

SECTION '2' – Applications meriting special consideration

**Application No :** 14/01636/FULL1

**Ward:**  
**Kelsey And Eden Park**

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

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

**Applicant :** Harris Federation

**Objections :** YES

**Description of Development:**

Erection of 3 temporary buildings to provide primary school accommodation for 2 forms in 2014/15 and 2 forms in 2015/16 plus staff support, together with associated hardstanding and landscaping works and 2 car parking spaces

Key designations:

Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Urban Open Space

**Proposal**

Planning permission is sought for the erection of 3 single storey temporary buildings and canopy to provide temporary primary school accommodation for 2 forms in 2014-2015 and 2 further forms in 2015-2016. 82 on-site car parking spaces will also be provided to meet existing and proposed demand for staff parking.

An application for a new permanent free school has not yet been received and will be considered on its merits in due course.

The current application will result in the provision of temporary teaching space for up to 120 children by September 2015.

The site is designated Urban Open Space (UOS) and lies adjacent to Manor Way Conservation Area.

The buildings will be located on the eastern side of the site to the rear of Nos. 88 and 90 Manor Way. At present this area is used partly for staff car parking and partly landscaping. The proposal comprises:

- 2 modular teaching buildings that measure 9.1m deep by 18.3m wide by 3.5m high. The closest building will be 19m from the boundary fence with Nos. 88 and 90 Manor Way.
- 1 administration building which measures 6.1m deep by 9.7m wide by 3.5m high.
- The admin building and 1 classroom building will be linked by a canopy.
- Relocation of existing planters and use of existing hardstanding areas for playground space.
- There will be 7 staff for year one and 12 staff for year two, comprising full time, part time and support staff.
- The proposal involves the loss of 14 existing on site car parking spaces used by the senior school. A total of 82 on-site car parking spaces will be re-provided.
- The proposed scheme will not require the removal of any of the existing trees.

The applicant has submitted the following detailed reports to support the application: Planning Statement, Transport Statement, Travel Plan, Arboricultural Implications Report and Ecological Appraisal. An amended Transport Statement has been submitted to identify measures to mitigate the loss of existing staff car parking spaces and the provision of replacement spaces and additional spaces for new teaching staff.

The Planning Statement and covering letter advises that:

- For the academic year 2014/2015 there is a moderate shortfall in the supply of places, rising to severe for subsequent years.
- Following a review of suitable and available sites in the borough the site has been selected to provide temporary accommodation for up to 120 pupils. Places have been offered on this site and if permission is not granted these children will need to be reallocated to other schools.
- The loss of Urban Open Space is offset by the community benefit of the school, the temporary nature of the loss of UOS, the small scale nature of the development, the location of the buildings and playspace on mainly existing hardstanding areas, the retention of all existing trees on the application site, provision of tree protection measures for the 2 year lifespan of the use of the site, the return of the site to open space upon removal of the temporary buildings.
- Pupils will be dropped off and picked up outside the entrance along Manor Way. Parking and traffic surveys have concluded that there is sufficient capacity on the existing local network to accommodate anticipated parking demands during both morning and afternoon peak periods. A draft School Travel Plan for the primary school has been submitted.
- The Ecological Appraisal notes that the site has a low biodiversity and hedgerows and trees will be undisturbed to protect nesting birds.

## **Location**

Harris Beckenham School is located on the west side of Manor Way and is bounded on all sides by residential properties in Kelsey Road, Kelsey Way, Village Way, Manor Way and Stone Park Avenue. The area is primarily residential in character. Beyond properties in Manor Way opposite the school is Kelsey Park. There are entrances to the Park in Manor Way and Stone Park Avenue. There are no restricted parking measures in place at this point along Manor Way.

