

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held at 7.30 pm on 4 October 2017

Present:

Councillor Peter Dean (Chairman)
Councillor Richard Scoates (Vice-Chairman)
Councillors Vanessa Allen, Nicholas Bennett J.P., Eric Bosshard,
Katy Boughey, Lydia Buttinger, Nicky Dykes, Simon Fawthrop,
Charles Joel, David Livett, Kate Lymer, Russell Mellor,
Alexa Michael, Neil Reddin FCCA, Michael Turner and
Angela Wilkins

Also Present:

Councillors Peter Fortune, Ellie Harmer and Colin Smith

9 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillors Douglas Auld and Kevin Brooks; Councillors Nicholas Bennett JP and Angela Wilkins attended as their respective substitutes.

10 DECLARATIONS OF INTEREST

No declarations of interest were received.

11 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 12 JUNE 2017

RESOLVED that the Minutes of the meeting held on 12 June 2017 be confirmed and signed as a correct record.

12 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

Four oral and three written questions were received from members of the public. A copy of these, together with the Chairman's responses are attached as Appendices A and B.

13 PLANNING APPLICATION 17/02468/FULL1 - ST HUGHES PLAYING FIELDS, BICKLEY ROAD, BICKLEY, BROMLEY

Description of application – Proposed erection of a 6FE Secondary Boys School comprising a part 2 storey, part 3 storey school building of 8,443m² including a sports hall (also for wider community use) together with hard and soft landscaping, creation of a new vehicular access on Chislehurst Road, 69

parking spaces, drop off/pick up area and associated works. Erection of a temporary 2 storey classroom block on site for 12 months to accommodate 5 classrooms, a laboratory, offices and toilets (amended submission of application DC/16/03315/FULL1).

Oral representations in support of the application were received from Mr Matthew Blythin, DHA Planning and Mr Simon Moon, DHA Transport.

Mr Moon reported that the first application for Bullers Wood School for Boys was refused due to concerns over increased traffic movements and the effects these may have on road and pedestrian safety. Those concerns were addressed in the current application with a new proposed footway outside the school, a crossing point on Chislehurst Road, further drop-off spaces within the site and a full review of the school's start and finish times. An independent Road Safety Audit had accepted the proposals and although it was agreed with the Council, its findings had been misrepresented within the Committee report. There were no outstanding highways safety concerns associated with the proposals.

The current application was subsequently made in good faith on the strength of constructive and positive pre-application discussions with officers and the previous reason for refusal had been addressed. However, the agents raised significant concerns with the report submitted to Members, despite late changes being made to rectify them. As a starting point, Members should recognise the very clear policy approach which should be adopted. Consideration should also be given to the presumption in favour of school development, the fact that refusal would be deemed unreasonable conduct unless supported by clear and cogent evidence and the fact that proposals should only be refused where demonstrable negative impact substantially outweighed the need. As all available evidence showed and as confirmed by the Council and the GLA, there is a significant need. Any perceived negative impact must therefore, substantially outweigh the meeting of the significant need which itself must be given great weight. The bar, therefore, could not be set any higher yet the report contained a suggested reason for refusal which did not fairly reflect the available evidence, nor did it conclude that the impacts were severe. If officers were not convinced, how can it possibly be used as a basis for stating that the very clear benefits were substantially outweighed?

Whilst the Council's independently commissioned peer review concluded that local impacts were low and could be acceptable to the Local Authority, the report did not fairly reflect or acknowledge those findings. More alarmingly, the report referred to safety issues raised by the Road Safety Audit without fairly confirming that the independent audit concluded there were no outstanding safety concerns. Despite raising this with officers, this point had not been rectified by any amendments to the report or recommendation and therefore continued to mislead Members. There was no evidential basis for refusal on safety grounds and it was notable that the amended conclusion of the report omitted reference to safety.

The wider context must also be recognised. Many issues raised were common to all schools. Refusal here would set a dangerous precedent for future applications and the Council's ability to even come close to meeting the evidence need. The Council had undertaken an extensive site appraisal process and assessment of need and consistently confirmed that the site was required to meet educational need. No alternatives had been identified by any party and the site remained in the draft Local Plan which was approved by the Council and submitted to the Secretary of State. This decision was taken even following the previous refusal. The applicant actively sought to work collaboratively with officers, yet all meeting requests were declined and Highways comments were issued just a week before Committee with no attempt to engage constructively with the applicant to seek solutions to officers' concerns. The agents confirmed the applicant was happy to provide an additional footway or alternative crossing to Chislehurst Road by condition if considered necessary.

In summary, therefore, the need for the school was significant. The Council continued to rely on the site to meet that need and the recommendation before Members failed to reasonably reflect the evidence or even confirm the required threshold of harm which would substantially outweigh the significant benefits. Members were aware of the overwhelming level of support for this application which in itself was illustrative of the need. Emotional decisions such as this was inevitable and entirely understandable because it concerned the future of a large number of local boys however, a decision must be made on the facts. The agents then asked the following questions:-

1. Where was the evidence base of any safety concerns?
2. If not here, then where? and
3. Could a refusal really be supported where officers were unable to conclude that the impacts were severe?

In response to Member questions, Mr Moon stated it was recognised through the previous application and discussion from Members, that there was clearly an issue regarding access/egress. When actively engaging with officers, a full review was undertaken of all options including those for a Bickley Road entrance together with the option for a combined in and out entrance and a separate in and out entrance along Bickley Road. These were all worked up to a greater level of detail than the previous scheme. All options were presented to officers during pre-application discussions and it was made very clear that the applicant was open to delivering any alternative option if it was considered necessary to do so. At no point was a request received (either through the pre-application discussions or since) from officers to further explore those options in terms of making amendments to the scheme. However, they are worked up and if the Committee felt it would make the scheme acceptable, the applicant remained open to further consider those options.

The agents were asked whether Council officers had given any explanation as to why they refused to meet with them. Members were advised that in terms of meeting requests, the response received from officers was that this was standard Council policy however, as meetings had been held for the previous application it was all quite confusing. The NPPF's clear guidance and the Government's circular both contradicted the officers' response.

Referring to the omitted information about the Road Safety Audit, the updates in the report went some way to making some amendments but certainly in terms of the Road Safety Audit there had been no formal response on that point and no amendment to the report had been made.

Councillor Joel reported that Bickley Road (heading into Bromley) was very busy in the mornings and asked the agents if they envisaged any problems with having a 'no right turn' sign erected where cars exited the site. Mr Moon stated the applicant was willing to take into account any relevant aspects Members wished to bring forward through relevant condition. The only potential concern would be the re-routing of vehicles around the site however, this would potentially offer benefits to people having to cross the contraflow of vehicles on Bickley Road.

Oral representations in objection to the application were received from local resident Mr Michael Bird.

Mr Bird reported he was speaking on behalf of local residents who had signed a petition opposing the building of a new school and also the Bickley Residents' Group who had commissioned traffic reports from Odyssey.

