 75 places by 2020/21 if Harris Beckenham and the usual 5% allowance for parental choice are excluded.
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Harris has considerable experience of successfully providing places at a number of other outstanding schools in London. Bromley continues to need places for primary children, and you have rightly included the school in your place planning.

Building works on the proposed permanent accommodation have not been able to start until planning permission has been granted, which is now likely to mean that pupils will be in temporary accommodation longer than originally intended. This is not in the best interest of the pupils and I hope it will be resolved shortly.

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Parking stress

16. KEPA opines that the methodology agreed with the highways officer for assessing the impact of drop-off and pick-up of pupils was fundamentally flawed: they suggest that the Lambeth Methodology should only have been applied to areas within 200m walking distance of the school entrance – where their own parking survey showed parking stress of up to 125%.
17. The applicant responded to this at committee, and the applicant’s transport consultants have subsequently prepared a detailed Technical Note (attached) which was provided to KEPA with the Council’s letter of 4 September.
18. As stated at committee, the Lambeth Methodology is only a guideline; it has no policy status. The 200m distance relates specifically to permanent parking for residential development; there is an equivalent distance of 500m for commercial development. There is no such guideline for schools where parking visits are brief. Rather a common sense approach is advocated that may involve extending a survey to the next junction or other suitable location along a road.
19. This approach was agreed with the Council’s highways officer in pre-application discussions, and surveys were undertaken on Tuesday 4 February 2014 and again on Friday 6 February 2015; Friday was specifically chosen with the Council to assess the maximum peak parking demand when all secondary pupils start and finish at the same time. These surveys yielded no instances of double parking.
20. The Council’s highways officer closely examined the Transport Assessment and supplementary information submitted with the planning application. He concluded that the proposal was acceptable in highways terms, subject to appropriate mitigation by way of a financial contribution of £40,000 towards highways maintenance of Manor Way (secured by planning obligation) and approval of a School Travel Plan (by condition). The proposed planning condition is worded as follows (emphasis added):

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Reason: In order to ensure appropriate management of transport implications of the development and to accord with Policy T2 of the Unitary Development Plan

Planning balance

21. As noted above, London Plan Policy 3.18D sets out the balance to be considered in determining planning applications for new or replacement schools:

“... proposals for new schools, including free schools should be given positive consideration and should only be refused where there are demonstrable negative local impacts which substantially outweigh the desirability of establishing a new school and which cannot be addressed through the appropriate use of planning conditions or obligations.”

22. In this case, there is a demonstrable need for additional primary school places to serve this part of the Borough. The new Primary Academy is now open and these pupils would need to be accommodated elsewhere if the permanent school were not built.
23. The design of the proposals responds appropriately to its Urban Open Space setting and has no detrimental impact on the character or appearance of the adjoining Manor Way Conservation Area.
24. The intensification of the existing school site has some impacts in terms of increased traffic. It has been demonstrated that there is more than sufficient capacity to accommodate on-street drop-off and pick-up. Impacts will be mitigated by the promotion of alternative means of travel through a school travel plan which is secured by planning condition. A financial contribution of £40,000 will also be made towards highways maintenance by way of planning obligation.
25. All other technical matters have been addressed and measures secured by planning condition as appropriate.
26. On this basis, the proposals should be granted planning permission as recommended by planning officers.
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September 2016. This is at very considerable public cost given the inefficiencies introduced into the complex construction programme while the Secondary Academy remains in operation and the need now fully to implement the temporary accommodation with four classrooms.

Mike Ibbott

Planning Director, tp bennett LLP

on behalf of Kier Construction Ltd, contractor to the Education Funding Agency



Project Title: Harris Academy, Beckenham, Kent
Reference: SRD/gm/JNY8123-09
Date: 13 August 2015

RESPONSE TO KEPA JUDICIAL REVIEW REQUEST

Introduction

- 1 This Technical Note has been produced by RPS in response to the Pre-Action Letter – Judicial Review produced by Kelsey Estate Protection Association (KEPA) in respect of planning application number DC/15-00909-FULL1 approved by London Borough of Bromley (LBB) on Monday 13 July 2015.
- 2 The KEPA letter requests a Judicial Review on the grounds that the Development Control Committee, in approving the above application, was subject to procedural impropriety in respect of the content of the reports to the Committee submitted by the LBB traffic officer, conservation officer and planning officer.
- 3 The report to committee by the LBB highway officer refers to parking beat traffic surveys undertaken on behalf of RPS. These were included in the Transport Assessment dated February 2015 (RPS ref SRD/NB/sb/JNY8123-02D), which was submitted with the planning application.
- 4 An Objection to the above planning application was submitted on behalf of KEPA by Peacock & Smith Ltd to the Planning Authority immediately prior to the scheme being considered at Planning Committee.
- 5 With regard to the highways and transportation aspects of the proposals, the basis of the objection was the perceived opinion that the Transport Assessment uses flawed methodology in respect of the parking surveys.

Review of KEPA statement

- 6 An Objection to the proposals was submitted on behalf of KEPA by Peacock & Smith Ltd to the Planning Authority immediately prior to the scheme being considered at Planning Committee. This set out KEPA's reasons for objection.
- 7 Dealing specifically with the parking issues associated with the proposals, Paragraph 7.17 of the Peacock & Smith report states that the parking beat surveys undertaken by RPS did not rigidly adhere to the Lambeth Methodology for parking surveys, as this requires surveys of links within 200 metres walking distance of the site. It further states that:

'It is plainly practically implausible to suggest that school children from the age of 4 years would be dropped off by parents such a long distance from the school's entrance and the fact that the applicant seeks to rely on such evidence serves only to undermine the credibility of its case'.