### **Comments from Local Residents**

Nearby properties were notified and representations have been received from residents. In addition a letter has been received from the Kelsey Estate Protection Association (KEPA) dated May 23rd 2014. By letter dated June 11th 2014, the applicant has responded to the above letter from KEPA and KEPA have responded to this by email dated June 23rd 2014. The correspondence trail is summarised below and includes many of the concerns raised by other residents.

One letter of support has been received.

Residents have been reconsulted on revised plans showing changes to the parking provision, a revised Transport Assessment and the repositioning of the proposed building and additional representations will be reported verbally.

1. Failure to discharge the statutory consultation requirements in the Academies Act 2010 for new schools

KEPA - S10 of the Academies Act 2010 requires the relevant Trust to undertake consultation with persons as the person thinks appropriate on whether the proposed school should enter into funding arrangements with the Secretary of State. The consultation process should be thorough and transparent, the results published and a report submitted to the Department for Education. The Trustees claim to have sent out 16,000 consultation flyers in the area but none of the residents of Kelsey or Manor Way nor KEPA received any consultation document. The 22 formal responses to the consultation are all positive, with no negative responses recorded and this low number is not statistically significant. The Trustees had decided on the site of Harris Academy for the new primary school but did not include reference to the site when the consultation took place and there is legal precedent that the consultation should be run again once the site is identified - this has not been done. Therefore the Trustees have not met the regulatory requirements. The pre-planning consultation carried out in early 2014 does not replace the S10 process. KEPA request the Trustees carry out a transparent and rigorous consultation of residents in Manor Way.

APPLICANT RESPONSE - This is not a planning matter and is a separate process. It is not for LB Bromley to require the Trustees to carry out consultation in a particular way but for the Secretary of State to assure himself that the Trust is taking its legal responsibilities seriously in this respect. The applicant considers that they have carried out consultation in accordance with the regulatory requirements.

KEPA response - The S10 consultation is a wider statutory duty to consult which sits above the Local Plan and which the Planning Authority must be cognisant.

2. Unproven demand for primary school places in the local area (Planning Area 2)

KEPA - Council report to Education Policy Development and Scrutiny Committee in September 2013 shows a surplus of 46 places for 2014-15 and no deficit over the 15 projection span for the local wards, including Kelsey (Planning Area 2). There is a shortage in the wards including Crystal Palace, Penge & Cator and Clockhouse (Planning Area 1) and recommendations to seek an increase in places in other schools in both Planning Areas means that the surplus in Kelsey area will even greater - this includes an allowance for parental choice. The current proposal seeks to meet the demand of an area which does not include the Kelsey ward and this will attract more vehicles, congestion and pollution contrary to UDP policies in this respect. Harris Beckenham should find places for pupils in the catchment area where the deficit occurs.

APPLICANT RESPONSE - there is strong evidence of demand with 2 applications for every place at the proposed school and expects a waiting list in September and increased demand once the school is operational. The proposed spaces are part of the Council's pupil place planning programme and the DfE undertook a thorough search for sites and Harris Beckenham was considered the only available, accessible and deliverable site in the right location for the school catchment.

KEPA RESPONSE - the applicant has not answered the question, has not denied that there is no deficit in the local area, has not provided evidence of parental demand and has not provided the list of shortlisted alternative sites. Remain of the view that the deficit is elsewhere and should not be met at Harris as there are sites available elsewhere.

3. Non compliance with UDP policies and guidance

- Transport and Highways issues: Policies C1 - Sustainable Modes of Transport, C7 - Education and Pre-school facilities, T2 - Assessment of Transport Effects, T15 - Traffic Management, T18 - Road Safety and Safeguarding and Access

KEPA - lack of public transport and distance of pupils from the school will result in more car journeys. Impact of car parking in Manor Way for Kelsey Park has been ignored and the methodology used to identify available spaces is crude and incorrect. The study found a capacity of 233 spaces, KEPA found 144 spaces. Study found 177 free spaces and KEPA found 88. Study was done midwinter when the parking stress was lowest.