Mr Bird went on to say that, despite the first application being refused due to serious traffic and road safety issues, the applicant had made only minor changes to the proposals that were previously found to be unacceptable i.e. a section of pavement with a railing, a raised table and an extra 15 drop-off bays. Given the minimal changes, it was unsurprising that the Council's own planning officers concluded the new application should also be refused on traffic and road safety grounds. This conclusion was supported by the findings of two traffic consultants, Glanville and Odyssey. The proposed new footway on Chislehurst Road would still funnel pedestrians to a single crossing point, contrary to Glanville's recommendation. The crossing point would still be uncontrolled and even closer to the corner before Pines Road. The applicant had assumed that only 138 pupils would cross Chislehurst Road but that was an underestimate. Also, concerns about the inadequate pavement to the west of the entrance had not been addressed. The increase in drop-off bays was insignificant given the inherently defective on-site arrangements. In view of the extra time it would take to enter, drive through the single track internal road and exit the site, it must be expected that parents would instead, stop on the surrounding roads causing further congestion and delay. The latest traffic impact assessment was based on a series of unrealistic assumptions aimed at reducing the school trip attraction figures.

There were also errors with the input and modelling itself. However, despite traffic flows being understated, it still showed that junctions around the site were operating at overcapacity which would be exacerbated by the proposed development. The applicant had not put forward any mitigation measures. The Road Safety Audit highlighted the risks of parents parking inappropriately opposite the Chislehurst Road entrance which could restrict visibility and lead to pedestrian accidents. The applicant was relying heavily on school staff marshalling the surrounding roads however, staff could not be expected to prevent parents from parking inappropriately or ensure the safety of pupils crossing the road. The applicant had still not demonstrated that the highways impact of the proposed development would be anything other than severe.

Local residents remained of the view that their other objections – loss of open space and protected trees, loss of playing fields and loss of residential amenity when taken together, overrode the unproven need for extra secondary school places in this location. Based on the latest school catchment areas, a boy living in Bickley who started secondary school in September 2017 had a good choice of existing non-selective schools in Bromley. The Committee report acknowledged that the street scene on Chislehurst Road would be significantly changed with the considerable increase in activity and vehicle and pedestrian movements. This would result in residents living opposite the site suffering a much greater level of disruption, noise and pollution from before 7 am until after 9.30 pm. The Committee report stated it would be desirable for access to the site to avoid Chislehurst Road altogether. Such a loss of residential amenity was unacceptable, particularly when the applicant had made no effort to relocate the school building and playground further away from the site boundary nor to properly assess alternative access points.

Before the first planning application was submitted, the applicant had been unwilling to listen to the significant issues raised and alternative suggestions made by local residents and others, including Sport England. This was unacceptable given this was a major development which would have a significant negative impact on the local community.

Councillor Dykes asked if it was a fair assumption that Mr Bird and the people he represented were against a school regardless of whatever mitigating measures were put in place. She also referred to Mr Bird's criticism of the modelling used by the school however, TfL had stated it was satisfied with its robustness. Mr Bird responded that he and the local residents were merely opposing the proposed development that was currently being considered. If the applicant was to come back with another proposal, they would look at this and re-assess it. In terms of the modelling, he was relying on what Odyssey and Glanville had reported.

Councillor Bennett asked about Mr Bird's reference to 'unproven need' for new school places and given the subsequent reports over the last three years of the School Places Working Party, he wondered on what basis Mr Bird was challenging the need for another 35FE at secondary level by 2022 and the fact that approximately 2,500 children already in Bromley schools would be

going into the secondary sector without a current school place. Mr Bird replied that when he made the statement it was based on an unproven need within the local area and he challenged the views of local residents in Bickley who said they did not have a choice of school in the local area. On being asked to define the meaning of 'local area', Mr Bird said he was focusing on the ward in which the proposed school would be built.

Oral representations from the Executive Portfolio Holder for Education, Councillor Peter Fortune, in support of the application were received at the meeting. Councillor Fortune stated it was the Council's basic statutory duty to ensure children in the borough of Bromley had somewhere to go to school and to ensure that places were available. These places were provided by independent Academy Trusts who progressed their applications through the Council's planning framework. It was perfectly right and proper for residents to oppose planning applications and to have access to the democratic processes to do so and it fell to Members to balance the opposing arguments for the benefit of the entire community.

The Council should be mindful of the impact on the future as well as the current time. If minded to refuse the application, Members must be clear on what grounds they were refusing because in his view, they would be refusing an opportunity for local Bromley boys to attend a great school and gain a fantastic start in life. The need for school places in the borough was proven and pronounced and without this opportunity being created, there would be a definite shortfall of at least 3FE by September next year which could only be dealt with in the short term. Nearly 100 Bromley children could start their secondary education in makeshift 'crates' because of already overcrowded classrooms. It was anticipated that by 2022 the projected need for year 7 places would have increased to over 600 children. Whilst other schools had been granted approval, none of them would be ready by 2018. Places were available in other schools however, they were spread quite some distance across the borough and it should be noted that they were in decline. A further impact of refusing this opportunity was that children would be forced to travel in their parents' cars to schools further away thus increasing congestion and adding to traffic, ironically part of the reason given for recommending refusal of the application. Demand was there and demand was local. Bullers Wood School for Girls had one of the lowest out-of-borough pupils at 10% compared with a borough-wide average of 23%. This meant that Bullers Wood School for Boys was well placed to meet that clearly demonstrated local need. Whilst residents' concern regarding traffic was respected and appreciated, Members could make a brave choice to look through those inconveniences and embrace the opportunity because Bromley children expected and deserved more.

Oral representations in objection to the application were received from visiting Ward Member Councillor Colin Smith. Councillor Smith stated that since the previous refusal, the applicant had failed to resolve the issues raised by the Committee, despite having over two years in which to do so. He had previously queried where the shortfall of places were in central Bromley and was told by officers that figures were unavailable however, they have since

been produced. The year 6 through to year 1 figures revealed that in five years' time central Bromley, Bromley Town Ward, will have expanded by over 100 children per year, Plaistow and Sundridge by some 40 and Chislehurst by 50. In Bickley, the number of children requiring school places in five years' time would be lower than it is today. There was, quite simply, no need or justification to build extra education capacity at this location.

The question asked earlier by the applicant's agents of 'if not here then where?' was a very good question. By following the numbers and agreeing the obvious basic match that supply should meet demand where it had been identified and was set to continue to grow, that would be in a central Bromley location somewhere near the Plaistow and Sundridge border. This would better serve the community whilst at the same time, reduce pollution, improve air quality and reduce traffic congestion because the school would be on the doorstep of people who actually needed it. The applicant's alternative site plan was out-of-date, unimaginative and subjective in its comments as to where the school could not go but was curiously silent as to where it could go. The applicant and agent had simply made up their minds as to where they would prefer to see the school out of maximum convenience to their organisation and had not pursued a serious investigation as to any other alternative site as they could and should have. This explained their zero consultation approach with Ward Councillors over the period, their utter determination to ignore and/or besmirch the evidence provided by respected transport model experts Odyssey and the Council's independent consultants Granville. It explained their belated planning appeal which ignored this Committee's request back in January for them to rethink their plans and come back with a design which provided better road safety to the borough's children and it explained their ongoing continuation to fail to meet Sport England's requirements in terms of the destruction of irreplaceable urban open space. The application remained seriously flawed and should surely be refused. It flew directly in the face of Mayoral and Council priority policies of reducing congestion, improving road safety and reducing air pollution. There were no special circumstances to justify the irreplaceable loss of urban open space. With 200 existing voids in the borough's secondary schools and with the exciting proposals emerging for new schools at Bromley South, Kentwood and potentially a long-awaited Catholic secondary school somewhere within the borough, the projected gap in school places by 2022 (approximately 20 FE not the 35FE mentioned earlier), could quite easily be closed without the approval of the current application.