- 8 On that basis it was suggested that the parking beat surveys 'do not conform to the requirements of the Lambeth Methodology', and therefore 'the Transport Assessment has resulted in an erroneous analysis'.
- 9 Pursuant to this, KEPA appointed SLR Consulting to commission a parking beat survey to these parameters which demonstrated a parking stress of up to 125%, within 200 metres of the school gates. This appears to form the basis of KEPA's position that the transport assessment contains erroneous analysis and their ongoing objection to the proposals on grounds of excessive parking demand at dropping off and picking up times during school term-time.
- 10 The parking beat surveys were agreed with LBB transport officer and undertaken in accordance with the Lambeth Methodology set out in Lambeth Council Parking Survey Guidance (November 2012). The initial parking surveys were undertaken on Tuesday 4th February 2014 and supplementary additional surveys undertaken on Friday 6th February 2015.
- 11 The latter survey was undertaken on a Friday when all secondary pupils start and finish school at the same time, rather than the staggered start and finish times applied by the school between Monday and Thursday. This ensured that the maximum peak parking demand for the school was observed.

Response to KEPA statement

- 12 KEPA suggest that the parking beat surveys 'do not conform to the requirements of the Lambeth Methodology', and therefore 'the Transport Assessment has resulted in an erroneous analysis'.
- 13 An Objection to the proposed development was submitted on behalf of KEPA was by Peacock & Smith Ltd to the Local Authority setting out its reasons for objection. This stated in Para 7.17 that the parking beat surveys undertaken by RPS was not correctly followed as the Lambeth Methodology requires surveys of areas within 200 metre walking distance of the site.
- 14 On that basis KEPA instructed SLR Consulting to commission a parking beat survey to these parameters which demonstrated a parking stress of up to 125%, within 200 metres of the school gates. This forms the basis of their view that the transport assessment contains erroneous analysis.
- 15 In response, it is pertinent to consider the wording and general content of the Lambeth Guidance note, the most recent Lambeth Methodology is dated November 2012 and attached at **Appendix 1**. It should be noted that nowhere in the guidance note does it state that parking surveys should be undertaken within 200 metres of a school gate.
- 16 The 200 metres distance set out in the guidance specifically refers to residential development, to cover the area where residents of a proposed development may want to walk, and generally covers an area of 200 metres around a site.
- 17 For commercial developments the area should cover an area within 500 metres walking distance of a site. It does not specifically refer to a school site. With regard to the extent of the survey, the guidance note actually states:

'Since people are unlikely to stop half way along a road at an imaginary 200 / 500 metre line so the survey should be extended to the next junction or shortened to the previous one, or taken to a suitable location along a road'.

- 18 The guidance also specifically states 'that common sense should be applied in all cases.' The above does not appear to have been taken into account by KEPA or its consultants.
- 19 In practical terms, if no parking was available within 200 metre dropping off distance of the school access at a given time, parents would be likely to park slightly further away as they do in all similar situations elsewhere. They would not be stopping on the carriageway or double parking in immediate proximity to the access. Indeed, the parking beat surveys confirmed that no double parking was undertaken on the carriageway, including during the peak periods.
- 20 Parents would not be restricted to parking only within a maximum distance of 200 metres from the school gate, and therefore the area of survey should be extended further than the set distance to a reasonable point.
- 21 In line with this specific guidance, all roads within a 200 metre walk of the school have been included. Manor Way has been surveyed up to the footway north of Kelsey Way, with the full length of Kelsey Way and Little Acre, which are considered as being appropriate, rather than using a set cut off point.
- 22 There is flexibility in how the Lambeth guidelines are applied to other types of development. This is particularly pertinent in this instance as the issue relates to short term dropping off parking where available spaces are only briefly occupied, unlike residential / commercial development where spaces may be occupied by a single vehicle for a large part of the day.
- 23 Given the above, there would be no foreseeable impact in the condition of highway safety in the vicinity of the school.
- 24 In terms of walking distances to schools, the Institution of Highways & Transportation document 'Guidelines for Providing for Journeys on Foot' sets out, in Table 3.2, the suggested acceptable walking distance of 500 metres. The extent of the parking beat surveys is therefore considered to be well within acceptable distances over which pupils may be reasonably expected to walk to school, especially for older pupils.
- 25 It is important to note that the Parking Survey Guidance Note produced by Lambeth Council is aimed purely at providing guidance within the London Borough of Lambeth. It is not intended to form a policy or standard that needs to be rigorously complied with. Indeed, the guidance states that applicants should contact the Council prior to undertaking a survey. Although the guidance states that the guidelines should be followed, if they are not then the Council may choose not to make a full assessment rather than being in a position of being unable to do so.
- 26 Furthermore, although the Lambeth Guidance is often used as a basis for carrying out assessments within other London Boroughs, the document has no policy status. As such, there is no prescriptive reason why any supporting documents for a planning application situated wholly within the London Borough of Bromley would need to comply with guidance produced by an adjoining borough.
- 27 The Highway Authority, (LBB), has been consulted with regard to the extent and methodology of the surveys. The KEPA letter is incorrect in its statement that the Highway Authority does not have locus and discretion to agree the terms of the Lambeth Methodology, as Lambeth Council itself sets out that these are guidelines to be agreed in consultation with the Council and based on common sense rather than a prescriptive threshold. These guidelines can be applied by other Local Authorities as they feel appropriate.

- 28 The KEPA letter states that these points were raised with the Local Authority prior to the Committee with a request for the Transport Assessment to be reviewed. The letter omits the fact that this request was raised in the email of 10th July 2015 from Peacock and Smith, with the Committee date on the 13th July 2015, leaving unreasonable time to review and provide a full response to the objections.