KEPA has assessed the need for parking based on a fully operational 420 place school and assert 46% car use by parents is too low but even on this figure the demand for spaces is 193 which exceeds the applicants available number of spaces. On their figures KEPA assert the demand will be 349 for 72 spaces.

The use of the Manor Way access only will compromise pedestrian safety and increase the safeguarding risk for children. A previous access point along Kelsey Way, that was used by the school but closed, and 2 lanes from Village Way should be considered to take pressure from the area around the school gates. The stagger times for drop off and pick up are not sufficiently spaced apart and will not control demand for parking.

APPLICANTS RESPONSE - there are bus stops in close proximity, after school clubs will help spread arrival and departure times, the School Travel Plan will encourage sustainable transport options for teachers and pupils, the parking assessment was carried out by experienced third party specialists using an agreed methodology. The study shows significant spare on-street resource for both resident use, further development of the school and from other users including seasonal variations in demand. There have been no accidents within the vicinity of the school access, on Manor Way, on Kelsey Way or within 300m north of the school access within the last 5 years.

KEPA RESPONSE - the applicant has not addressed the issues raised and repeated the conclusions of their flawed study. The study should be mindful of the intention to establish a new 2 form entry school from Reception to Year 6.

- Design and Conservation Area Issues: Policies BE1 - Design of New Development, BE11 and BE13 - Conservation Areas and Adjacent Areas

KEPA - houses and gardens in Manor Way are in a conservation area and the temporary buildings will sit adjacent to the rear gardens. Loss of amenity including noise, natural light, evening light pollution and construction plus increase traffic, parking, congestion and resultant pollution and noise will affect amenities of all residents in Manor Way

Site is not in CA but the access to the site is which means part of the development is in a conservation area so the above concerns will have an adverse impact on the conservation area.

APPLICANTS RESPONSE - the proposal of an additional 120 children will not impact on the amenities of residents in the way described by KEPA as there is significant screening and distance between the site and its neighbours. The impact of the larger permanent school should be assessed when this application is submitted. The access is an existing access and there will be no impact on the conservation area from its use by the temporary classroom accommodation.

KEPA RESPONSE - the applicants interpretation of the objection is wrong. The access is to be configured and this is development. The connection of the site to Manor Way via an access which is in the conservation area makes it part of the conservation area so consideration of the impact of development is appropriate.

- Other comments from residents not covered by the original KEPA submission

This application is premature given the plans for a larger school that have not been considered. Granting permission for this development will establish the principle that this site is appropriate for a far bigger school

### **Comments from Consultees**

The Council's Highways Officer raises no objection subject to recommended conditions.

The Council's Drainage Officer raises no objection.

The Council's Environmental Health Officer raises no objection.

### **Planning Considerations**

The application falls to be determined in accordance with the following Unitary Development Plan (UDP) policies:

- T2 Assessment of Transport Effects
- T3 Parking
- T15 Traffic Management
- T18 Road Safety
- BE1 Design of New Development
- BE11 Conservation Areas
- BE13 Development Adjacent to a Conservation Area
- G8 Urban Open Space
- C1 Community Facilities
- C7 Educational and Pre School Facilities

A consultation on draft Local Plan policies was undertaken early in 2014 and will be a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

In strategic terms the most relevant London Plan policies are:

#### **3.18 Education Facilities**

Draft Alterations to the London Plan have been published and consultation undertaken. An Examination in Public is scheduled to commence in September 2014.

The National Planning Policy Framework 2012 (NPPF) is also relevant, particularly paragraphs 72 (education) and 216 (status of emerging policies).

From an arboricultural point of view no trees will be lost as a result of the development. Conditions are recommended to secure protection for the trees during construction and for the duration of the temporary use.

From a heritage and design point of view it would generally be considered wholly exceptional that an increase in traffic would have such an impact on the character

and appearance of a conservation area and such matters should normally be dealt with under more general planning policies and advice from the Council's Highways Officer. In this instance it is considered that the school is a well established part of the area and any increase in traffic should be dealt with through a transport plan and any other mitigation measures. It is considered that the proposal would not conflict with the character and appearance of the area.