Councillor Smith reminded Members that whatever they decided would be reviewed by the Mayor of London's Office which would ultimately make the final decision as to its fate. He requested Members do the right thing regarding road safety and congestion and vote for refusal. This would not mean the end of the road for the applicant as they had submitted an appeal which could take the decision out of the Committee's hands. A refusal would, however, send a very clear indication to potential applicants everywhere of the need to follow the rules, consult carefully, search for appropriate sites diligently and try not to steamroll due process because they believed they had

the power to do so. The applicant had two years to come up with a suitable design and had conspicuously failed to comply.

The Chief Planner reported that numerous additional comments had been submitted both in support and in objection to the application; they raised no new material points which had not already been included in the report. An updated Air Quality Addendum was also received and circulated to Members which did not dispute the findings of the original document but took into account the siting of the school. Further correspondence had also been received from the applicants by way of letters, matters circulated to Members and a further Highways submission. Letters in support of the application from Councillors Ellie Harmer, Michael Rutherford and Will Harmer had been received and circulated to Members. The Council had also issued an Addendum to the report which was publicised on the web site and contained the Council's response to submissions made by the applicant. Despite all of this, the officer recommendation remained the same.

Committee Member and Ward Member Councillor Lymer commented that her five year old son attended a state school in Bromley. Naturally, she was concerned for his future and she completely understood both the worries of parents and a desire for them to have a good school for their children to attend. Equally, having lived next door to Ravensbourne School, she also understood the concerns of residents living in the vicinity of the proposed site. Councillors often found themselves in the excruciatingly uncomfortable position of not being able to please everyone. If the application was permitted, she would be genuinely pleased for the parents and families in favour however, if the application was refused, she would be just as pleased for the local residents and also road users across the Borough who used the route on their daily commutes. Local Councillors had to make a judgement call to back one side or the other and in this case Members should consider whether the applicant had overcome the reasons for refusal since last time; Councillor Lymer considered they had not.

The proposed amendments were merely tweaking around the edges of the problems. There was never going to be a perfect place for a new school which in turn, always led to an increase in traffic. The report repeatedly referred to the triangle of roads and junctions bordering the St Hughes site as already close to or overcapacity at present and if the school was approved, all junctions and all roads would exceed capacity. This did not just affect the roads and residents surrounding the site but also residents across the Borough. The A222 Bickley Road was one of the main east/west routes across the borough. Any increased congestion on an already overcapacity road would affect commuters all over the borough in their endeavours to get to work on time. The whole area was currently used as a big car park in the rush hour and no mitigation measures had been explored by the applicant and the proposed crossings would only exacerbate the situation further.

In regard to road safety, the report stated that the proposed access on Chislehurst Road had sub-standard pedestrian facilities which caused great concern and little here had changed. Chislehurst Road was narrow; on one

side there was no pavement and the other side consisted of a pavement well below 2 metres in width. At one stretch it was only about 1.2 metres wide. It had been argued that girls currently walk up Chislehurst Road unharmed and whilst this was true, the girls came from a variety of roads that entered the school. They could also enter the school from two entrances – one further down Chislehurst Road and one off Logs Hill. The difference here was that all of the boys would be channelled in one direction to one entrance which, as the report stated, was of sub-standard infrastructure and threatened pupils' safety. School children walked in groups and boys were often a bit more boisterous than girls so it was unrealistic to ask or expect them to walk in single file or in pairs all of the time. To funnel hundreds of pupils (potentially over 1,000 in years to come) up a road with an incredibly narrow, potentially hazardous pavement, was playing jeopardy with their lives. At the last meeting, Councillors said they visited the site and it all looked fine to them and one Member commented that when he was a boy he was too embarrassed to have his mum drop him off; these were just anecdotes and while they were valid expressions of youth, there was always an opposite anecdote. These views should be weighed carefully against the conclusions of the Council's Highways Planning Team. The Planning Team consisted of 3.5 officers who assessed planning applications day in and day out and its combined professional experience totalled over 100 years. If the school was approved and the worst happened such as children losing their lives, Members needed to be confident as a Committee, that they had made the right decision in risking and ignoring the advice of these incredibly experienced officers. Child safeguarding was now central to everything the Council carried out since the OFSTED report. This application did not safeguard Bromley's children but gambled with their safety.

Despite the disputable need for a school in Bickley, a solution to the concerns had been sought; the Nightingale Lane site (previously a secondary school) had been offered to the EFSA countless times however this was ignored. There were few objections that could be made to an ex-secondary school returning to the use of a new secondary school and if the EFSA had listened to Members, Bullers Wood School for Boys would more than likely be in place. The boys could, like the girls, have strolled up the road to have P.E. lessons at St Hughes and in turn, kept Sport England happy and boys who had missed out on starting at school last month, could have been there by now.

Communication had also been lacking with the school itself. When the posters and banners went up on the fences of the playing fields stating that a new Bullers Wood School for Boys was opening and informing parents to register their interest, Members knew nothing about it. They were inundated with e-mails asking them what was going on and they had nothing to tell them because no-one had informed them. In May, Councillor Rideout and Councillor Lymer attended a meeting at Bullers Wood School with Mrs Gouldthorpe and Kier Construction. They were presented with the amended plans and asked for their thoughts. However, these plans were to be presented to the public just two days later. Any feedback or changes they may have suggested would not, realistically, have had time to be implemented

when they were to be presented to the public just 48 hours later. The plans were the plans and any comments they had were discounted and the meeting with them as local Councillors felt nothing more than a tick-boxing exercise.

Normally it took three accidents for road safety measures to be implemented near a school but the difference here was that they were told in advance that it was dangerous. Page 88 of the report stated that Highways concerns were so severe that officers could not recommend it for approval. If the worst happened and a child was killed and Members had ignored the considered professional expert advice of officers, not only would this Committee be rightly hauled over the coals for it, but Members would have to live with themselves and their consciences afterwards. Councillor Lymer moved refusal of the application for the reasons outlined in the officer report.

Councillor Dykes commented that the National Policy Planning Framework clearly set out the Council's duty to weigh up educational need against any potential impact. In her view, it was utterly depressing to be debating this when the need was so obvious and evidence based. Evidence based as by Councillor Fortune's comments, the GLA and the Secretary of State, hence why this site was in the Local Plan which Members had voted to adopt albeit it the outcome of the Public Inquiry was still awaited. Councillor Fortune referred to the severe shortage of school places in central Bromley especially should Bullers Wood not go ahead – 3FE going up to 5FE was completely unacceptable. She was also disappointed to note the situation had reached the level of local ward need as she was under the impression Councillors did what was best for all residents. She had requested specific data from the Education Team about what was going on in specific wards referred to as Central Bromley and it was interesting that 70% of Bickley children were sent out of the area to go to Ravenswood in Bromley Common and Ravensbourne School in Bromley Town both requiring travel across the busiest junctions in the borough – Holmesdale Road, Bromley Common and Masons Hill. Further to this, 50% of the 70% go to Ravenswood showing there was a strong desire and need for a boys' school. Admissions to Ravensbourne from Bickley had more than doubled in recent years. This was actually a problem because those schools were already over capacity as were all schools in central Bromley. Parents had legitimate reason to be concerned about their child not securing a place. It was, therefore, not surprising that many residents were concerned about this in all these areas including Bromley Town, Bromley Common, Plaistow and Sundridge, Bickley and Chislehurst. As Councillor Fortune pointed out, although there were available spaces in the borough, they were actually in the Crays which could not be further away from where the need was.