Conclusions

- 29 This Technical Note has been produced by RPS in response to the Pre-Action Letter – Judicial Review produced by Kelsey Estate Protection Association (KEPA). This Technical Note considers the matters raised by KEPA in the letter regarding the report by the traffic officer, which specifically refers to the parking beat traffic surveys undertaken by RPS, and set out in the Transport Assessment dated February 2015.
- 30 KEPA state that the traffic surveys undertaken do not adhere precisely to the methodology set out in the Lambeth Council Parking Survey Guidance Note and therefore the assessment provides a dilution of the existing and projected parking situation. These statements by KEPA are based specific references within the guidance notes and ignore further advice within the document that the parking surveys should not be restricted to the specific distances to suitable locations on a road but based on common sense.
- 31 The 200 metre distance repeated by KEPA indeed only refers to residential development rather than specifically to school development. The parking beat surveys were agreed with the Highway Authority in line with parameters set out within the Lambeth guidance, and is therefore considered to be appropriate.
- 32 Overall, regardless of the precise nature of the methodology employed, it is clear that the proposed development would not lead to increased long term parking demand, fly-parking in a dangerous manner or any other perceptible highway impact. The Highway Authority has fully considered the proposals and has no objection to the proposed development.

APPENDIX 1 – LAMBETH COUNCIL PARKING SURVEY GUIDANCE NOTE

The survey is designed to provide an overview of the current parking situation in Lambeth Council areas. It will identify areas where there is a high level of demand for parking spaces and where there is a high level of turnover of spaces. The survey will also identify areas where there is a high level of demand for parking spaces and where there is a high level of turnover of spaces.

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APPENDIX 1 – LAMBETH COUNCIL PARKING SURVEY
GUIDANCE NOTE

LAMBETH COUNCIL PARKING SURVEY GUIDANCE NOTE

1. INTRODUCTION AND POLICY BACKGROUND

Most forms of development have the potential to increase the amount of on-street parking, more commonly known as parking stress. High parking stress can affect highway safety, the free-flow of traffic, amenity, access by emergency services, refuse collection and delivery of goods. Investigation of this impact forms an important part of the Council's analysis of proposed developments and therefore it is essential that enough information is submitted by a developer to allow a full analysis of the issue. An unacceptable increase in parking stress, or the submission of an insufficient level of information, can lead to a recommendation for refusal of a planning application.

Lambeth's policies on parking related to new development are based on the Mayor's London Plan, the Core Strategy and the saved policies of the Council's Unitary Development Plan 2007 (UDP). Developers are particularly advised to read Chapter 6 (London's Transport) of The London Plan, and the policies and standards, particularly Table 6.1 Parking Standards, contained therein. Chapter 6 of The London Plan can be viewed on the GLA's website at the following address:

<http://www.london.gov.uk/shaping-london/london-plan/strategy/chapter6.jsp>

Developers are also advised to read Criteria (f) of Core Strategy Policy S4, and the saved elements of UDP policies 14 and 17, although policy 39 may also be relevant. The Core Strategy and the saved policies of the UDP can be viewed on the Council's website at the following address:

<http://www.lambeth.gov.uk/Services/HousingPlanning/Planning/PlanningPolicy/LDFCoreStrategy.htm>

Ordinarily the Planning Department will not validate a residential planning application without a parking survey. In some cases parking surveys are required for commercial developments as well, depending on the scale and nature of the development. Submitting a survey enables the Council to make an informed decision, within statutory planning timescales, and benefits applicants in obtaining a quick decision.

A developer can propose on-site parking bays up to the maximum stated in Table 6.1 of the London Plan but in areas of high PTAL and within a CPZ a car free development (and permit exempt) would be expected unless acceptable justification is provided. However, even where on-site parking is proposed this may not accommodate all cars generated by a development, so a parking survey may still be required. An assessment of likely car ownership of future occupants can then be undertaken to understand the scale of any overspill parking. The cumulative effect of other consented development in the immediate area will also need to be taken into account when assessing the effect of parking on street.

Advice on whether a survey is required can be obtained from the Council's Transport Planning team by emailing transportplanning@lambeth.gov.uk with details of the proposed development. If a survey is not required a written response will be provided confirming this and should be submitted with the planning application.

Lambeth Council
Transport Planning & Strategy
1st Floor Blue Star House
234-244 Stockwell Road
London SW9 9SP

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Fax: 020 7926 9001
Email: transportplanning@lambeth.gov.uk
www.lambeth.gov.uk

2. UNDERTAKING A SURVEY

The following guidelines should be followed when undertaking a survey. If these guidelines are not followed the Council may not be able to make a full and proper assessment of the proposal.

Residential Developments

The Council requires a parking survey to cover the area where residents of a proposed development may want to park. This generally covers an area of 200m (or a 2 minute walk) around a site. For further detail see 'Extent of survey' below.

The survey should be undertaken when the highest number of residents are at home; generally late at night during the week. A snapshot survey between the hours of 0030-0530 should be undertaken on two separate weekday nights (ie. Monday, Tuesday, Wednesday or Thursday).

Commercial Developments

Surveys for commercial developments should cover an area within 500m walking distance (or a 5 minute walk) of a site. For further detail, see 'Extent of survey' below. Surveys should generally be done during proposed opening hours on an hourly beat basis.

Excluding the extent and time of the surveys the same principles apply as a survey for a residential development as set out below, but developers should contact the Council for further advice.

Survey times

For sites close to any of the following land uses, additional survey times may be necessary:

- Town centre locations: surveys should be undertaken Monday-Wednesday only.
- Regular specific evening uses close to the site (eg. church, etc): additional surveys should be undertaken when these uses are in operation.
- Commercial uses close to the site: morning and early evening surveys may also be required due to conflict with commuter parking. In these cases surveys between the hours of 0700-0830 and 1800-1900 may be required, noting the amount of parking on a 15-minute basis over this time.
- Railway stations/areas of commuter parking: additional morning and evening peak hour surveys will be required in order to assess the impact of commuter parking. These should be done between 0700-0800 and 1730-1830.

