
Appeal Decision

Inquiry held on 6-9 and 14 November 2018

Site visit made on 12 November 2018

by Christina Downes BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th December 2018

Appeal Ref: APP/G5180/W/18/3203724

St Hugh's Playing Fields, Bickley Road, Bickley, Bromley

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Kier Construction (Southern) against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/17/02468/FULL1, dated 30 May 2017, was refused by notice dated 31 January 2018.
 - The development proposed is the erection of a 6 form entry secondary boys school comprising a part 2 storey part 3 storey school building of 8,443 m² including a sports hall (also for wider community use) together with hard and soft landscaping, creation of a new vehicular access off 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.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a 6 form entry secondary boys school comprising a part 2 storey part 3 storey school building of 8,443 m² including a sports hall (also for wider community use) together with hard and soft landscaping, creation of a new vehicular access off Chislehurst Road, 69 parking spaces, drop off/ pick up area and associated works at St Hugh's Playing Fields, Bickley Road, Bickley, Bromley in accordance with the terms of the application, Ref DC/17/02468/FULL1, dated 30 May 2017, subject to the conditions on the schedule in Annex 2.

Procedural Matters

2. At appeal stage the Appellant requested that the temporary classroom block should be removed from the proposed development. The Council did not oppose this amendment although a number of local residents objected. The application was submitted in 2017 and the temporary accommodation was intended to house the first tranche of students in the 2018 academic year whilst the new school was being constructed. However, time has moved on and a temporary solution has been found at 1 Westmoreland Road, which is in the town centre. With the grant of planning permission the school would need to consider how it would accommodate pupils in the future during the construction period. However, that is not a matter before me and would need to be the subject of a future planning application on which residents would no doubt be consulted. In the circumstances I do not consider that there would be prejudice to any party in accepting the amendment and I shall determine the appeal accordingly.

3. There was a great deal of local concern that an updated transport analysis was submitted in the Appellant's transport proof of evidence. This included a new traffic survey and different assumptions to those on which the Council made its decision. I appreciate that the Planning Inspectorate's procedural guidance on planning appeals does not encourage new evidence at appeal stage. However, in this case it partly resulted from ongoing dialogue between the main parties on highway matters. The Council was content to accept the updated position and there was also time for third parties to absorb the new material and comment on it. I note that the transport consultant Odyssey, who represented some local residents, also provided evidence addressing it. The updated transport position was fully aired at the public inquiry and objectors were able to ask questions on it. I am therefore satisfied that no-one was prejudiced in that regard.
4. I made a number of unaccompanied visits to the area surrounding the site during the course of the inquiry. In particular I experienced traffic conditions along Bickley Road and Chislehurst Road during the proposed school peak periods. I was subsequently told that there was some disruption on the Underground system during this time and that the traffic lights at the junction of Widmore Road and Plaistow Lane were not working properly, causing longer queues than normal on those dates. I comment further on this below.
5. Planning permission was refused and an appeal was dismissed for a new school at the appeal site on 11 December 2017. The objections related solely to highway safety matters. However, there were a number of differences with the current proposal relating to proposed highway improvements and additional on-site parking provision. The previous appeal was also undertaken by the written representations procedure where there was no opportunity to interrogate the evidence or test its veracity. The current appeal is based on a different transport analysis using new survey material and different assumptions, including those relating to the school peak periods.

Reasons

The effect of the proposed development on highway and pedestrian safety

6. Since the Council made its decision, the 2018 National Planning Policy Framework (the Framework) has been published. Paragraph 109 indicates that development proposals should be refused if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the transport network would be severe.
7. The background evidence demonstrates that a number of alternative access arrangements were considered at pre-application stage. I also understand that a further planning application is being prepared, although this has not been progressed to date. Whilst there may be alternative solutions, which some may consider preferable, these are not before me for consideration. My decision will solely be based on the scheme before me.
8. The proposed school peaks would be 0645-0745 and 1415-1515, which would be earlier than the main peaks on the highway network. The school would provide a free school breakfast for eligible students along with a Breakfast Club from 0700 hours each day. The main school day would start at 0745. In the afternoon school would finish at 1420 with after-school clubs taking place until 1520 and sports activities continuing later. Objectors questioned the

practicality of the start time, which would be earlier than other identified schools, including the nearby Bullers School for Girls (the girls' school). However, the proposed school start and finish times have had regard to traffic conditions in the area and seek to reduce impacts on local roads during the network peaks. Objectors highlighted research indicating the advantages of starting the adolescent school day later. This is a subject for national debate rather than one for an individual planning application. There would in any event be a benefit to pupils of having a school near to where they live, thus reducing travel time.