Councillor Smith had raised the subject of building elsewhere and Councillor Dykes was aware that Plaistow and Sundridge and Bromley Town were already heavily built and the Local Plan was suggesting that 525 homes be built on a site that she and other Members had put forward as a school site which was rejected. The Council decided to build all its homes in Bromley Town – whilst this was not a problem, local infrastructure was expected to go with it and it did not all necessarily fit in the same place. This micro-analysis

was academic because the borough operated as one planning area and demand was measured borough-wide. This was how planning law was and how the Committee must deal with the application. It was for the DfE and the Education Funding Agency, not this Council, to dictate sites for schools to go to.

In regard to transport and highways, there appeared to be many concerns about the handling of this application. Despite some clarification from officers, there were still a few outstanding concerns which Councillor Dykes had asked the applicant to go into, particularly why they received Highways comments less than a week before consideration of the application. What could be done in less than a week? She also queried why they refused to meet with officers because it made sense they would want to address the issues raised. As clearly stated in the NPPF, they had an obligation to do so. If the Highways Team were so concerned about the risk and the highway impact, why did they not put forward any mitigation or advice? They had actually done this before with applications and again the rules around school places in the NPPF were very clear, they actually had an obligation to do so.

TfL were satisfied with the transport model provided which showed there would not be a severe impact. The Highways Engineer provided no evidence to prove otherwise. The applicant had done all that had been asked of them in relation to pedestrian safety e.g. the footway in Chislehurst Road and whilst the option for an access way in Bickley road had been considered, for some reason this was omitted from the report. The Road Safety Audit said no issues were outstanding and there were no concerns with footway provision or the single crossing. Councillor Dykes questioned why this was not in the report because as she understood things, the Highways Engineer did not agree with this statement but had given no evidence as to why he did not agree with it.

Regarding the impact on junctions, the consultants for the Council stated there would be a relatively small and reasonably low impact – one car per cycle was hardly severe. It even said that the minimal impact may be deemed acceptable depending upon the Authority's wider aims. As Councillor Fortune reported, the wider aim here was that the Council needed to find school places for the children of this borough; what could be more important?

Regarding severity, there was no actual evidence to show it would be severe and the language and tone in the report struck Councillor Dykes as showing a lack of evidence. Phrases such as 'it seems ambitious' and 'it doesn't seem likely' were peppered throughout the report. This was hardly the clear and cogent evidence needed to meet the NPPF. The school had tried to be proactive in tackling some measures such as parking with staff managing it and also the capacity of buses by altering the start and end times which TfL were happy with. Highways officers were not satisfied with this but failed to explain why. Councillor Dykes therefore concluded that the reason for refusal held no weight. Knowing the roads as she did (being a frequent user of the area in peak times), although it was busy, where was it not busy at peak times. With the evidence presented, she could not see it as being severe, it

did not meet the threshold that the assumption should be yes unless there is clear and cogent evidence to prove otherwise. It was a shame and a concern that communication, whichever way, did not work on this occasion and she could understand why more was not done to mitigate the issues, if in fact there were any.

With evidence for educational need and the lack of clear evidence to support refusal, Councillor Dykes supported permission particularly as the Council had lost five out of six appeals for school applications. This was a unique opportunity for Members to approve an application for a school of outstanding educational standard, of reasonable height and scale together with playing fields.

Councillor Bennett advised the legal position had previously been set out by Councillor Fortune. The Council had a statutory duty to ensure the provision of school places for children in the Borough. It was also a moral duty and not one Members should be abdicating to the Planning Inspectorate. The site was allocated in the draft Local Plan which was approved by all Councillors at a meeting of the Council just a few weeks ago. There was a presumption in favour of approval of the school. Page 53 of the report made it very clear that the NPPF required the Council, unless there were very good reasons to the contrary, to approve schools when there was a demand. Looking at the cohorts of pupils in the borough (a cohort being one year of pupils), when Councillor Bennett first came on the Council in 2006, a cohort was just over 3,000; a cohort today was around 4,000 children. The figure of 2,400 was a cumulative figure because every year, those children go up through the school and a new lot of 4,000 children come into secondary school and it was that increase in the cohort which had to be dealt with and that is why by 2022 there will be a need for another 2,500 places in secondary schools. On a matter of conjecture, those children were in our primary schools at the moment.

So far, one new secondary school had been provided which Members had approved, ironically, at the same meeting where the previous application for this site had been turned down. Members had approved an 8FE secondary school at Eden Park and the groundwork had now begun. That school would take time to build so even if this application was approved, it would take time for it to be built and time is not something the Council currently had on its side.

In regard to other locations, Councillor Bennett was a member of the Board of London South East College which promoted the Shaw Academy, a controversial planning application given it was on the corner of Westmoreland Road at Bromley South. Mention had previously been made of a Catholic secondary school and the Board had attended two meetings with the Archbishop of Southwark concerning this. As a result of these meetings, Councillor Bennett was adamant that no Catholic secondary school would be built as a Free School Academy anywhere in England and Wales until the Government carried out its manifesto promise to lift the 50% cap on children of a particular faith going to a faith school. The Government had not lifted that

cap yet despite it being in the General Election manifesto. Councillor Bennett had raised this issue with the Secretary of State for Local Government and Communities and asked him to pass on these concerns to the Secretary of State for Education.

The report currently before Members appeared to be slightly bizarre; it was exactly the same length page for page as the report in January despite the fact that further information had been received. The recommendations were exactly the same and the only difference appeared to be that the Mayor now wished to call it in. It was also quite bizarre that amendments to the conclusions were passed around on the evening of the meeting.

In regard to opposition to the school (with no criticism of the people opposing it), Councillor Bennett sensed a disingenuous argument being used i.e. 'we do not want the school because of the traffic', but having listened to Mr Bird and to what the Ward Councillors had previously said, it would appear they did not want a school in the area at all. Referring to what he called 'the Bickley nationalist approach', Councillor Bennett commented that secondary schools were not ward specific – there were 17 secondary schools and 75 primary schools within the Borough. Primary schools were more ward focused because it was anticipated that youngsters under the age of 11 should be able to walk to school but the reality had always been that when you get to 11 and you go to secondary school, unless you live around the corner from the school, you would have to travel. So, either traffic goes to one particular school or, if no school place is provided, then children would need to travel quite long distances across the borough, so traffic congestion would always exist when it came to secondary schools. Most secondary schools had after school activities so children left at different times which made it very difficult if they were going to be picked up.

Councillor Bennett reminded Members they should not abdicate their responsibilities; it was no use leaving the decision to a Planning Inspector as they were Members of the Committee and were there to make planning decisions and take responsibility for the borough. This sometimes meant making controversial decisions. Members should put aside what might be a short-term political fix and look at the long-term benefit for all Bromley children. Councillor Bennett supported the application.

Councillor Turner was Ward Member for Plaistow and Sundridge which adjoined Bickley Ward. He reported that his Ward had suffered for years from a lack of secondary school places. There was no secondary school in the Ward nor anywhere near. In the past, parents were directed to send their children to Lewisham schools. Councillor Turner believed in single sex education however, children in his Ward would need to travel to Ravensbourne or Langley Boys, assuming places were available and the journey was ridiculous. Young boys should not be expected to make that sort of journey twice a day. There was no doubt at all that a demand existed.