Surveys **should not** be undertaken:

- in weeks that include Public Holidays and school holidays and it is advised that weeks preceding and following holidays should also be avoided;
- on or close to a date when a local event is taking place locally since this may impact the results of the survey.

In some cases, the hours of the survey may need to be extended or amended. Applicants should contact the Council prior to undertaking a survey if there is any doubt.

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www.lambeth.gov.uk

Extent of survey

All roads within 200 metres (or 500m for commercial uses) walking distance of the site. Note this area is **NOT** a circle with a 200/500m radius but a 200/500m walking distance as measured along all roads up to a point 200/500m from the site.

Since people are unlikely to stop half way along a road at an imaginary 200/500m line so the survey should be extended to the next junction or shortened to the previous one, or taken to a suitable location along a road.

The following areas should be *excluded* from surveys:

- If the site is in a CPZ any parking bays in an adjoining CPZ should be excluded.
- If the site lies adjacent to, but not in, a CPZ then all roads in that CPZ should be excluded.
- Areas that fall outside of Lambeth should be excluded.
- Places where drivers are unlikely to want to park, for example:
 - If there is no possibility of parking somewhere within the 200m boundary
 - If drivers would not wish to park in an area, due to perceived safety issues, or difficulty in accessing the parking for example.

Common sense should be applied in all cases and the extent of the survey area and justification for any amendments should be included in the survey. If inadequate justification is provided for a survey area then amendments may be required or a recommendation made accordingly.

Required Information

The following information should be included in the survey results, to be submitted to the Council:

- The date and time of the survey.
- A description of the area noting any significant land uses in the vicinity of the site that may affect parking within the survey area (eg. churches, restaurants, bars and clubs, train stations, hospitals, large offices, town centres etc).
- Any unusual observations, e.g. suspended parking bays, spaces out of use because of road works or presence of skips, etc.
- A drawing (preferably scaled at 1:1250) showing the site location and extent of the survey area. All other parking and waiting restrictions such as Double Yellow Lines and Double Red Lines, bus lay-bys, kerb build-outs, and crossovers (vehicular accesses) etc should also be shown on the plan.
- The number of cars parked on each road within the survey area on each night should be counted and recorded in a table as shown below. It would be helpful to note the approximate location of each car on the plan (marked with an X).
- Photographs of the parking conditions in the survey area can be provided to back-up the results. If submitted, the location of each photograph should be clearly marked.

Lambeth Council
Transport Planning & Strategy
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Areas Within A Controlled Parking Zone (CPZ)

Only Resident Permit Holder (RPH) Bays and Shared Bays which allow residents parking (these may be shared with Pay-and-Display parking and/or Business Permit Holders) should be counted.

To calculate parking capacity each length of parking bay must be measured and then converted into parking spaces by dividing the length by 5 (each vehicle is assumed to measure 5m) and rounding down to the nearest whole number. For example a parking bay measuring 47m in length would provide 9 parking bays ($47/5=9.4=9$). The capacity of each separate parking bay must be calculated separately and then added together to give a total number of parking spaces for each road in the survey area.

The results should generally be presented in the following format (figures given as an example):

Street Name	Total Length (m) of parking spaces	No. of RPH parking spaces	No. of cars parked in RPH bays	RPH Parking Stress (%)
A Street	350	70	70	100
B Street	250	50	40	80
C Street	150	30	10	33
Total	750	150	120	80

A separate note should be made of any areas where cars can legally park overnight. These are generally Single Yellow Lines or Single Red Lines (SYL/SRL) or short term parking or Pay-and-Display bays (ST). The number of cars parked in these areas should be counted and presented separately.

Areas Not In A Controlled Parking Zone (CPZ)

All areas of unrestricted parking should be counted. To calculate parking capacity each length of road between obstructions (such as crossovers, kerb build-outs, yellow lines, etc) must be measured and then converted into parking spaces by dividing the length by 5 and rounding down to the nearest whole number. For example a length of road measuring 47m in length would provide 9 parking bays ($47/5=9.4=9$). The capacity of each section of road must be calculated separately and then added together to give a total number of parking spaces for each road in the survey area.

The distance between crossovers should be measured in units of 5m. For example, if the distance between 2 crossovers or a crossover and a junction is 12m then only 10m should be counted in the survey, and any space between crossovers measuring less than 5m should be discounted from the calculation. For reasons of highway safety, the first 5m from a junction should also be omitted from the calculation.

A map or plan showing the measurements used in calculating parking capacity should be supplied so that this can be verified by the Council. The parking survey may not be accepted if this is not supplied.

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The results should generally be presented in the following format (figures given as an example):

Street Name	Total Length (m) of kerb space	Length of unrestricted parking (m)	No. of parking spaces	No. of cars parked on unrestricted length of road	Unrestricted Parking Stress (%)
A Street	400	350	70	70	100
B Street	300	250	50	40	80
C Street	200	150	30	10	33
Total	900	750	150	120	80

UNDERSTANDING THE RESULTS

The results of the parking survey will be analysed by the Council in accordance with the London Plan and saved policies in the Council's UDP, any Supplementary Planning Documents produced by the Council in relation to parking, and any other Transport policy guidance produced by the Council, Transport for London, or nationally.

The Council will also take into consideration the impact of any recently permitted schemes in determining the acceptability or not of each proposed development.

Note that stress levels of over 100% stress (or 100% occupancy level) are possible. This is because small cars may need less space than 5 metres to park, meaning that additional cars can be accommodated.

FURTHER ASSISTANCE

For further assistance or explanation please contact the Council's Transport Planning and Strategy team at the address below

Spanish

Si desea esta información en otro idioma, rogamos nos llame al 020 7926 2618.

Portuguese

Se desejar esta informação noutro idioma é favor telefonar para 020 7926 2618.

Yoruba

Tí ẹ ba ẹ imoràn yí, ní èdè Òmiràn, ẹjọ, ẹ kàn wà l'ágogo 020 7926 2618.