9. It is estimated that about 33% of boys would attend the Breakfast Club, about 40% would attend after-school clubs and a further 6% would stay on for sports fixtures. I see no reason to question this evidence, which has been based on the very considerable experience of the new Head Teacher who was previously the deputy Head Teacher at the girls' school. In any event, the proposed morning school peak would include all arrivals and departures whether the pupils attend the Breakfast Club or not. Attendance would not therefore affect the assessment of car travel to and from the school.
10. The appeal site is adjoined by roads on three sides. To the south is Bickley Road, which is a London Distributor Road (A222) and bus route. To the north is Chislehurst Road, which is a Local Distributor Road. To the west these roads converge at a mini-roundabout with tight radii and a constrained geometry. To the east is Pines Road, which is a residential street between Chislehurst Road and Bickley Road. In common with many other urban areas, the roads within this part of Bromley carry large volumes of traffic and can become congested, especially during peak periods. I observed this for myself during various unaccompanied visits over the course of the inquiry.
11. It is important to bear in mind that traffic flows can be disrupted by a number of external factors and that the effects are not always predictable. It seems to me that the potential for some form of interruption is relatively high in an urban environment. As mentioned above conditions were said to be atypical during my various visits as they were when the previous Inspector undertook his site visit. However, an observation only provides a snapshot in time and it seems to me reasonable to conclude that on some days the routes in question will be relatively clear but on others they will not. This is demonstrated by the Appellant's queue surveys, which were undertaken over a period of 5 days. They recorded queues on Bickley Road and Chislehurst Road in five minute segments during the proposed school morning and afternoon peaks and the afternoon network peak. However, there was no reliable pattern of queueing over the duration of the survey.
12. I note that objectors have questioned the Appellant's 2018 traffic survey on the basis that it was also not undertaken during "normal" conditions. Notwithstanding my comments above, the 2016 and 2018 link flow data actually indicate a reasonably good correlation. I see no reason why this data should therefore be disregarded. The modelled 2018 base scenario provides the appropriate starting point into which the development traffic is added. The queue input is derived from the survey and has been criticised because it takes the average of each segment and then averages these to obtain a single figure for each peak. This can underestimate the queue length at some times. The objectors' approach is to take the average of each segment and then choose the highest figure. However, in the absence of a regular queue pattern this

tends to overestimate the queue length. Overall, I consider that the Appellant's approach is not unreasonable

13. The amount of vehicle movements generated by the proposal would depend on modal split assumptions. These have been based on a "hands up" survey undertaken at the girls' school in March 2017. It seems to me to be appropriate to use the girls' school as a template for various reasons. It is a short distance from the appeal site and, if anything, is in a less accessible location. The Bullers Wood Multi Academy Trust has been established to run both the girls' and the boys' schools and both have the same vision and ethos. I was told that the survey followed a standard procedure administered by the school in conjunction with the Council and Transport for London. In the circumstances I am satisfied that it provides a reasonable assessment of the likely modal split at the appeal site.
14. However, I am not convinced that the reduction applied for the proposed Travel Plan is robust because the girls' school already operates one, which is seemingly very successful. The proportion of those travelling by car would already reflect this and so the application of a reduction factor would amount to double counting. There may be some reduction in trips for boys who have sisters at the girls' school. However, the different start times of the two schools make the extent of this difficult to gauge and I consider that the reduction applied would be likely to be too high. Also, it would be some years before the new school would be fully operational. Bearing all of this in mind I consider that the most robust scenario is the 2023 sensitivity assessment. However, it should be noted that this also includes an allowance for background traffic growth. It is reasonable to surmise that such growth is likely to be limited due to constraints on this relatively congested road network. The modelled changes from the 2018 base would not therefore all be as a result of the additional development traffic. They would also include unrelated traffic resulting from the assumed growth.
15. The 2023 sensitivity assessment shows 159 arrivals and 114 departures in the school morning peak and 62 arrivals and departures in the school afternoon peak. It is reasonable to surmise that pupils who share a car would not be generating a separate trip and that "park and stride" trips would not be attracted to the site itself. It is unlikely that all staff would leave in the network afternoon peak (1615 to 1715) and so the 45 car trips assumed to join the network at this time is likely to be an overestimate.
16. The amount of traffic that would be generated by the appeal proposal would be small relative to total traffic flows on the adjoining distributor roads. The traffic modelling shows that the mini-roundabout already operates at or close to capacity on the Chislehurst Road and Bickley Road arms during all peaks and this would continue to be the case in 2023 with the development in place. There would be a similar situation at the Pines Road junction with Chislehurst Road in the afternoon network peak. The Bickley Road signal controlled junction is currently operating within its design capacity but the model shows some capacity issues on two arms during the proposed school and network afternoon peaks.
17. The traffic generated by the appeal development would lead to some increase in queuing at the key junctions referred to above, although this would partly be due to the traffic growth allowed for by the model. In any event the increase in

delay would be relatively small and I do not consider that the impact in terms of the capacity of the network itself would be significant. It is also worth noting that when junction models are close to or at capacity they can become unstable and this leads to the assessment showing unrealistic queue lengths. The model takes no account of driver behaviour whereby regular users of a route often adapt to adverse traffic conditions. Examples include changing route, delaying the journey or switching to alternative travel modes. The modelled outcome in such a scenario is therefore likely to be an exaggeration of what would happen in reality.

18. A new entrance would be provided onto Chislehurst Road. Apart from service vehicles, delivery vehicles and coaches all traffic would be routed through the site and egress from the existing access onto Bickley Road. Most of the driveway already exists and much of it is not wide enough for two vehicles to pass. Its width and somewhat circuitous route is mainly due to the position of protected trees. The proposal includes on-site parking for staff and visitors as well as pick-up and drop-off facilities for pupils arriving by car. These comprise 20 spaces around the edge of the main car park and 5 spaces at the front of the school building, which would also double up as coach parking. Whilst the position of these spaces was subject to criticism I see no reason why their use would cause congestion or tailbacks onto Chislehurst Road. If they were full drivers would carry on into the site to the other spaces around the main car park. The Head Teacher indicated that most school trips are undertaken using public transport. If a coach were required for a trip or a sporting fixture it would generally operate out of peak periods when roads were quieter and journeys easier and quicker to make. This could be controlled through a planning condition.
19. There would clearly be insufficient drop-off and pick-up spaces if arrivals and departures were to take place all at the same time. With regard to drop-offs I found the Head Teacher's evidence highly plausible that pupils would arrive throughout the hour preceding the start of the main school day, especially bearing in mind that there is the option of attending the Breakfast Club. I would expect turnover of spaces to be brisk with few wishing to linger at the start of the day. In the circumstances I consider that the parking facility would be sufficient for its intended purpose.
20. The situation may be more condensed at the end of the school day because a parking space would not be vacated until the pick-up had been completed. Later arrivals may have to park along the access drive or else within the staff car park if there were spare spaces. The Council surmised that this would be likely to result in vehicles blocking each other in, especially on the narrower parts of the drive. Some parents or carers may stop and socialise but generally I would expect them to remain in their vehicles and move on as soon as the pick-up is completed. It seems improbable that in such circumstances a driver blocking another's exit would refuse to move.
21. Furthermore, it is proposed that the parking area would be marshalled by school staff to ensure it operates in an efficient manner. This would be controlled through a covenant in the Unilateral Undertaking (UU). Whilst the Council was somewhat dismissive of the effectiveness of such a system, it was clear from the Head Teacher's evidence that she would be committed to making it work. She also emphasised that a school with this amount of off-street parking was unprecedented in Bromley and she was confident that it