The proposal is largely screened by trees within the application site and whilst the site may be visible from some rear gardens of Manor Way it is considered that this would not cause harm or detract from important views into and out of the conservation area.

## **Planning History**

The site has been the subject of numerous previous applications, the most relevant of which is for the erection of a detached building for an indoor basketball court that was granted permission in April 2010 and has been completed (ref 10/00154)

## **Conclusions**

The main issues to be considered are set out below.

1. The need for the temporary classroom accommodation in this location

The UDP Policy C7, London Plan Policy 3.18 and paragraph 72 of the National Planning Policy Framework set out requirements for the provision of new schools and school places.

The NPPF, para 72 states that:

The Government attaches great importance that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen the choice in education. They should:

- Give great weight to the need to create, expand or alter schools; and
- Work with schools promoters to identify and resolve key planning issues before applications are submitted

In addition to the importance placed on the need to meet the provision of school places by planning policies, it is necessary to consider the assessment of local provision of school places.

At the Education Policy and Scrutiny Committee held on September 17th 2013, numerous reports were submitted setting out details of the future provision of primary education in the borough. The need for additional primary school places in the borough in 2014-15, and in future years, has been identified in this suite of reports.

The details of the expansion of existing schools and/or the provision of new schools has also been identified. The report advises that the Secretary of State for Education has identified Harris Beckenham as providers for the provision of a new permanent primary free school, although that process did not specifically identify a site. Members should note that the process that was undertaken to reach this decision is not a planning matter and the concerns raised about the process by which this decision has been reached are not within the planning legislation or remit to rectify.

The concerns raised about the provision of accommodation to meet the current need appear to relate largely to the proposal for a permanent new school on this site rather than disputing the need for immediate temporary accommodation in the borough. At this time, planning permission is not being sought for a permanent primary Free School for 420 pupils. This application will be submitted in due course and will be considered on its merits and within the context of the developing need for school places .

The current application seeks planning permission for temporary accommodation for 4 forms by September 2014. This application seeks to meet immediate existing demand for school places over the next 2 years and should be considered on its merits as such. The cessation of the use and removal of the buildings and reinstatement of the site can be secured by the condition recommended below.

It is considered that the need for temporary accommodation has been demonstrated through the reports submitted to the Education PDS and in the applicants Planning Statement which illustrates the increasing numbers of reception children across the Borough, including education planning area 2, which the site falls within, and the nearby education planning area 1.

2. The impact of the proposal on the designated Urban Open Space (UOS).

Policy G8 of the UDP permits built development on Urban Open Space where it is related to the existing use, is small scale and supports the outdoor recreational uses or children's play facilities on site and any replacement buildings do not exceed the site coverage of existing development on the site.

Draft Policy 6.5 of the emerging Local Plan defines existing school sites as 'Education Land.'

Draft Policy 6.6 indicates that the Council will support proposals for new education facilities, looking first at opportunities to maximise the use of existing Education Land and where new sites are required they will be permitted unless demonstrable negative local impacts which substantially outweigh the need for additional education provision which cannot be addressed through use of appropriate conditions or obligations subject to:

- i) open space and conservation policies,
- ii) the need for provision locally
- iii) highway safety, and  
the accessibility of the site by means of transport other than the car.



In all cases new building should be sensitively designed to minimise the loss of open space and the impact of the development, seeking to secure as far as possible the privacy and amenities of any adjoining properties, whilst delivering the necessary educational infrastructure.

It should be noted that this emerging policy reflects the wording of the current London Plan policy 3.18 and NPPF paragraph 72 (referred to below). Paragraph 216 of the NPPF enables due weight to be given to emerging policies depending on their degree of consistency with the policies in the Framework. In this instance it is considered that there is significant compliance with existing policies and so greater weight can be given to the emerging policy.