French

Si vous souhaitez ces informations dans une autre langue veuillez nous contacter au 020 7926 2618.

Bengali

এই তথ্য অন্য কোনো ভাষায় আপনার প্রয়োজন হলে অনুগ্রহ করে ফোন করুন 020 7926 2618.

Twi

Se wope saa nkaeboy yi wo kasa foforo mu a fre 020 7926 2618.

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Transport Planning & Strategy
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15/00909 Harris Academy Beckenham, Manor Way, Beckenham**Education – Officer Comments (post 13th July 2015)**

The 13th July 2015 DC Committee report set out the education need at Boroughwide and local level. The information was sourced from the Councils Primary School Development Plan (PDSP), considered at the Education Policy Development and Scrutiny committee on 27th January 2015 and approved by the Portfolio Holder for Education 29th January 2015 and based on detailed information relating to planned admission numbers. This can be viewed in full at <http://cde.bromley.gov.uk/ieListDocuments.aspx?CId=584&MId=4848&Ver=4> (Item 50a)

The Local Authority uses “Education Planning Areas” to assist it in its school place planning. These areas are used by Government and the Greater London Authority to project future demand, record fluctuations in pupil numbers and inform proposals for meeting need.

The table below, relating to Planning Area 2, is an extract from the Boroughwide Planned Admission table set out in the PDSP. It sets out the position in respect of Education Planning Area 2 (updated only to include the additional 30 places provided in a bulge class at Marian Vian this year, as was referred to in the July 13th DC report). The proposed Langley Park Primary School was flagged in the PDSP tables but since it had not received ministerial approval was not included at that stage in the calculations.

SCHOOL	School Census	PLANNED ADMISSION NUMBERS BY PLANNING AREA (2) WITH HARRIS BECKENHAM							
	Sep-14	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
Bromley Road	29	90	30	30	30	30	30	30	30
Clare House	60	60	60	60	60	60	60	60	60
Harris Beckenham				60	60	60	60	60	60
Marian Vian	89	90	90	120	90	90	90	90	90
St Mary's RC	60	60	60	60	60	60	60	60	60
Unicorn	88	60	90	60	60	60	60	60	60
Worsley Bridge	57	60	60	90	90	90	90	90	90
Total capacity	383	420	390	480	450	450	450	450	450
2014 GLA Forecast		407	403	433	424	429	435	439	443
Surplus/Deficit Places		13	-13	47	26	21	15	11	7
2014 GLA Forecast+5%		427	423	455	445	450	457	461	465
Surplus/Deficit Places		-7	-33	25	5	0	-7	-11	-15

As set out in the Development Control Report, and illustrated in the table above, there is currently a total capacity of 480 reception school places including the bulge class at Marian Vian School. (This capacity will reduce to 450 in subsequent years). The GLA projections indicate that demand for school places in Planning Area 2 will increase from 433 in 2015/16 to 443 in 2020/21.

Based on the projections in Planning Area 2, including Harris Beckenham, there would be 47 surplus places in 2015 (total capacity minus the 2014 GLA forecast),

falling to 7 surplus places in 2020/21. Without the 60 places at Harris Beckenham there would be a deficit of 13 reception places in 2015/16, rising to 53 by 2020/21.

Council policy adds 5% to the basic projections to provide a contingency for changes in demand and to support diversity and choice. Including the 5%, but without Harris Beckenham there would be a deficit of 35 reception places in pupil place Planning Area 2 in 2015/16 rising to 75 by 2020/21. Without Harris Beckenham Primary Academy the Local Authority would not be able to meet its statutory requirement to provide sufficient local school places and every child an offer of a school place.

In a letter of 12th August Kelsey Estate Protection Association (KEPA) suggested that the Development Control Committee were misled and raised a number of points, responses to which are summarised below. The full response with the detailed statistics was previously provided to KEPA is set out in the Council's reply dated 4th September 2015.

- In providing primary school places the Local Authority needs to provide sufficient schools places that also satisfy the statutory requirement to provide a reasonable offer of a place to each child. The proximity distances for schools offering places surrounding Harris Primary Academy have reduced in recent years as the pressure for places has increased. In 2015 Bromley Road's proximity is 0.682 miles (1FE), Clare House 0.327 miles (2FE), Marian Vian 0.624 (3FE+bulge) and Unicorn 0.593 (2FE). Without Harris Primary Academy Beckenham there would be a shortage of school places in central Beckenham surrounding the Manor Way Harris Beckenham site.
- The Council's policy to ensure adequate provision in school place planning to meet its statutory duty for sufficient school places includes a 5% uplift for contingency and choice. On this basis by 2018/19 further provision, in addition to the 60 additional places at Harris Primary Academy Beckenham will be required in Planning Area 2.
- Harris Primary Academy Beckenham was approved by the Minister for Education in an early Free School wave with an original target opening date of September 2014, deferred until 2015. The school has the benefit of an approved temporary permission now guaranteeing its ability to open and places have been offered by the school in line with the Council Primary School Development Plan.
- Langley Park Primary School, highlighted by KEPA, was approved in a later wave as a 2FE and does not have a permitted site nor a planning application submitted.
 - Whilst there is current Local Plan consultation on a proposed site (the existing Langley Schools Complex) there is a significant Local Plan process probably including Examination in Public in 2016 before any Local Plan allocation can be adopted.
 - KEPA highlight the potential for Langley Park Primary to use temporary accommodation, in particular under the permitted development rights. Both Langley Park School for Boys (114%) and Langley Park School for Girls (103.3%) are currently operating above their premises' capacity and the Council has received no notification of a proposed temporary opening under permitted development to accommodate Langley Park Primary in 2016. Failure to find suitable accommodation

can result in deferred opening as has been the case with both Harris Beckenham and The Crystal Palace Free School.