would be a popular and well used facility. She noted that the girls' school, which is much larger, has no such arrangement at all. All things considered, I am satisfied that many parents and carers would value the safety and convenience of the on-site drop-off and pick-up facility even though, particularly in the afternoon, there may be a short delay in overall journey time. I do not therefore consider that kerbside parking would be likely to be the issue that the Council or local residents anticipate. Before addressing this in more detail, I consider whether the egress onto Bickley Road would give rise to safety risks.

22. On occasion there may be a line of vehicles waiting to exit the site. Those that wish to turn left could do so relatively easily. Those that wish to turn right may be held up in the event that traffic is queueing back beyond the site entrance on the westbound carriageway. As mentioned above there are times during peak periods when this does happen. However, it is not an unusual situation that traffic from a side road wishes to join a queue. Drivers are usually considerate in such circumstances as was evident as I travelled through Bromley in peak periods to and from the inquiry.
23. The safety of the right turn manoeuvre onto Bickley Road was a concern of the previous Inspector. However, for the reasons already given this proposal was different in important respects. Although gaps in the eastbound flow would allow vehicles to cross, it is difficult to see oncoming traffic because of the line of parked cars outside the BMW garage. There is also a bus bay opposite the site egress where frequent stops are made during the proposed morning and afternoon school peaks. In such circumstances the exiting driver would either have to wait for the bus to move or else pass it on the eastbound carriageway. It seems to me that the safe use of the Bickley Road egress would depend on improvements to visibility in the eastbound direction. I note that this was also a concern raised in the Stage 1 Road Safety Audit. The matter was discussed at the inquiry and the Appellant was prepared to accept a negatively worded planning condition requiring waiting restrictions to be implemented before the school were occupied. With such controls in place I do not consider that there would be an unacceptable impact on the safety or suitability of the Bickley Road egress.
24. Regardless of how well organised the on-site parking provision would be, there would inevitably be those who would opt to drop-off or pick-up on the street, generally as close to the pedestrian entrances as possible. Bickley Road is relatively wide with unrestricted parking and a footway on either side. I note the previous Inspector's comments about stopping being incompatible with the strategic nature of Bickley Road and its peak queueing. However, as I have already explained he was considering a different scheme with substantially less parking on the site. Furthermore, through the UU the current proposal allows the option to impose waiting restrictions if there were found to be an issue in terms of impediment to the free flow of traffic along this London Distributor Road or a pedestrian safety issue. It is also relevant to bear in mind that the site is allocated for a secondary school in the draft Local Plan and it is not unreasonable to expect that a degree of stopping on Bickley Road would have to be tolerated.
25. Chislehurst Road is a relatively narrow two-way carriageway and parked vehicles interrupt traffic flow. They also restrict pedestrian visibility and conflicts can occur as vehicles pull up and drive off from the kerbside.

Department for Transport statistics indicate that children are at particular risk when walking to school and that a large proportion of accidents arise because of failing to look properly. Either side of the new access there would be zig zag lines with "school keep clear" markings. There would also be a new section of footway from the proposed pedestrian entrance to the uncontrolled crossing point denoted by a raised table. The footway would be protected by guard railings. Whilst it cannot be discounted completely, it seems to me that most parents and carers would not stop to drop off children within the zig zag zone. Apart from the warnings prohibiting such behaviour it is reasonable to assume that a responsible adult would not deliberately place a child in danger. On the near-side this would arise from the lack of footway and on the off-side it would arise from moving or queueing traffic.

26. My attention was drawn to some research that found that one third of parents who drove their children to school considered it acceptable to stop on zig-zag lines outside the school entrance. However, that does not account for individual circumstances and, in this case, marshalling by members of staff is proposed during arrival and departure periods as part of a package of mitigation measures. The UU requires that the pedestrian safety improvements, including the road markings, take place before the new school is first occupied.
27. Some residents were concerned about parking on the northern side of Chislehurst Road in order to drop-off or pick-up pupils. This was also a matter raised in the Stage 1 Road Safety Audit. Whilst there is a footway on this side of the road, parked cars could limit the inter-visibility of pedestrians and traffic. Parking on the footway could also force pedestrians into the road leading to accident risks. The Appellant has agreed to the imposition of waiting restrictions on critical sections of roadway and this could include the northern side of Chislehurst Road.
28. However, until the school is fully operational it is difficult to anticipate whether a problem would arise to merit the introduction of parking restrictions. In the circumstances I agree with the Council that a negatively worded planning condition would not be the most appropriate mechanism. The Road Safety Contribution in the UU would provide £19,000 for the introduction of a controlled parking zone and waiting restrictions within a mile of the site as and where it was needed, following a request made by the Council within three years of the occupation of the school. This would satisfactorily mitigate safety risks arising from kerbside parking to drop-off and pick-up pupils during the school day.
29. The Appellant anticipates on the basis of what currently occurs at the girls' school that 42% of pupils would walk, 7% would "park and stride" and 29% would travel by train or bus. From what I heard it was clear that there is a commitment to encourage independence through walking to school and there is no reason why Travel Plan measures would not be effective in encouraging this modal choice. The safety of pupils who undertake all or part of the journey on foot is clearly of great importance as is highlighted in Public Health England's document: *Reducing unintentional injuries on the roads among children and young people under 25* (March 2018). The proposal includes a number of interventions that seek to improve pedestrian safety.
30. On Chislehurst Road there would be a new pedestrian access into the site, a stretch of footway along the northern site frontage protected by guard railings