Councillor Turner referred to the figures quoted by Councillor Smith which showed there was an anticipated increase of 40 school aged children in

Plaistow and Sundridge however, this figure was likely to be higher because the proposed development around Bromley North Station on Network Rail land had not been taken into account. Part of the development was in Plaistow and Sundridge and the other part in Bromley Town.

Whilst the proposed Bullers Wood for Boys site was not ideal, other secondary schools were situated along main roads and there was no way around the resulting traffic problems. Wherever a school was built there would be traffic and this was something which had to be tolerated. There was a need for the school, it had to be built and a case had certainly been made for it. Councillor Turner was delighted it was a single sex school within easy reach for the residents of his Ward and he supported the application.

Councillor Mellor emphasised that the application should be considered on planning grounds. He was perfectly aware of the statutory duty to find school places and also of the duty to ensure permissions were compliant with Council policies. To grant permission whilst knowing the application fell short of the required policies would be negligent. There was a need for school places throughout the borough and satisfying the safety aspects of any development was paramount. The principal ground of refusal of the initial application (transport) had not been satisfactorily resolved. It was the applicant's responsibility to ensure that the grounds of refusal were overcome which they had failed to do in accordance with paragraph 32 of the NPPF and the application was contrary to T18 of the Unitary Development Plan. The applicant had failed in the exercise of its due diligence of planning policies and requirement to satisfy the grounds of refusal. Therefore, Councillor Mellor supported the recommendation for refusal. The applicant had also been negligent by waiting two years before submitting the current application with virtually no tangible difference to that which was first submitted.

Councillor Bosshard stated he did not think anyone disputed the need for more school places in Bromley but this need should not override other considerations such as the needs of businesses, traffic and safety and also the amenity of local residents.

The Urban Open Space chosen for this school was bounded on two sides by major traffic arteries, one in particular being a big artery east/west from the A20 into Bromley. The existing traffic modelling showed that the three existing junctions around the site, which was almost triangular, already exceeded their capacity. The Glanville report concluded that local traffic disturbance, together with traffic resulting from the new school would be unacceptable. The Odyssey study was critical of the transport assessment and Construction Management Plan but TfL were satisfied with it. This was expected when three consultancies were looking at one problem – they were likely to come up with recommendations that were neither black nor white.

The resultant increase in traffic from a school with 900 pupils would superimpose itself on already stretched junctions and cause gridlock. Traffic on the A222 backed nearly all the way to the A20 at peak times. This would encourage people to start rat-running by peeling off onto Old Hill, Chislehurst

Road and then side streets via Logs Hill, up Mavelstone Road into Sundridge Avenue or any other roads. Drivers would then speed off into Bickley and Bromley just to get to wherever they were going, thereby making residents' lives intolerable. In this particular case, no easy solution could be found to improve traffic issues; no-one had come up with a satisfactory solution. It would cause some severe problems with traffic movements into Bromley and would hamper businesses and workers alike. Just because there was a statutory obligation to satisfy the need for schools, Members should not disregard other considerations.

No solution to the traffic issues had been found and no decent mitigating proposals were forthcoming. The School Traffic Plan was an aspiration at best; all schools in the Borough had filed their school Plans for the last 10 years and there had never been a reduction in traffic. Members should not disregard the fact that this was going to have a tremendous impact on the general area. For this reason, Councillor Bosshard agreed with the recommendation from the Council's Traffic Officer, not to approve the application.

Councillor Reddin stated the issue of need had been proven and accepted in the draft Local Plan. The numbers were constantly reviewed and annually confirmed at the School Places Working Party. The previous application was only refused because of Highways issues. Back in January, he had said that the Highways report was very one-sided; unusually so. This time, he noted the addendum had slightly watered down the objections in regard to severity and page 35 of the report showed a significant improvement in the Chislehurst Road access compared with that previously proposed. However, it continued to pour undue quantities of cold water on much of the remainder of the proposal. Another example was the possibility of waiting restrictions but the report stated 'waiting restrictions is a possibility but it is unlikely to deter such parking unless there is a traffic warden present'. Well, who was in charge of traffic wardens, it was certainly not the applicant, it was the Council. It was hardly the applicant's fault.

Another concern was that the footway widths were not the desired minimum of 2 metres. These footways were already utilised by the girls' school and were in a bad state of repair. This was an existing problem that the Council and Highway Authority needed to fix. The report mentioned the junctions close to the school being close to overcapacity and that was certainly true but this was something the Council should fix.

Traffic was already on the road and if the school was not approved, boys were not going to evaporate into the ether, they would just have to travel further, putting themselves at risk and increasing road traffic even more; a point not picked up in the Highways report here or at the previous application hearing.

All the issues laid out here were surmountable wherever there was a will. TfL demonstrated a 'can do' attitude on the areas within their remit. On the whole issue of road safety, the problems already existed and by approving this application, it would give the Council a golden opportunity to deal with those

problems either through a Section 106 Legal Agreement, or, as the applicant reported earlier, through their willingness to go further with measures to improve road safety. Without those, children would be at risk.

The Council's statutory duty to provide school places did not solely apply to the Education Department but to almost the entire Council. The apparent 'hands off' attitude of Environmental Service represented a failure in that duty. Everyone needed to work together for the good of Bromley's children, whether through education or road safety and an application like this gave the Council a catalyst to significantly improve road safety around the school. Historically, there used to be a school at this site and Councillor Reddin believed it was time another was put in its place. He therefore moved for approval of the application.

Councillor Joel commented that in the Planning Statement (page 13 of the report) it quoted 'or concludes that the proposal has been amended following the previous reasons for refusal and that all relevant material considerations have been addressed'. It also stated 'no sites have been identified as preferably more suitable for the construction of a new school'.

As a Borough, there was currently a pressing need to produce a number of new schools and in some cases expand on the existing ones because of the growth in population. This situation was not improved by Bromley being directed to build 641 new dwellings each year.

On page 59 of the report it stated 'as such, the secondary school on this site is strongly supported and responds positively to the Local Plan 3.18 which seeks to ensure the provision of new schools in response to local needs'.

Throughout the report, there were a number of points addressed relating to the UDP, NPPF and the draft Local Plan, together with a number of responses from local residents and consultees in one form or another.

Mention was made regarding modes of travel to and from the proposed new school for the students and although there was a local bus route nearby as well as Bickley Train Station, families would still drop off and collect their children by car and this occurred with all schools across the borough.

A number of points raised by Sports England were contained in the report. However, the conclusion at the top of page 44 of the report stated 'and as such is considered to meet the relevant Sports England exception test'.

There was a very good comprehensive Highways Safety Team at the Council and in the past Councillor Joel had attempted to address concerns with them about child fatalities in relation to Farnborough Primary School. Councillor Joel was informed that Council guidelines stipulated that no action would be taken unless three fatalities had occurred. However, the Team would also look into any complaints or concerns and would continue to try and rectify any issues arising after the school was completed and opened.

The Committee had the right to judge any application on its own merits. If this application was approved, Councillor Joel requested that conditions including the erection of a 'no right turn sign' onto Bickley Road and improved sightlines, be added due to the heavy traffic in the morning and also because of the garage adjoining the site. Subject to the addition of the suggested conditions, Councillor Joel seconded permission of the application.