- Langley Park Primary has a target opening date of 1 September 2016 therefore the Local Authority is required to include it within its admissions booklet, however, the opening is not secure as it does not have the facilities secured (subject to planning) nor a funding agreement from the Education Funding Agency (EFA) and therefore the school will not be within the Local Authority co-ordinated admissions in its first year.
- KEPA raised a concern that the information presented as a need included 8% of children likely to be being privately educated, however, the Council uses GLA school roll projections which are based on school level roll data and exclude private rolls. The likely numbers of privately educated pupils would not therefore feature as a demand in the statistics presented to Development Control Committee.

Further communications from KEPA dated 7th September (Document F), 18th September (Document G) revisit a number of matters responded to above and raise some new matters which are dealt with below

- KEPA suggest that the Council officers have misinterpreted the GLA statistics in relation to 8% of children who are privately educated. However the GLA Demography Manager supports the Council's understanding and has reconfirmed that "The roll projections provided to local authorities are for state funded schools only. Assumptions about the proportion attending independent schools are implicit in the modelling."
- KEPA submitted two radial maps from the Authority's education department's yearly publication for parents and suggest that they illustrate that there is known to be no educational need. (Document G) This is incorrect. The maps reflect that the local authority acted effectively in each year to open emergency bulge classes at Unicorn when Harris Beckenham deferred opening in July 2014 and at Marian Vian in 2015 when there were insufficient places available within the co-ordinated admissions process. Harris Beckenham was not included (in line with DfE policy) in the co-ordinated admissions process for September 2015 because it had not received its funding agreement from the EFA at that time. With the Harris Beckenham being outside of the co-ordinated admissions process for September 2015 the local authority had insufficient school places to make an offer of a school place to every local applicant. It should be noted radial/proximity figures only relate to the primary school offers made to applicants who applied on time and were offered a place on national offer day in April 2015 and do not include parents who applied late or in-year admissions.

A further communication from KEPA dated 19th October revisits / raises the following matters

- KEPA highlight that "the whole of PA1 and all of PA1 schools are within a 2 mile walk of the Harris primary site and its nodal admission points and all public transport can be completed within 45 minutes and maximum one change of bus from any location within that boundary". However, the Home to School Travel and Transport Guidance relates to the distance to the school site not the nodal points. As the crow flies from the Harris site a 2mile radius extends to Anerley

Town Hall and Penge West Station, but, since the measurement of the statutory walking distances is measured “by the shortest route along which a child, accompanied as necessary, may walk with reasonable safety” in reality the 2 mile distance would be significantly closer to the school site. As previously advised the relevance of the consideration of demand for school places from other education planning areas decreases based on school proximities and the primary relevant information in determining the need for the Harris Primary is the demand for school places in planning area 2.

- KEPA highlight that the Council’s response sent 4th Sept still refers to the Stewart Fleming decision as outstanding when it was in fact permitted 19th August. KEPA are correct, however, the Stewart Fleming application was referred to in the Council’s response and it’s planning status was correct at the time of drafting that element of the response to their letter, which raised a number of detailed points. There was no intention to mislead (highlighting that the determination was due)
- KEPA suggest that James Dixon moved permanently from 2FE to 3FE from the beginning of this academic year. This is incorrect James Dixon remains a 2FE primary school, although it has taken an additional “bulge” class this year to meet some of the need.
- KEPA suggest that the emerging Local Plan is expediting the opening of Langley Primary on the Langley Site through the Local Plan, highlighting the assessment of the site as offering potential for “a policy compliant scheme” or the potential allocation for a non-compliant scheme due to “exceptional circumstances”. The Local Plan assessed a range of sites to determine their potential. The supporting Education Background Paper indicates in respect of the Langley Schools complex “Limited potential for London Plan compliant 2FE primary school otherwise ranked B (in group 3)”. A policy compliant primary school scheme would involve the use of significant existing infrastructure needed for secondary provision and would therefore involve the release from Metropolitan Open Land, requiring the demonstration of “exceptional circumstances”. The school may seek to open initially utilising the limited available space within the existing schools infrastructure. As previously stated no planning application has been submitted for primary school development. Assuming an application is received prior to the adoption of the Local Plan it will be contrary to the existing MOL designation and required to demonstrate “very special circumstances”. The draft Local Plan will be published next year prior to submission to the Secretary of State with a view to adoption later in 2016.
- KEPA also highlight the appointment of the Headteacher, and the schools inclusion in the 2016 Bromley Education publication for parents advising them to apply direct to the school. Whilst highlighted in the publication for parents the schools where the funding agreement with the EFA is yet to be finalised, such as Langley Primary Free School would not be included within the co-ordinated admissions process

In response to KEPAs letter of July 2015 which sought consideration of Planning Areas 1 & 2 the Council highlighted the deferral of the opening of the Crystal Palace Free School. Members should note that the Crystal Palace Free School has recently confirmed its withdrawal from the Free Schools Programme, which will have implications for pupil place planning in the adjacent Planning Area 1 as it was identified as providing 60 places from 2015/16 onwards in the PDSP.

Conclusion

The need for additional primary education across the Borough and specifically the provision of the Harris Beckenham Primary Academy in Planning Area 2 is evidenced in the Councils approved Primary School Development Plan (Jan 2015) and was clearly presented to the Development Control Committee. Of the schools proposed to meet the education need in Planning Areas 1 and 2 Harris Beckenham Primary Academy is one of the most advanced towards delivery. The Harris Beckenham Primary Academy is needed and should proceed without delay.

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The Council's Highway Engineer has commented as follows. Please note the abbreviation 'LM' refers to the Lambeth Methodology.

(1) KEPA: -

With specific reference to the following statements by the Kelsey Estate Protection Association (KEPA);

RPS point out that the detailed application of the LM is not prescribed and is designed to be flexible and common sense should prevail. However, they fail to mention that its application is proscribed by the test of rationale and reasonableness and a judgement about rationale and reasonableness is implicitly referenced against the 200m non-commercial and 500m commercial limits, otherwise that distinction within the LM would be meaningless.