and a raised table providing an informal crossing to the footway on the northern side of the road. The footway would be slightly less than 1.8 metres in width due to the presence of the guard railings. However, pupils would not all exit at the same time and this stretch of footway would not be part of the wider pedestrian network but rather for the specific purpose of conveying pupils towards and away from the school in the morning and afternoon respectively. In such circumstances I see no reason why the proposed arrangement should not allow for safe movement from the school onto the footway on the northern side of Chislehurst Road. It is relevant to note that the main pedestrian route would be onto Bickley Road, which is the way that pupils would walk to and from the railway station and where the main bus stops are located.

31. There was a great deal of local concern about the route from the mini-roundabout up to the school. There is no footway on the southern side of this section of Chislehurst Road and the footway on the northern side is variable in width. The Appellant anticipates that boys travelling to and from the west would use the Bickley Road access, which would be slightly shorter. However, the girls already walk along Chislehurst Road to their school and it seems likely that some boys would accompany friends or siblings.
32. The footway on the northern side of Chislehurst Road is generally of sufficient width to accommodate two pedestrians side by side. However, I observed one short stretch where it is narrower and pedestrians have to walk in single file to avoid stepping into the carriageway. The personal injury accident data within this vicinity between 2012 and 2017 does not record any child pedestrian accidents on this section of Chislehurst Road. However, it appears that the girls' school has raised concerns about the width of footways and overhanging vegetation and there have been a couple of incidents where girls have been clipped by the wing mirrors of larger vehicles. Such events are clearly not acceptable and indicate that particular care is required at this point.
33. To address the issue, the Council has suggested that a footway should be provided along the southern side of Chislehurst Road up to the school entrance. However, this could have the negative consequence of encouraging pupils to cross the road in a diffuse manner and entering the school grounds through the vehicular access. This would, in my opinion, result in greater risks than the single crossing point that has been proposed. Overall, I do not consider that the evidence demonstrates that Chislehurst Road is an inherently unsafe route to school. Furthermore, there is an alternative and quicker route along Bickley Road that pupils could choose to use instead.
34. For all of the above reasons I conclude that the new infrastructure along with the proposed parking management and marshalling would ensure that risks to pedestrian and driver safety would be minimised. There would neither be an unacceptable impact on road or pedestrian safety nor would the residual cumulative impacts on the road network be severe. The proposal would thus comply with policy 3.18 in the London Plan and policy T18 in the Unitary Development Plan and accord with paragraphs 108 and 109 in the Framework.

Other matters

35. The evidence of the acute need for secondary school places in the Borough is a matter of considerable importance. The recent publication by the Council of its *School Place Planning Strategy 2018-2022* indicates that Bullers Wood School for Boys is one of the proposed new schools required to satisfy the need and

that delays will lead to a shortfall in future provision of school places. The submission draft Local Plan allocates the site under draft policy 29 for an additional secondary school for Bullers Wood School for Boys. No modifications are being proposed to the allocation and, in view of the advanced stage of the plan and the likelihood that draft policy 29 will be adopted unchanged, I consider this a matter of substantial weight.

36. The Framework indicates that sufficient choice of school places should be available to meet the needs of communities and that great weight should be given to the need to create, expand or alter schools. This is consistent with the Government's policy statement "*Planning for schools development*" and policy 3.18 of the London Plan. It indicates that new schools should only be refused where negative local impacts substantially outweigh the benefits of establishing the new school and cannot be addressed through appropriate planning conditions or obligations.
37. I acknowledge that the site is designated as Urban Open Space and that the proposal would be contrary to policy G8 in the Unitary Development Plan and policy 7.18 of the London Plan in this respect. I also appreciate that Sport England has objected to the proposal on the grounds of a loss of playing field land without provision being made to compensate elsewhere. Sport England is a statutory consultee and so its objection is a serious matter. On the other hand sports pitches would still remain for the girls' school and provision for the Air Cadets, who currently use the site, would be made in the new development.
38. Bearing all of these matters in mind, I consider that the need for the proposed school development and the draft allocation that is likely to be adopted to provide it are matters that outweigh the policy conflict and objections to the loss of the open space and playing field provision in this case.
39. The Framework emphasises the importance of good design in new development. The sports hall and main school building would be located towards the north of the site and its form and massing would take advantage of changes in topography. Whilst it would be nearer to houses in Chislehurst Road there is a good tree screen along the site frontage and vegetation loss could be compensated by new planting. The buildings would have a modern appearance with cladding on the external walls and would therefore contrast with the existing traditional form of architecture in Chislehurst Road. However, it is not always necessary for new development to copy the existing vernacular. It is acknowledged that those living closest to the site would experience a change in view and that to some the school would be an unwelcome intrusion. However, I am satisfied that the distances and screening would be sufficient to ensure no unacceptable adverse impacts would occur to the outlook or amenities of those residents. Overall I consider that the new development would integrate satisfactorily with its host environment.
40. The site is outside of the conservation area, which is to the east of Pines Road. Taking account of the tree screening and the location of the new development on the site, I am satisfied that the setting of the conservation area and views in and out of it would be preserved.