The proposal is related to the existing use in that it expands the existing educational use of the site. The proposed buildings are located on a grass verge and car parking area and away from the main area of the UOS and are considered to be small scale in nature. They are also located close to the existing 3 storey senior school building.

The existing and emerging policies relating to UOS support the provision of new education facilities on UOS unless there are demonstrable negative local impacts. Therefore it is considered that the proposed development meets the requirements of the UOS policy.

3. The impact of the temporary classrooms on the local roads in terms of traffic generation, parking, highway safety, pedestrian safety.

The applicant has submitted a Transport Statement (TS) which sets out details of the highway, traffic and parking implications of the scheme.

In terms of parking, the TS advises that the number of staff required for the full operation of the proposed temporary buildings is 12. It is estimated that this will generate demand for 7 car parking spaces for the new use. There are up to 75 cars currently parking on the site utilising 50 marked car parking spaces with overspill around the site. A total of 14 existing spaces will be lost as a result of the development.

The applicant has now provided plans which show that on-site car parking for all of the existing and proposed cars can be achieved. Therefore there will not be any increase in demand for on-street parking from new or existing staff.

With regard to vehicular trips for pupil drop off and pick up the Transport Statement indicates that, in the worst case scenario, there will be an additional 52 vehicle trips for pupil pick up and drop off. This application is not considering the impact of the parking from a fully operational permanent new school. The TS goes on to demonstrate that there is sufficient on street parking capacity to accommodate this number of vehicles over the hours of 8-9am and 3-4pm when there will be staggered pick up and drop off times. It is not anticipated that there will be significant queuing along Manor Way as a result of the development or a detrimental impact on the junction of Manor Way and Stone Park Avenue.

On this basis it is considered that there will not be a significant adverse impact from the provision of 4 form temporary primary school accommodation on the free flow of traffic along Manor Way or on the current level of parking spaces available for residents and other visitors to Manor Way.

#### 4. The impact on the amenities of residents

The proposed buildings and playground will be located at the rear of Nos. 88 and 90 Manor Way. Revised plans have been received which show the building set back a further 1m from the rear boundary of these properties than the original submission. Therefore the closest edge of the new building will be approximately 19m from this boundary. The existing houses directly to the rear of the site have a separation to the boundary of approximately 38m. Therefore the total separation between the proposed buildings and the rear of these properties in Manor Way is 57m. There are also several trees which help screen the boundary, although this is more so in the summer than the winter.

In terms of access to natural light, evening light pollution and building work, the proposed use forms part of an existing school and it is considered that the impact of some additional evening activity and on the natural light of residents will not cause undue harm given the low level nature of the single storey buildings and the separation between the proposed buildings and the nearby houses.

It is recognised that there will be some noise generated by the use of the playground. However the site is already in school use and pupils have access to this part of the site. In addition the proposal is for a temporary use so the provision of a playground in this location is not envisaged to be long term.

Taking all of the above into account it is considered that whilst there will be additional activity relating to the use this will not have a significantly harmful impact on the amenities of nearby residents and is considered to be acceptable.

#### 5. The impact on the character and appearance of the Manor Way Conservation Area

The proposed buildings are located adjacent to the boundary and to this extent the proposal must be considered against Policy BE13 of the UDP. This requires development proposals adjacent to a conservation area to preserve or enhance its setting and not detract from views into or out of the area. In this case the proposal is single storey, is set back some distance from the boundary with the conservation area and there is screening within the site. For the above reasons, it is considered that the proposal would not cause harm or detract from important views into and out of the conservation area.

The school driveway and Manor Way lie within the Manor Way Conservation Area and Policy BE11 expects development to respect and complement the layout, form and materials of existing buildings, respect and incorporate existing landscape and other features that contribute to the character and appearance of the CA and ensure that the level of traffic, parking and servicing or noise generated by the proposal will not detract from the character of the area.