Councillor Michael reported that she was acutely aware of the Council's responsibility to ensure that every child in the borough was provided with a school place. However, the Council was equally responsible for many quality of life issues e.g. road safety, traffic management, parking management, air quality management and noise control, all of which were relevant to this application.

Child safeguarding was a very hot topic. Children needed to be educated somewhere and whilst Councillor Michael was not too pleased with using designated land for the school, she accepted that this was Urban Open Space rather than Green Belt Land or Metropolitan Open Land. However, the stumbling block with this application was the traffic. The lack of traffic management, road safety and the impact on parking in roads near the proposed site would have an adverse effect on residents living in the area.

The Council needed to be fair to all Bromley residents whether they had school aged children or not and consideration should be given to people travelling at peak hours to and from work. No mitigation measures had been taken to reduce the impact of school traffic that would occur. The bottom of page 73 of the report clearly stated 'the local highway network is operating at, or close to capacity and the traffic generated from the proposed school will only add to the sometimes substantial delays on the network.'. Two reports were undertaken by Odyssey, the most recent in September 2017. The report covered many points including:- a) traffic impact at the Chislehurst Road/Pines Road junction was likely to be severe; b) Insufficient pedestrian infrastructure provided to the west of the proposed pedestrian entrance on Chislehurst Road.

There were substandard footways in two locations where no mitigation or improvement to pedestrian amenity had been put forward. Base traffic data and queue length data were questionable and Councillor Michael was not comfortable with the evidence submitted. The parking stress on roads surrounding the site had been underestimated. Councillor Michael was not convinced that enough had been done to mitigate the effect of the traffic movements that the new school would bring with nearly 1,000 new school pupils. For this reason, she seconded the motion for refusal.

Councillor Scoates observed that the need for school places had been proven and the Committee had already highlighted the site for educational use which added weight to the application. However, this did not outweigh all other planning policies and highway safety was a very important issue. Being a quasi-judicial Committee, Members were reviewing the current application before them. At the last meeting, Members had requested that the access

along Bickley Road be thoroughly reviewed. The applicant could complain that planning officers had not given them enough time however, Members could question the whereabouts of that information. On that basis and with the highway reports as they stood, Councillor Scoates supported refusal of the application.

Councillor Allen commented that the site was allocated in the Local Plan agreed by the Council. The roads had not changed since that time and needed to be addressed by the Council as there was already an existing problem. There were no other suitable sites within the area. Kentwood was allocated in the Local Plan because Eden Park was taken out however, Eden Park had now been approved and Kentwood had not been developed. The school was needed and the Council could address the traffic problems if it wished to do so. Councillor Allen supported the application.

Councillor Wilkins was not a regular member of the Committee and did not sit on any of the Council's Planning Committees except as substitute for another Member. She was however, baffled by this application. It was a lengthy report containing many 'ifs' and 'buts' and there were various contradictions. Contradictory e-mails had been received so it proved difficult to ascertain the facts. There was a clear sense that the Council could have been more helpful as this was not a commercial operation but an application for a new school which was urgently needed. There was a demand for a new school which would lead to further congestion however, the GLA was working towards encouraging people to travel by means other than the car and this was also what the new school proposed to do. TfL were satisfied with the application. If the Committee refused this, then it had to be proved demonstrably that the potential negative impact outweighed the need for the school. Councillor Wilkins supported the application.

Councillor Fawthrop thanked everyone who e-mailed him with their objections and supporting comments for the application. The reason he (and possibly other Members) did not respond to those e-mails was because they did not wish to be seen as pre-determining the application.

Councillor Fawthrop commented that the report's recommendation should have asked for 'Members' views'. At the previous meeting for this application, he had said if there was an entrance on Bickley Road, he would vote for the application however, he was disappointed to note that the applicant had not done this. Clearly, discussions would have taken place between the Portfolio Holder for Education, the PDS Chairman and the applicant so why had they not mentioned it? Consideration had to be given to residents' quality of life – that was an important issue. Whilst Councillor Fawthrop wished to move deferral of the application to seek the addition of an entrance on Bickley Road, he suspected this would not be supported by the Committee and therefore considered he had no option but to support refusal. There was no point in establishing traffic calming measures if the Council were not willing to enforce them.

Councillor Dykes reported the applicant had confirmed they had reviewed the request by Councillor Scoates to provide an entrance in Bickley Road however she questioned if this had been shared with officers and, if it had, why was it not mentioned in the report.

In response, the Planning Development Control Manager reported that the applicant had submitted a Highway Feasibility Study which highlighted a number of options however, the concern was that these were not modelled and therefore not dealt with in detailed Highways Transport terms so officers did not know how these compared with the current scheme which was raised with the applicant.

Councillor Dykes once again asked why Members were not shown the document as part of the planning process. Members were informed by the Planning Development Manager that it was part of the application submission which was published on the Council's website. This consisted of a page of bullet points which covered the option for an entrance at Bickley Road.

Before taking a vote on Councillor Reddin's motion to approve the application, discussion took place on the reasons for permission and any conditions and informatives required by Members. Councillor Reddin considered a key condition to be that officers finalised traffic management measures with the applicant to ensure road safety. The reasons for approval were that the application was in accordance with the draft Local Plan and that highways safety measures were satisfactory.

Councillor Bennett added there was proven demand for a new secondary school and noted the assumption in favour of development of state funded schools as expressed in the NPPF and the requirement of the NPPF.

Councillor Dykes commented that no proof had been provided showing clear and cogent evidence that there would be a severe impact as a result of the new school.

Councillor Joel requested that Highways officers further investigate the option of a 'no right turn' at Bickley Road and improving the sightlines.

Following a vote in favour of the application, Members **RESOLVED (9 votes to 7) that the application be GRANTED subject to conditions, obligations and informatives and also subject to any referral to and/or Direction made by the Mayor of London and/or referral to the Secretary of State.**

IT WAS FURTHER RESOLVED that AUTHORITY BE DELEGATED TO the Chief Planner in consultation with the Chairman of the Committee to prepare and finalise the conditions and informatives and the necessary Section 106 obligations.

Councillors Mellor and Bosshard's vote against approval was noted.

In response to Member questions, the Chief Planner confirmed that Members had approved the application as submitted (set out in more detail above); therefore, the main access in Chislehurst Road had been approved. The applicant would, however, be informed of Member concerns over the Bickley Road access e.g. for a left turn only.

14 DELEGATED ENFORCEMENT ACTION - APRIL 2017 TO JUNE 2017

Report DRR17/050

Members were advised of the action taken under delegated authority for breaches of planning control during the period April to June 2017.

Councillor Mellor offered his congratulations to Jim Kehoe, Chief Planner and to John Stephenson, Planning Investigation Officer, for dealing with several serious vexatious issues within his Ward.

RESOLVED that the report be noted.