Planning Conditions

41. Planning conditions have been suggested by the main parties and objectors and these were discussed at the inquiry. My consideration has taken account of

paragraph 55 of the Framework and advice in the Planning Practice Guidance. In particular I have had regard to the Government's intention that planning conditions should be kept to a minimum and that pre-commencement conditions should be avoided unless there is clear justification. The Appellant has confirmed acceptance in writing of those pre-commencement conditions that have been imposed. I have changed the suggested wording in some cases to ensure that the conditions are precise, well worded and enforceable.

42. There is a requirement that the development should accord with the submitted drawings in the interests of precision and proper planning. The background evidence, including the work on transport impacts, is specific to the use of the site for a secondary school of a certain size. Furthermore, staggered school times are proposed to ensure traffic generation would not coincide with the main network peaks. Conditions have been imposed to restrict the use accordingly. There is insufficient justification for removing permitted development rights for additions or alterations, which the Planning Practice Guidance indicates should only be done in exceptional circumstances.
43. Whilst a landscape masterplan has been submitted further details are necessary of the new trees, hedgerows and shrub planting proposed. This should particularly provide for new landscaping along the Chislehurst Road frontage and behind sight lines to replace trees and vegetation removed for the highway works and infrastructure. The local planning authority will be tasked with approving the detailed scheme and so it is not necessary to be more specific about its content. Replacements should be provided within the first 5 years but it not reasonable to require them to be made indefinitely.
44. The approved drawings include site sections and it was agreed that a condition controlling slab levels was unnecessary. In order to ensure a satisfactory appearance samples of external wall and roofing materials, which would include cladding, are necessary.
45. There was a great deal of discussion about the construction period and how impacts could be minimised. The proposal is for construction vehicles to enter and leave the site by the new access onto Chislehurst Road. I appreciate that there was much local concern about this, especially as the mini-roundabout has a very tight geometry. It seems likely that there would be inconvenience and disruption but this is not unusual during a construction project, especially within an urban area such as this. Careful management and a considerate approach would do much to ensure that detrimental impacts would be kept to a minimum. A Construction Management Plan would cover these matters including lorry routeing, where materials would be unloaded and stored on the site, how dust and dirt would be controlled and measures to minimise conflict at the mini-roundabout. I have considered whether construction vehicles could use the existing access onto Bickley Road. However, there is insufficient evidence to be satisfied that this would be practicable or safe or that damage to protected trees could be avoided.
46. Separate conditions have been imposed on construction hours and construction delivery hours. In both cases it is reasonable to include Saturday mornings but in the case of deliveries the network peak periods should be avoided to ensure the free flow of traffic is not unduly impeded. Specific conditions have been suggested by local residents to avoid the use of Shawfield Park by construction traffic and to prevent parking on the surrounding roads. Lorry routeing, off-

- loading and operatives parking are matters to be dealt with in the Construction Management Plan and do not necessitate bespoke conditions.
47. In order to ensure that protected trees are not harmed during the construction period it is necessary to require an Arboricultural Method Statement and final Tree Protection Plan. The Council would like this to establish the details that these documents should contain. However, the suggested wording seems unduly prescriptive, bearing in mind that it is the Council's responsibility to discharge these matters. I have imposed a more concise condition.
 48. The proposal includes new and altered accesses, traffic flow measures and parking provision and management once the development is operational. I have imposed a raft of conditions connected to these issues in the interests of highway safety. The highway works to Chislehurst Road and Bickley Road are required to be completed before the use begins. I have considered above the importance of ensuring that visibility from the Bickley Road egress is improved. This would require a Traffic Regulation Order to be made and parking restrictions imposed to ensure that the egress is safe. This is clearly outside the control of the Appellant but I consider that there is a reasonable probability the necessary works would be successfully concluded and that the terms of the condition would therefore be capable of being met.
 49. Some lighting would be required and this should be provided in accordance with the already submitted details. This includes the hours of use. It is not proposed to floodlight the sports pitches and, if that were to change, a separate planning application would be required.
 50. The evidence in the Environmental Noise Survey and Assessment indicates that noise levels from the use of the site, including the use of outdoor areas would be negligible. Although these conclusions were criticised by objectors, this is the best evidence available. In the circumstances I do not consider that there is any justification provided to support the erection of acoustic fencing round the external play areas. I note that this was mentioned in the Planning Statement but there was no technical support through the noise survey work. In addition I was told that loudspeaker and public address systems would not be used. The Council's Environmental Health Officer did not suggest conditions on these matters and in the circumstances I do not consider that they would be justified. The Environmental Noise Survey and Assessment refers to noise emanating from mechanical plant and a condition is necessary in this respect to ensure that a reasonable noise environment is retained.
 51. A draft school Travel Plan has been submitted but this needs to be updated in order to ensure that sustainable travel choices are encouraged. I understand that the girls' school Travel Plan has Gold Star status in the Transport for London school travel planning accreditation scheme and that the boys' school would be aiming to achieve the same. Objectors considered that a condition should be imposed to implement a formal Park and Stride Walking Zone 750m from the school. It is difficult to see how this could be easily enforced or why it would be necessary in view of the conclusions I have reached on kerbside drop-offs and pick-ups. Although cycling does not appear to be a particularly popular mode of travel at the girls' school I was told that more effort was going to be made to encourage it through proper safety training. Provision for bicycle parking on the site would therefore be appropriate. The use of electric vehicles should be encouraged in order to reduce carbon emissions and energy efficient

measures in order to minimise the carbon footprint. I have imposed conditions to cover these matters accordingly.