.....RPS should not have presented 500m survey data and whilst the traffic officer may not have realized the error the Authority should have taken remedial action once and at whatever point the error was pointed out.

I make the following comments:

A school is not a residential development. There is distinct difference between the parents visiting a school at peak times and occupiers of a residential development where during the evening the private cars are parked on street for long periods. Nowhere in the LM guidance does it specify that parking surveys should be limited to 200m of a school. The LM guidance does state that common sense should be applied in all cases.

Professional judgement was used to accept a greater distance than 200m as this equates to not more than an extra 2 minutes' walk. This is entirely consistent with the LM guidance to use 500m for non-residential development. This distance is not meant to be rigid and should take into account logical break points such as road junctions so the actual distance used may be greater or less than 500m depending on local circumstances.

There was no error in accepting the survey data provided; therefore no remedial action was required.

(2) Applicants: -

With reference to RPS Technical Note for Project JNY8123 - Harris Academy, Beckenham

I agree with its contents; the survey may have extended beyond a 200m radius but this does not mean that the report is misleading. An additional walking distance of 300m would add an extra 2 to 3 minutes to the walking time which is negligible. Please bear in mind that a 200m radius mentioned in the Lambeth methodology generally covers where the occupiers of a proposed residential development may want to park. The Guidance Note goes on to say that commercial developments should cover an area within 500m (or a 5 minute) walking distance. Therefore the survey carried out by RPS group is not misleading.

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THE LONDON BOROUGH
www.bromley.gov.uk

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FAX: 020 8290 0608

DATE: 07 July 2015

DEVELOPMENT CONTROL COMMITTEE

Meeting to be held on Monday 13 July 2015

**Attached is the Ordnance Survey Map for the planning items relating to
Harris Academy Beckenham, Manor Way, Beckenham BR3 3SJ**

***Copies of the document referred to above can be obtained from
<http://cds.bromley.gov.uk/>***

THE CIVIC CENTRE STOCKWELL CLOSE BRAYLEY BRUSH

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TELEPHONE



DATE: 13 July 2019

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020 8461 3333

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020 8461 3333

THE CIVIC CENTRE
www.brayleybrush.co.uk

DEVELOPMENT CONTROL COMMITTEE

Meeting to be held on Monday 13 July 2019

Attached is the Ordinance Survey map for the planning item relating to
Herts Academy (Location: Herts Academy, Stockwell Close, Stockwell BR3 3L1)

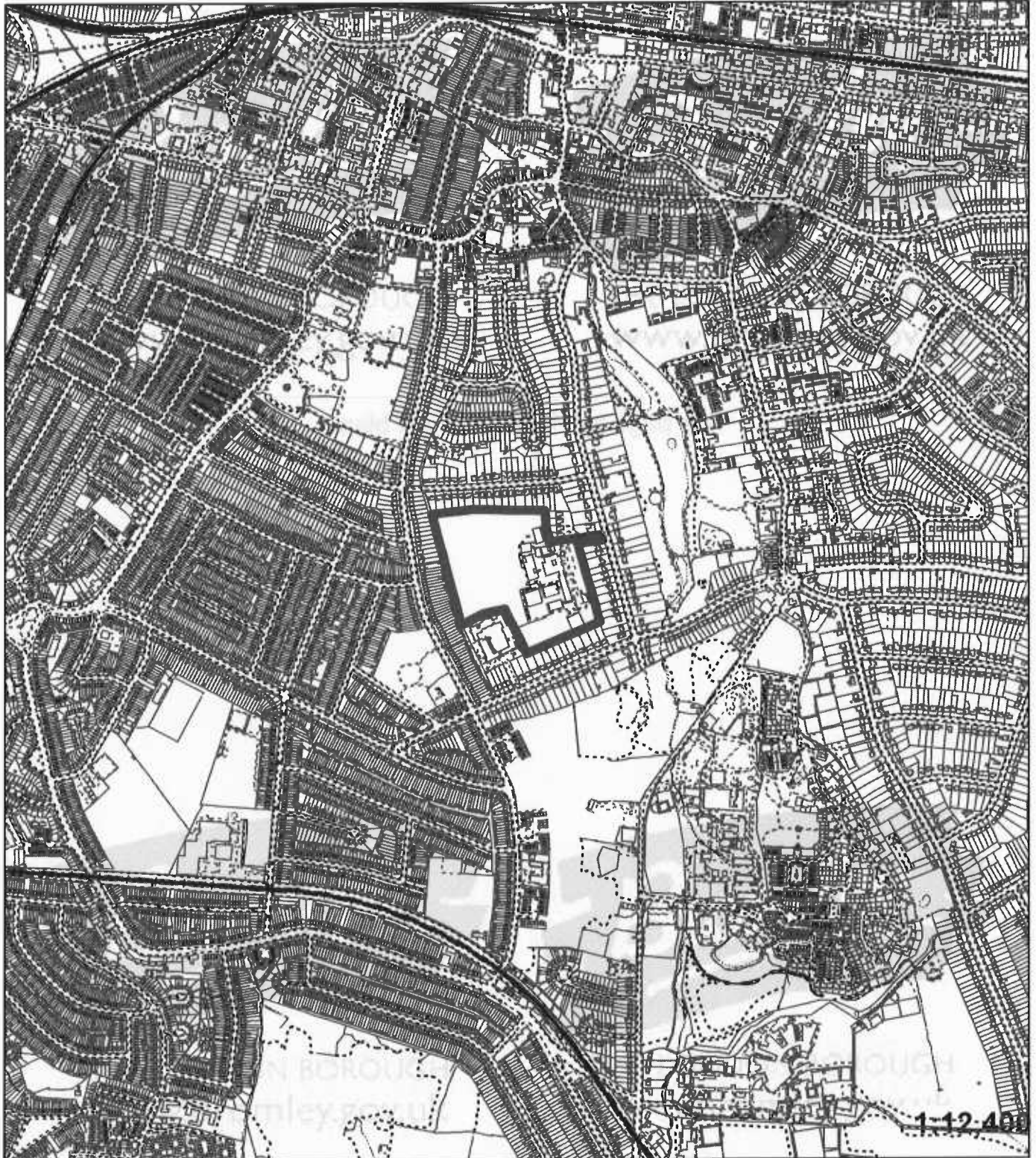
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Copies of this document referred to above can be obtained from
the Local Planning Authority