15 BROMLEY COUNCIL'S RESPONSE TO CROYDON COUNCIL'S STRATEGIC POLICIES PARTIAL REVIEW (PROPOSED SUBMISSION) AND DETAILED POLICIES AND PROPOSALS (MAIN MODIFICATIONS) AND SEVENOAKS DISTRICT COUNCIL ISSUES AND OPTIONS CONSULTATIONS

Report DRR17/049

Members were requested to agree Bromley's proposed responses to consultations undertaken by the London Borough of Croydon and Sevenoaks District Council having regard to Bromley's Local Plan requirements, as part of the Duty to Co-operate. Croydon's consultation related to Main Modifications which arose as a result of examination of its Strategic Policies (Partial Review) Submission Version and to the Detailed Policies and Proposals (2017). Sevenoaks District Council had consulted on its Issues and Options (2017), an early stage in the preparation of its own Local Plan.

The Localism Act 2011 introduced the Duty to Co-operate on local planning authorities to engage constructively and on an ongoing basis on cross boundary matters.

The Chairman reported his only area of concern was that Croydon had not allocated sufficient land for educational use however, this concern had been drawn to Croydon's attention by way of the Council's response. All other responses were to the Chairman's satisfaction.

Councillor Allen referred to item 14 on page 100 of the report where housebuilding was mentioned and reminded Members that one of Bromley's responses to the housing targets in London was to assume that other

boroughs would make provision. It appeared, therefore, that all Councils were making the same assumptions.

RESOLVED that:-

- 1) the suggested response to the London Borough of Croydon's Local Plan Main Modifications consultation be agreed; and**
- 2) the suggested response to Sevenoaks District Council's Local Plan Issues and Options consultation be agreed.**

16 LOCAL DEVELOPMENT SCHEME 2017-2019

Report DRR17/048

Members considered the amended Local Development Scheme (LDS) for 2017-19 which set out the revised timescale for the preparation of Bromley's Local Plan. As outlined in the report, current legislation for the LDS required the Council to include only those development plan documents (DPD) which were subject to independent examination. For Bromley this included the borough-wide Local Plan, submitted in August 2017 to the Secretary of State for examination and the Bromley Town Centre Area Action Plan to be reviewed following the Council's adoption of the Local Plan. The LDS also showed an indicative timescale for the preparation of a local Community Infrastructure Levy and a new Planning Obligations Supplementary Planning Document (SPD).

The Chairman confirmed that Bromley's Local Plan was submitted to the Secretary of State in August 2017 with adoption potentially taking place in June 2018. A Review of the Bromley Area Action Plan would be commenced in June/July 2018. The next big policy project involved the Bromley Community Infrastructure Levy with documents being prepared for consultation by January 2018. Documentation on planning obligations and affordable housing were due to go out in the first quarter of 2018.

Councillor Fawthrop asked if Appendix 1 to Policy H10 (relating to Areas of Special Residential Character) was included in the saved policies of the 2006 UDP and if so, where was it in the draft Local Plan. The Chief Planner confirmed that a cross-reference to Appendix 1 was mentioned in the 2006 UDP. The Head of Strategy and Planning Projects confirmed that Guidelines for ASRCs were set out on page 312 of the Local Plan.

Councillor Joel asked about the timescale for finalising and implementing the draft Local Plan and was informed that it had been submitted to the Inspector.

RESOLVED that Members of the Executive be recommended to approve the revised Local Development Scheme for 2017-2019 as the formal management document for the production of the Bromley Local Plan and the review of the Bromley Town Centre Area Action Plan.

17 SUB-COMMITTEE MEMBERSHIP

Report CSD17145

Following the appointment of a new Leader of the Council, the majority group announced proposed changes to Committee memberships including the appointment of Councillor Russell Mellor to this Committee.

Changes to various Sub-Committees were also announced including the appointment of Councillors Russell Mellor and Keith Onslow to serve as replacements for Councillors Colin Smith and Samaris Huntington-Thresher on the Plans 3 Sub-Committee.

The Chairman moved that the proposed changes to Members of the Plans 3 Sub-Committee be approved. This motion was seconded by Councillor Bosshard.

RESOLVED that Councillors Russell Mellor and Keith Onslow replace Councillors Colin Smith and Samaris Huntington-Thresher as Members of the Plans 3 Sub-Committee.

The meeting ended at 9.40 pm

Chairman

DEVELOPMENT CONTROL COMMITTEE MEETING – 4 OCTOBER 2017

ORAL QUESTIONS RELATING TO ITEM 5 (PLANNING APPLICATION 17/02468/FULL1 – ST HUGHES PLAYING FIELDS, BICKLEY), RECEIVED FROM BROMLEY RESIDENT, RHIAN KANAT

Question 1

'Given the GLA projected shortfall of circa 2,700 secondary school places in the borough by 2022 and the Council's obligations under the Education Act to secure sufficient secondary school places to meet the projected need, can the Committee legitimately refuse this application outright or are they duty bound to try wherever possible to approve it but if necessary with appropriate conditions?'

Chairman's Response

This matter is addressed in the Committee report and it would not be appropriate to discuss this prior to the Committee's consideration of the application.

Question 2

'The Cushman and Wakefield alternative site search report on the planning portal concludes that there is no suitable alternative site for the school and the Council's own draft Local Plan includes the site in its secondary school allocation. With that in mind, what alternative sites does the Committee consider suitable for this school?'

Chairman's Response

The Committee is required to determine the application for the specific scheme before it. Should it not be permitted, there may be other proposals for this site that could be acceptable but these would be for the applicant to put forward.

Question 3

'Does the Committee objectively consider that the planning authority has followed the National Planning Policy Framework when deciding to recommend refusal of this application and if yes, how? The NPPF includes local planning authorities:-

- a) taking a proactive, positive and collaborative approach to meeting the need for the provision of sufficient choice of school places to meet need;
- b) giving great weight to the need to create, expand or alter schools to meet the need for places; and
- c) working with the applicant to identify and resolve key planning issues before the application was submitted.

Chairman's Response

The decision has not yet been made on the application however, this matter is addressed within the Committee report and it would not be appropriate to discuss this prior to the Committee's consideration of the application.

ORAL QUESTIONS RELATING TO ITEM 5 (PLANNING APPLICATION 17/02468/FULL1 – ST HUGHES PLAYING FIELDS, BICKLEY), RECEIVED FROM BROMLEY RESIDENT, MR ANDREW RUCK

Question 1

‘Given the Council is responsible for most of the highways network, it welcomed a revised planning submission in January to address particular highways concerns and has said it wants to work collaboratively with free schools and academies. What solutions to the highways issues have the Council and Planners proposed to the applicant in the last nine months?’

Chairman’s Response

The applicant has been made fully aware of all highways concerns about the current application through regular feedback and given the opportunity to address these well in advance of the application being reported to Committee.

Supplementary Question

What proposed solutions has the Council fed back to the applicant?

Chairman’s Response

The Council has fed back their concerns to the applicant and it is up to them to come up with a solution.

Question 2

‘The Glanville independent third party peer review of the Transport Assessment recommends two potential modifications: a longer footpath to the south of Chislehurst Road and some extra passing places within the site on the access road. They also advised that the degree of additional congestion may be acceptable to the Local Authority depending on their wider aims. Does the Committee believe these wider aims have been considered in this context?’

Chairman’s Response

Highways considerations are addressed in the Committee report and it would not be appropriate to discuss this prior to the Committee’s consideration of the application.

Supplementary Question

Has the Council asked the applicant to make these minor modifications?

Chairman’s Response

The Council has made the applicant aware of its concerns and it is up to the applicant to make whatever modifications they need to in order to meet those modifications.