52. The school is proposed to be used for community purposes outside school times. However, it was made clear that this would not include social events such as parties and weddings. Community Use Agreements are promoted by Sport England and, whilst a legal agreement would not usually be required by condition, the Planning Practice Guidance indicates that a negatively worded condition may be appropriate in exceptional circumstances in more complex or strategically important developments. In my judgement the condition could be justified on these grounds in this case. I have re-worded it to omit reference to Sport England who provides the template but would not enter into the legal contract, which would be between the Appellant and the Council. There is no reason why the on-site car parking should not be used in connection with the community uses and therefore parking along surrounding roads would be unlikely to be necessary.
53. The Framework seeks to ensure that development is safe and accessible and that crime or the fear of crime is minimised. The ways that this would be done are outlined in background documents and I understand that discussions have been held with the Crime Prevention Officer. I shall impose a condition to ensure that the relevant provisions are implemented.
54. In the interests of amenity it is necessary to ensure that refuse is adequately stored on the site and that recycling provision made. Although the desk based archaeological assessment did not identify any currently known remains it did flag up the potential for buried archaeology to be present. On the basis of a precautionary approach a pre-commencement condition is necessary to avoid damage to any finds of interest. The preliminary Ecological Impact Assessment recommends some enhancement measures, including bat boxes, new sections of hedgerow and the establishment of grass margins. The Framework seeks net gains to biodiversity and these measures would meet this objective.

Planning Obligations

55. The UU is dated 29 October 2018 and I am satisfied that it is legally correct and fit for purpose. The Deed contains a "blue pencil" clause in the event that I do not consider that a particular obligation meets one of the requisite tests in the Community Infrastructure Levy (CIL) Regulations.
56. I have already considered the Road Safety Contribution and concluded that it is necessary. The sum of money covenanted has been costed on the basis of a similar scheme and I am satisfied that it is fairly and reasonably related in scale and kind to the proposed development. The terms are such that the contribution would not be paid if it was considered unnecessary over a three year period by which time the school should be operating at capacity.
57. The Highway Works include the various items of road safety infrastructure that have already been referred to and are covered by conditions 15 and 16. The requirement in the Deed is necessary as it obligates the Appellant to enter into a Section 278 Agreement with the Highway Authority. This is the mechanism by which the Highway Works would be undertaken.
58. The Carbon Off-Setting Contribution is for the sum of £38,672.03 and is a payment in lieu of on-site provision in accordance with provisions in the

Council's Supplementary Planning Guidance. It would contribute to energy efficiency measures elsewhere to meet the shortfall in the improvements to carbon savings that could be implemented on-site. I am satisfied that the size of the contribution has been worked out in an appropriate and transparent manner. The contribution would go towards the Sundridge Park Street Lighting LED Upgrade project.

59. The Travel and School Plan sets out the arrangements for marshalling traffic within the site and the surrounding area at school peak times. The justification for this has been explained already and it would be effective from the first occupation of the development.

60. All of the above obligations would meet the provisions of Regulations 122 of the CIL Regulations. Most are site-specific but the Council has confirmed that in respect of the Carbon Offsetting Contribution, there are not 5 obligations relating to the project in question. In the circumstances, Regulation 123 is also satisfied. All of the obligations can therefore be taken into account in the grant of planning permission.

Overall Conclusions

61. I have taken account of all other matters raised in the written submissions and orally at the inquiry. However, I have found nothing to alter my conclusion that the appeal should succeed.

Christina Downes

PLANNING INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr Craig Howell Williams	Of Queen's Counsel, instructed by Mr G Ullman, Solicitor to the Council of the London Borough of Bromley
<i>He called:</i>	
Mr D Bord BA(Hons) PGDip MRTPI	Principal Planner, Council of the London Borough of Bromley
Mr T Foxall BA(Hons) MCIHT	Director of Glanville Consultants
*Mr G Ullman	Solicitor to the Council of the London Borough of Bromley
*Mr T Horsman	Planning Development Control Manager with the Council of the London Borough of Bromley

FOR THE APPELLANT:

Miss Lisa Busch	Of Queen's Counsel, instructed by Mr T Barton, Senior Associate of Trowers & Hamblins LLP
<i>She called:</i>	
Mr M Blythin MSc MA MRTPI	Director of DHA Planning
Mr S Moon CMILT MCIHT	Director of DHA Transport
Ms A Gouldthorpe BA(Hons) MA MBA NPQH	Head Teacher of the Bullers Wood School for Boys
*Mr T Barton	Senior Associate of Trowers & Hamblins LLP

*Participated in the Planning Obligation/ Conditions sessions.

INTERESTED PERSONS:

Mr S Ellis BSc(Hons) MCIHT	Principal Transport Planner at Odyssey and speaking on behalf of a number of local residents on highway matters
Ms L Avis	Local resident
Mr M Bird	Local resident
Ms T Cummings	Local resident
Mr R Jones	Local resident
Mr R Brook	Local resident
Mr A Ruck	Local resident
Mr P Franklin	Local resident
Councillor A Wilkins	Councillor for the Crystal Palace Ward
Ms N Lengthorn	Local resident
Ms J Burman	Local resident
Mr W J Bellsham	Local resident
Ms G Bailey	Local resident
Mr G Coates	Local resident