Application: 15/00908/FULL1

Address: Harris Academy Beckenham Manor Way Beckenham BR3 3SJ

Proposal: Demolition of all buildings on site (except the basketball block) and erection of replacement buildings to accommodate a 3 storey 6FE Academy (8,112 sqm GIA) for 1,150 pupils together with temporary classroom accommodation for a period of two years, provision of 71 car



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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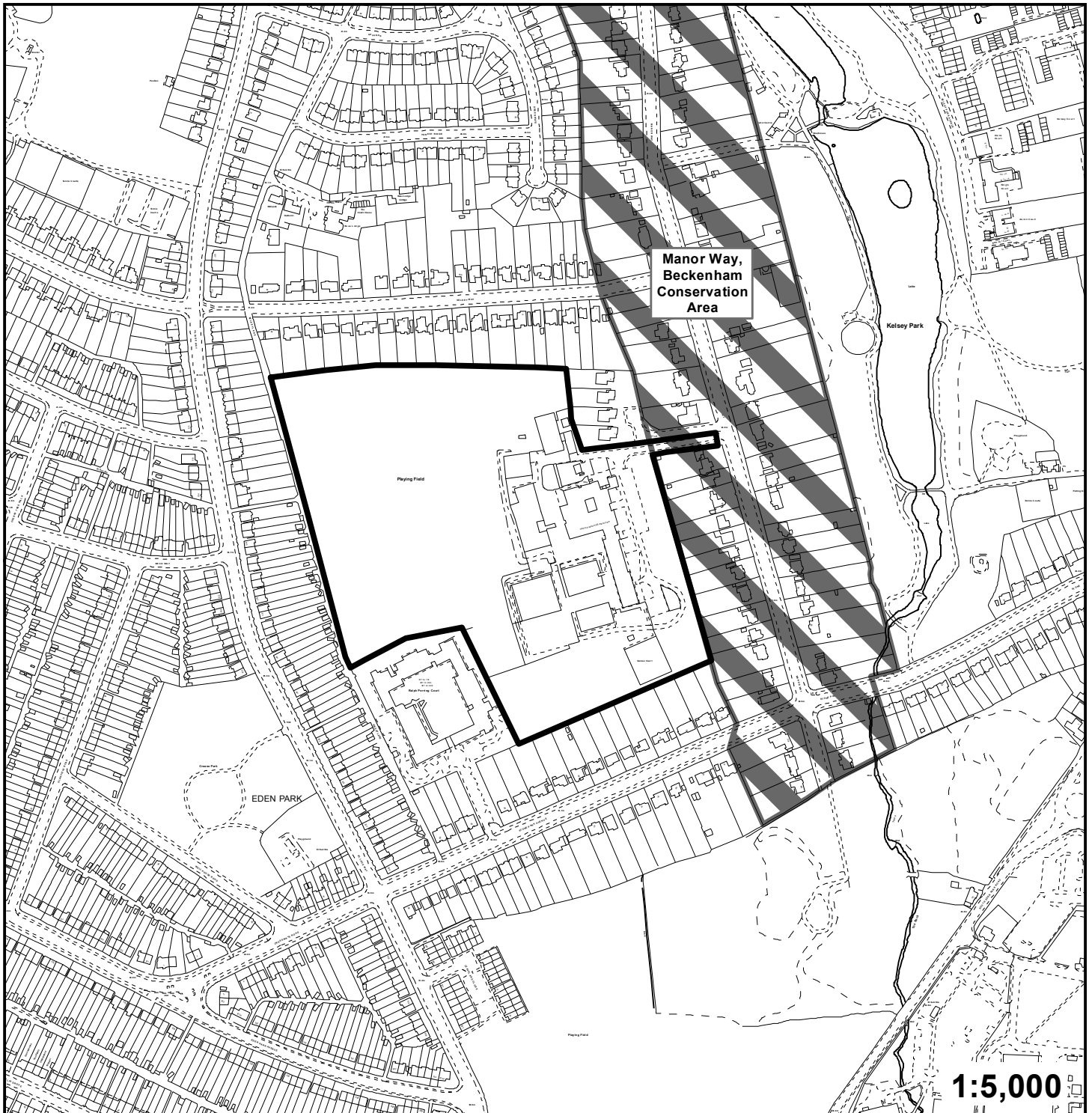
Proposal: Demolition of all buildings on site (except the basketball block) and erection of replacement buildings to accommodate a 3 storey BFE Academy (8,112 sqm GIA) for 1,150 pupils together with temporary classroom accommodation for a period of two years, provision of 71 car



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Address: Harris Academy Beckenham, Manor Way, Beckenham, BR3 3SJ.

Proposal: Demolition of all buildings on site (except the basketball block) and erection of replacement buildings to accommodate a 3 storey 6FE Academy (8,112 sqm GIA) for 1,150 pupils and a 2 storey primary Academy for 420 pupils together with temporary classroom accommodation for a period of two years, provision of 97 car parking spaces, 170 cycle parking spaces, associated circulation and servicing space, multi-use games areas and landscaping.



" This plan is provided to identify the location of the site and should not be used to identify the extent of the application site."

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Agenda Item 7

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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