Concerns have been raised by residents that the intensification of the use of the access driveway and the additional vehicle movements in Manor Way for pick up and drop off would result in congestion, noise and pollution and degrade the conservation area.

The revised plans show that staff parking will be almost exclusively contained within the site. There will be additional traffic generated by drop off and pick up.

In terms of the impact on the conservation area, it would be generally considered wholly exceptional that an increase in traffic would have such an impact as to cause significant harm to the character and appearance of the conservation area. In this case it is considered that the volume of increased traffic for this temporary accommodation would not detract from the character and appearance of the conservation area.

### Summary

Taking account of the demonstrated need for primary pupil places in the borough for September 2014, the compliance with policy in relation to the designated Urban Open Space, the provision that has been made to accommodate existing and proposed staff parking, the assessment of the impact of additional cars related to the temporary use during the pupil drop off and pick up times, the limited impact of the use on the amenities of local residents and the character and appearance of the Manor Way Conservation Area, it is considered that the proposal is acceptable subject to recommended conditions.

Background papers referred to during the production of this report comprise all correspondence on file ref. 14/01636, excluding exempt information.

as amended by documents received on 03.04.2014 23.05.2014 27.06.2014 04.07.2014

### **RECOMMENDATION: PERMISSION**

Subject to the following conditions:

- |   |        |  |
|---|--------|--|
| 1 | ACA01  | Commencement of development within 3 yrs |
|   | ACA01R | A01 Reason 3 years                       |
| 2 | ACA05  | Landscaping scheme - implementation      |
|   | ACA05R | Reason A05                               |
| 3 | ACA07  | Boundary enclosure - no detail submitted |
|   | ACA07R | Reason A07                               |
| 4 | ACB01  | Trees to be retained during building op. |
|   | ACB01R | Reason B01                               |
| 5 | ACB02  | Trees - protective fencing               |
|   | ACB02R | Reason B02                               |
| 6 | ACB13  | Trees - excavation by hand (a)           |
|   | ACB13R | Reason B13                               |
| 7 | ACB15  | Trees - details of access/parking        |
|   | ACB15R | Reason B15                               |

- |    |        |  |
|----|--------|--|
| 8  | ACC07  | Materials as set out in application  |
|    | ACC07R | Reason C07   |
| 9  | ACD02  | Surface water drainage - no det. submitt   |
|    | AED02R | Reason D02   |
| 10 | ACH03  | Satisfactory parking - full application  |
|    | ACH03R | Reason H03   |
| 11 | ACH04  | Size of parking bays/garages   |
|    | ACH04R | Reason H04   |
| 12 | ACH16  | Hardstanding for wash-down facilities  |
|    | ACH16R | Reason H16   |
| 13 | ACH22  | Bicycle Parking  |
|    | ACH22R | Reason H22   |
| 14 | ACH28  | Car park management  |
|    | ACH28R | Reason H28   |
| 15 | ACH29  | Construction Management Plan   |
|    | ACH29R | Reason H29   |
| 16 | ACK01  | Compliance with submitted plan   |
|    | ACC01R | Reason C01   |
| 17 |        | The buildings hereby permitted shall be removed from the site and the permitted use shall cease on or before July 17th 2014 and the site shall be reinstated in accordance with details to be submitted to and approved by the Local Planning Authority within 3 months of the removal of the buildings. |
|    | ACE01R | Reason E01   |

#### INFORMATIVE(S)

- 1 You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010)). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010)).