DOCUMENTS SUBMITTED AT THE INQUIRY

- 1 Letter and photographs submitted by Ms J Coates
- 2 Summary of evidence given by Mr Ellis, Odyssey
- 3 Statement delivered orally by Mr M Bird
- 4 Statement delivered orally by Ms N Lengthorn
- 5 Comments by Council of the London Borough of Bromley to the pre-application planning submission, submitted by Miss Busch
- 6 Statement delivered orally by Councillor Wilkins
- 7 Summary of the representations received in relation to the draft allocation for a secondary school at St Hugh's playing fields, Bickley in the emerging Local Plan, submitted by Ms Cummings
- 8 Statement delivered orally by Mr Jones
- 9 Statement delivered orally by Mr Brook
- 10 Background paper on education to the submission draft Local Plan and representations to the allocation of the St Hugh's site, submitted by Mr Howell Williams
- 11 Documents submitted in connection with the previous appeal, agreed by the main parties
- 12 Correspondence from DHA to M&S Traffic Ltd the traffic safety auditors, submitted by Miss Busch
- 13 Road Safety Audit Stage 2 (11 January 2018) by M&S Traffic Ltd, submitted by Ms Busch
- 14 Correspondence between Bullers Wood School for Girls and the Travel Plan Advisor at the Council of the London Borough of Bromley about the safety of the footpath along Chislehurst Road, submitted by Mr Howell Williams
- 15 Bus services during the morning and afternoon school peaks at the Bird in Hand Lane bus stop on Bickley Road, submitted by Mr Howell Williams
- 16 Correspondence regarding a pedestrian incident on Chislehurst Road involving a student at Bullers Wood School for Girls
- 17 Portfolio of correspondence to the planning application and appeal from Mr Bird and Ms Cummings
- 18 Draft planning conditions suggested by the Council and Appellant
- 19 Appellant's additional draft conditions and plan submitted by Ms Busch relating to the right turn ban onto Bickley Road and management of parking on external roads, submitted by Miss Busch
- 20 Amended and additional conditions suggested by local residents, submitted by Mr Bird
- 21 Planning Obligation by Unilateral Undertaking, dated 29 October 2018 (superseded by Document 30)
- 22 Justification for the carbon offsetting contribution and highways improvement contribution, submitted by Mr Howell Williams (superseded by Document 28)
- 23 Further correspondence between DHA and M&S Traffic Ltd regarding the Road Safety Audit, submitted by Mr Howell Williams
- 24 Correspondence and links to video material about traffic on 13 and 14 November 2018, submitted by Mr Ruck
- 25 Council's comments and those of Councillor Dykes about the problems at the signalised junction of Plaistow Lane and Widmore Road

- 26 Appellant's written agreement to pre-commencement conditions
- 27 Letter dated 28 November 2018 from the Appellant proposing alternative conditions for the highway works
- 28 Justification for the carbon offsetting contribution and Road Safety Contribution submitted by the Council on 28 November 2018
- 29 Deed of Extinguishment dated 28 November 2018 relating to Document 21
- 30 Planning Obligation by Unilateral Undertaking dated 28 November 2019
- 31 Written confirmation of the closure of the inquiry

PLANS

- A Application plans (omitting the temporary classroom block)
- B/1 Chislehurst Road Design Layout – Option 1
- B/2 Bickley Road Design Layout – Option 3

CONDITIONS SCHEDULE

- 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following plans: 08291-A-L-(00)-0204 P2; 08291-A-L-(00)-0205 P2; 08291-A-L-(00)-0207 P1; 08291-A-L-(00)-0209 P2; 08291-A-L-(00)-0211 P2; 08291-A-L-(00)-0213 P1; 08291-A-L-(00)-0215 P1; 08291-A-L-(00)-0217 P1; 08291-A-L-(00)-0219 P1; 08291-A-L-(00)-0221 P1; 08291-A-L-(00)-0223 P1; 08291-A-L-(00)-0227 P3; 08291-A-L-(00)-0229 P1; 08291-A-L-(00)-0231 P2; 08291-A-L-(00)-0233 P2; 08291-A-L-(00)-0235 P2; 08291-A-L-(00)-0237 P1; 08291-A-L-(00)-0239 P2; 08291-A-L-(00)-0241 P2; +08291-A-L-(00)-0243 P1; 08291-A-L-(00)-0244 P1; 08291-A-L-(00)-0245 P1; 08291-A-L-(00)-0246 P2; 08291-A-L-(00)-0365 P1; 08291-A-L-(00)-0366 P1; 08291-A-L-(00)-0367 P1; SK_004_P3; 3817_DR_001; 3817_DR_003; 3817_SK_009 P2; 3817_SK_011 P2; C08473E-3040 P1; C08473M-3801 P2; 13791/604B; 13791/605A; 13791/606; C08473E-9801 P03; T-12 P4; T-11 P2.
- 3) The development hereby permitted shall only be used as a secondary school and for no other purpose (including any other purpose in Class D1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 or in any other provision equivalent to that class in any statutory instrument revoking an re-enacting that Order with or without modification). There shall be no change of use whether allowed by the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order amending, revoking and re-enacting this Order.
- 4) The school hereby permitted shall only be used for a maximum of 900 pupils between the ages of 11 and 16 years.
- 5) Excluding the Breakfast Club, after school clubs and school extra-curricular activities, the school day shall start no later than 0745 and finish no later than 1420.
- 6) No above ground work on the relevant building shall take place until samples of external materials to be used on the roof and walls have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved materials.
- 7) No above ground works or landscaping work shall take place until a hard and soft landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include materials to be used in hard surfacing, means of enclosure including the entrance gates and barrier, street furniture and bollards and a specification of plants, shrubs and trees. The scheme shall include a timetable for implementation and shall be carried out as approved. If, within a period of 5 years from the date of planting the plant, shrub or tree (or any replacement for it) is removed, uprooted, destroyed or dies or becomes seriously damaged or defective, another plant, shrub or tree of the same size and species as that originally planted shall be planted at the same place within the first planting season thereafter unless the local planning authority gives its written consent to any variation.
- 8) No development shall take place, including site clearance and demolition and no plant, machinery or materials shall be taken onto the site for the purposes of the development hereby permitted until an Arboricultural Method

Statement (AMS) and a final Tree Protection Plan has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved AMS and final Tree Protection Plan for the duration of the construction period.