Question 3

'Given the answer to the previous question, which I am taking as 'no' the Council has not approached the applicant to address to the two minor modifications, the question is, would the Council like to do that this evening and perhaps consider that as part of a series of planning conditions?'

Chairman's Response

The applicant has been made fully aware of all highways concerns about the current application through regular feedback and given the opportunity to address these well in advance of the application being reported to Committee. The concerns about Highways matters are too serious to be addressed by planning conditions and the applicant has been unable to resolve the concerns via any modifications they have proposed.

ORAL QUESTION RELATING TO ITEM 5 (PLANNING APPLICATION 17/02468/FULL1 – ST HUGHES PLAYING FIELDS, BICKLEY), RECEIVED FROM BROMLEY RESIDENT, MR PAUL GRAY

'My son is currently in year 6 and we live in Dairy Close, Sundridge Park, Bromley BR1 and have done so since the houses were built (1999). We want a single sexed state school in Bromley for him to start in September 2018. I understand that the only boys state schools in the borough (being Ravenswood and Langley Boys) are seriously over-subscribed, especially also taking into account any new homes being built within the catchment areas and noting that Langley Park may have increased allocation by September 2018. I believe there is a significant probability our son will not get a place as we will be outside of their catchment areas. My question is in the event that Bullers Wood for Boys does not get the green light at this meeting, where would you recommend my son goes to a single sexed school in Bromley in September 2018?'

Chairman's Response

There are no gender restrictions on school planning permissions and the issue of educational need is addressed within the Committee report. It would not be appropriate to discuss this prior to the Committee's consideration of the application.

ORAL QUESTIONS RELATING TO PLANNING APPLICATION 16/03842 CONSIDERED AT THE PLANS 1 SUB-COMMITTEE MEETING ON 20 OCTOBER 2016 RECEIVED FROM BROMLEY RESIDENT, MRS JANE GREEN

Question 1

'Application 16/03842 for a 12 metre high telecom mast and equipment cabinet was permitted by Plans Sub-Committee 1 on 20 October 2016. They are now installed on the brow of the hill in St Mary's Avenue adjacent to St Mary's Church and on the edge of Shortlands Conservation Area.

Why, when the officer's report clearly states that "near neighbours/occupiers" were consulted, were St Mary's Church and the Pre-School users of the Church Hall not included in the consultation by the Council?'

Chairman's Response

In this case, a number of local residential properties were notified of the application by letter, a press notice was published and a site notice displayed, which exceeded the statutory publicity requirements.

Question 2

'The officer's report stated that the proposal was more sensitively sited than the earlier refused application (16/00369) for a 10 metre mast and cabinet nearby; the 12 metre mast would be clearly visible in the street scene against the backdrop of the church, which would be harmful to the visual amenity and character of the area. This harm would outweigh any likely improvement in telecom signal coverage in the location. It concluded that the previous refusal should be regarded as a material consideration in determining the second application

Why therefore, when there was an unequivocal officer report for refusal, plus strong objections from residents and APCA, was the recommendation overturned and permission granted? The Committee Minutes recorded the Ward Member's exempt views and the no objection from the Tree Officer but no discussion or reasons for approval or how the Committee voted.'

Chairman's Response

Planning Committees are not bound to follow officer recommendations. The Committee debated the application and decided that the proposal was acceptable on its planning merits.

Question 3

'With the benefit of hindsight and the photographic evidence of the poor siting and unsympathetic appearance of the 12 metre brown replica tree mast and overlarge cabinet, would the Committee agree with me that the permission granted visually harms the area. Was there a financial gain to the Council that could be said to outweigh the importance of upholding its own UDP Policies B22 and B13?'

Chairman's Response

The Committee debated the application and decided that the proposal was acceptable on its planning merits. The Council makes no income from telecommunications equipment located within the public highway as the telecommunication operators are 'statutory undertakers'.

Supplementary Question

Is this perhaps an example of a politically as well as a financially driven permission rather than one based on strict planning merits following a change of attitude towards streetworks applications after the meetings which took place in November and December 2015 between representatives of the telecom companies and Nigel Davies and Councillor Peter Morgan a note of which was submitted in evidence at the appeal for a mast at the rear of 109 Hayes Way, in Hayes Lane, Beckenham?

Chairman's Response

No, this is not a politically motivated decision.

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DEVELOPMENT CONTROL COMMITTEE MEETING – 4 OCTOBER 2017**WRITTEN QUESTIONS RELATING TO ITEM 5 (PLANNING APPLICATION 17/02468/FULL1 – ST HUGHES PLAYING FIELDS, BICKLEY) RECEIVED FROM BROMLEY RESIDENT, MS DIANE BROWN**Question 1

With the Bromley Council's manifesto regarding pro education and the importance and this being their driving force, if BWSFBs is not approved, what does the Council have planned for the pupils who will be left without secondary school places in the forthcoming years due to the projected shortfall?

Chairman's Response

This is a matter which would be considered by the Local Education Authority following the decision on the application.

Question 2

With travel/traffic safety being the main reason for concern/refusal of this application, as many parents have said already that their child(ren) will walk and school has adjusted the start and finish time to alleviate the footfall. Please explain why the amended plans are deemed unacceptable?

Chairman's Response

This matter is addressed within the Committee report.

Question 3

Demand is high and the need for BWSFBs is evident not only for the boys but all children in Bromley, alleviating the pressure on other schools allowing for more availability, educationally it is apparent that this school should be approved, why would the Council refuse this?

Chairman's Response

This matter is addressed within the Committee report.

**WRITTEN QUESTION RELATING TO ITEM 5 (PLANNING APPLICATION
17/02468/FULL1 – ST HUGHES PLAYING FIELDS, BICKLEY) RECEIVED FROM
BROMLEY RESIDENT, MR FRANK KNIGHT**

Given the recent applications regarding the new proposed Bullers Wood Boys' School appear to be acceptable to planners other than the proposed traffic plans – could the Council not approve plans with condition that a suitable travel plan is arranged and approved by the planning department to satisfy and discharge?

Chairman's Response

The concerns about Highways matters are too serious to be addressed by planning conditions and the applicant has been unable to resolve the concerns via any modifications they have proposed.

**ORAL QUESTIONS RELATING TO ITEM 5 (PLANNING APPLICATION 17/02468/FULL1
– ST HUGHES PLAYING FIELDS, BICKLEY), RECEIVED FROM MS JAYNE BURMAN**

Question 1

'How is the Council ensuring that there are equal educational opportunities for secondary school boys and girls in the Borough of Bromley? Statistics show that Coopers' cohort is consistently 60% boys because they have no other choice of school.'

Chairman's Response

There are no gender restrictions on school planning permissions and this is not a matter for this Committee.

Question 2

'BWSFB – given that each car driver was not asked of their destination in the traffic survey, how can one conclude that the traffic is attributable to the school run and will increase because of the boys school, especially when Chislehurst Road and Bickley Park Road are commuter routes into Bromley and Bickley Station?'

Chairman's Response

Highways considerations are set out in the Committee report and it would not be appropriate to discuss this prior to the Committee's consideration of the application.

Question 3

'Whilst recently approving several housing developments across the Borough, what is the Council doing to work with the community to address the shortfall in school places generally?'

Chairman's Response

Education contributions are routinely sought where appropriate under S106 of the Town and Country Planning Act where larger residential planning permissions are granted and this funding is directed appropriately by the Local Education Authority.

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