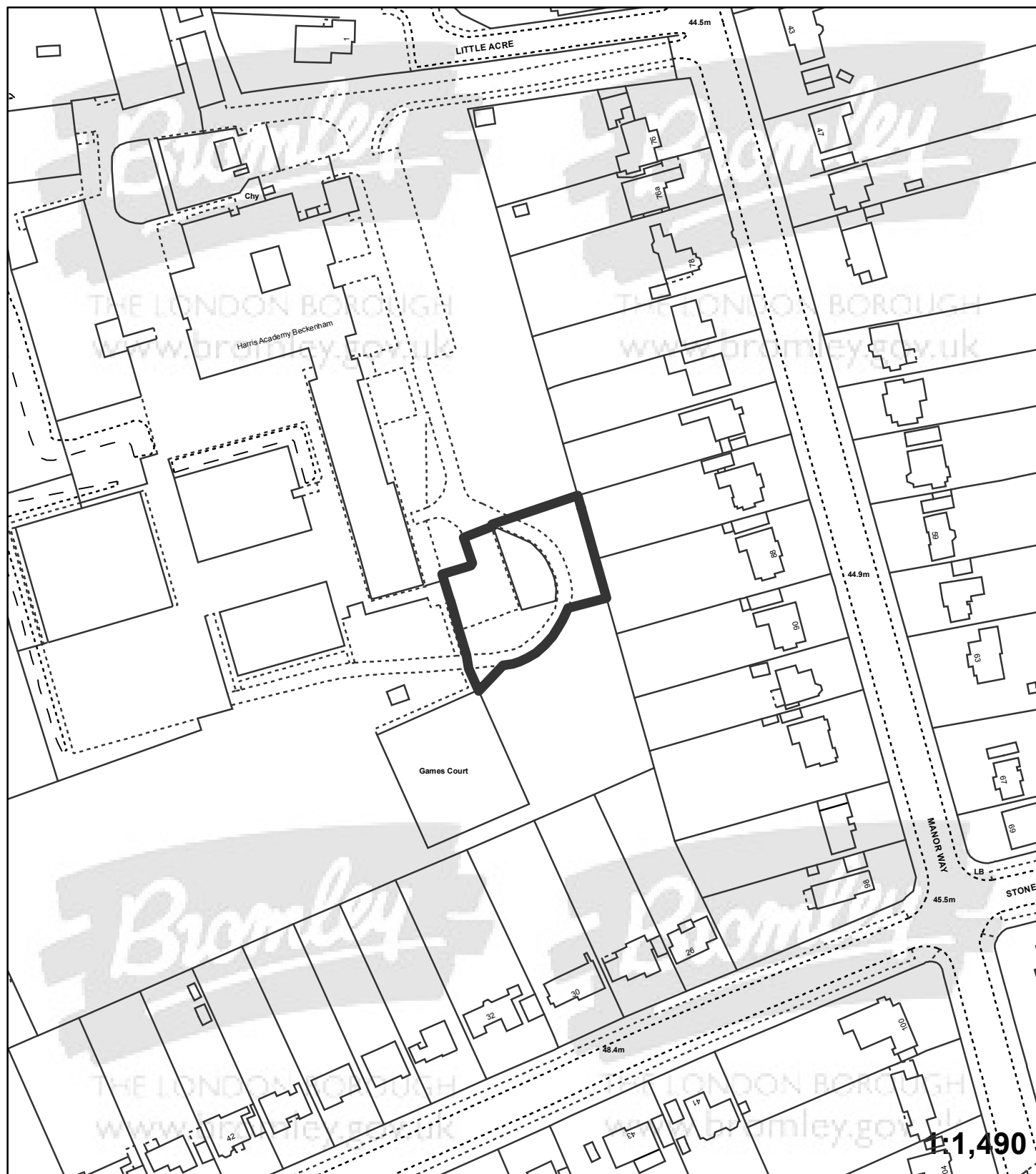
If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt.

Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website [www.bromley.gov.uk/CIL](http://www.bromley.gov.uk/CIL)

**Application:**14/01636/FULL1

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

**Proposal:** Erection of 3 temporary buildings to provide primary school accommodation for 2 forms in 2014/15 and 2 games in 2015/16 plus staff support, together with associated hardstanding and landscaping works and 2 car parking spaces



"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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