- 9) No development shall take place, including site clearance and demolition and no plant, machinery or materials shall be taken onto the site for the purposes of the development hereby permitted until a Construction Management Plan (CMP) has been submitted to, and approved in writing by the local planning authority. The CMP shall provide for:
- i) The measures to show how construction traffic can access the site safely;
 - ii) The measures to minimise potential traffic conflicts, including at the Bickley Road mini-roundabout;
 - iii) The routing of construction traffic;
 - iv) the parking of vehicles of site operatives and visitors;
 - v) loading and unloading of plant and materials;
 - vi) storage of plant and materials used in constructing the development;
 - vii) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - viii) wheel washing facilities;
 - ix) measures to control the emission of dust and dirt during construction;
 - x) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - xi) measures to control noise arising from the construction process.

The approved CMP shall be adhered to throughout the construction period for the development hereby permitted.

- 10) Construction works shall only be carried out between the hours of 0800 and 1800 Mondays to Fridays, 0800 to 1300 Saturdays and not at all on Sundays and Public Holidays.
- 11) Construction related deliveries shall only be carried out between the hours of 0830 and 1530 Mondays to Fridays, 0800 to 1300 Saturdays and not at all on Sundays and Public Holidays.
- 12) Once development has been completed, there shall be no egress from the site onto Chislehurst Road for any vehicle other than service vehicles and delivery vehicles and coaches. All other vehicles shall enter the site from Chislehurst Road and egress the site from Bickley Road. No vehicle of any kind shall enter the site from Bickley Road.
- 13) Servicing vehicles and delivery vehicles and coaches shall not visit the site between the hours of 0645-0745 and 1415-1515 Mondays to Fridays and not at all at weekends or on Public Holidays.
- 14) The use shall not commence until the internal access road, turning areas and parking areas have been laid out as shown on drawing no: 3817_SK_011 P2. All parking spaces shall be retained for parking purposes thereafter.

- 15) The use hereby permitted shall not be commenced until the works shown on drawing number T-12 P4 have been completed in accordance with that drawing. Notwithstanding the details on the plan, the sight lines at the Bickley Road egress shall first be agreed in writing by the local planning authority and the use shall not be commenced until waiting restrictions have been put in place to ensure that there is no obstruction to visibility in excess of one metre in height in advance of the sight line to the west.
- 16) The use hereby permitted shall not be commenced until the works shown on drawing number T-11 P2 have been completed in accordance with that drawing. This shall include the provision of a sight line of 43m x 2.4m in both directions either side of the access and no obstruction to visibility shall exceed one metre in height in advance of this sight line.
- 17) External lighting provided at the site shall be installed in accordance with the external lighting strategy as detailed in the External Lighting Statement by Crofton Consulting Engineers, dated 19 May 2017.
- 18) The use hereby permitted shall not be occupied until details of the storage of refuse and recyclable materials have been submitted to and approved in writing by the local planning authority. Development shall be in accordance with the approved details and retained thereafter.
- 19) The use hereby permitted shall not be commenced until a Travel Plan has been submitted to and approved in writing by the local planning authority. This shall include measures to promote the use of alternative modes of transport to the private car, a timetable for implementation and details of the mechanisms for implementation, monitoring and updating. The Travel Plan shall be implemented in accordance with the approved details and timescale.
- 20) The use hereby permitted shall not be commenced until space has been laid out within the site for the parking of bicycles in accordance with a scheme that has first been submitted to and approved in writing by the local planning authority. The bicycle parking facility shall be retained thereafter for that purpose.
- 21) The use hereby permitted shall not be commenced until a scheme for the management of car parking, including details of the operation of the access gates both during school times and out of school hours, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved car parking management scheme.
- 22) The noise from fixed installations and mechanical plant shall be at least 10 dB(A) below the background noise level measured at any nearby residential property. Assessment shall be carried out in accordance with the requirements of BS 4142:2014 – *Methods for rating and assessing industrial and commercial sound*.
- 23) The development hereby permitted shall incorporate the Secure by Design measures detailed in the Design and Access Statement to minimise the risk of crime and meet the specific needs of the site and the development.
- 24) The use hereby permitted shall not be commenced until a Community Use Agreement has been submitted to and approved in writing by the local planning authority. The Community Use Agreement shall apply to the outdoor sports pitches, MUGA and sports hall and shall include details of pricing policy, hours of use, access by non-educational establishment users, management

responsibilities and a mechanism for review. The development shall be used in compliance with the approved Community Use Agreement.

- 25) The use hereby permitted shall not be commenced until the energy strategy set out in the Environmental Report by Crofton Consulting Engineers (22 May 2017) has been carried out. The energy saving measures shall be retained thereafter in operational working order.
- 26) The use hereby permitted shall not be commenced until Electric Vehicle Charging Points, including passive provision, have been provided in accordance with the submitted details and shall be retained in working order thereafter.
- 27) No development shall be carried out until the implementation of the programme of archaeological work has been secured in accordance with the written scheme of investigation by Canterbury Archaeological Trust (May 2017). Access shall be permitted to the site at all reasonable times for the carrying out of the investigations, including making necessary records of items of interest and finds.
- 28) The development shall be carried out in accordance with the ecological enhancement measures set out in the Preliminary Ecological Assessment by Lloyd Bore (27 April 2017).

End of conditions 1-28