

Appeal references:

16 August 2022

App/M5450/Q/21/3281359 (Modification to Section 106)

App/M5450/Q/21/3281360 (Discharge of Section 106)

App/M5450/W/21/3275231 (Redevelopment)

Site address: John Lyon School, Oldfield House, Middle Road, Harrow, HA2 0HN

Dear Inspector

Introduction

We write as a group of residents affected by the John Lyon School's (JLS) applications to:

- Vary the Section 106 (S106) to allow the replacement to be built on a site where the S106 precludes such development.
- Discharge the S106 legal agreement between JLS and the London Borough of Harrow (LBH) signed in 1995.
- Build a new teaching block behind and replacing the existing Oldfield House.

We understand that the first of these has been chosen to be the Lead Case.

The order in which the three planning applications were made to LBH is of course different. JLS first applied for the development of a teaching block on 15 April 2019 (P1813/19). When it was pointed out that the location of the proposed building fell outside the footprint for future School development specified in the S106, JLS applied to vary it, on 30 May 2019 (P/2504/19). Having applied to vary the S106 (which surely implies that the School acknowledged it has a purpose), two years later on 10 May 2021, JLS applied to discharge the entire S106 (P/2092/21).

Before addressing the substance of the three appeals in turn, we'd like to say something about the School's site and its associated access problems. When visiting the appeal site, the Inspector will see the main School buildings either side of the higher end of Middle Road. There is vehicular access to Middle Road from the bottom, south end, but you cannot exit that way. Just beyond the School, Middle Road divides between Crown Street (which Oldfield House lies on) and Byron Hill Road. Both are narrow streets dominated by historic buildings, all within the Harrow on the Hill Village conservation area.

Pupils who do not use public transport or the bus services provided by the School, generally arrive by car, from all points of the compass. Some arrive via Middle Road, but others via Crown Street and Byron Hill Road. The School has encouraged all to arrive via Middle Road so that cars do not meet head-to-head on the other roads, but to limited effect. The resulting traffic problems were at the heart of an appeal (see below) to increase pupil numbers: the Inspector took the view that the roads could take no more School traffic.

JLS's application to discharge the S106 is the latest in a long history of planning applications, some of which are listed in Appendix 3 of the School's Statement of Case (ref JAL/21-00175). For some reason that list is not complete and one omission, the most recent, has particular relevance to the current appeals. That omission was an application to LBH in March 2016 (P/1020/16) to vary the S106 to permit an increase in pupil numbers, refused by LBH in July 2016 and lost on appeal in January 2018 (ref App/M5450/Q/16/3160672).

Before elaborating on the relevance of this case (referred to here as the 2016/18 Appeal), we would point out other omissions, such as applications P/4247/14, P/1014/16, P/1020/16 and P/1022/16: older ones (eg see letter attached dated 10 October 2003 from JLS to LBH Annex A1) are also omitted. Put together with the list in JLS's Statement of Case, there emerges a pattern of applications, some asking for more teaching accommodation with an implicit or explicit non-intention to increase pupil numbers, and others seeking to increase pupil numbers with no further teaching accommodation required (see 3rd paragraph of A1).

Appeal App/M5450/Q/21/3281359 (Modification to Section 106)

As laymen in planning matters, we do find it odd that it is possible that a private party to a legal agreement with a local planning authority can apply to another authority (namely PINS) to modify or discharge that agreement when the LPA wants its provisions to continue to apply. Surely in this situation there should be presumption against setting aside such an agreement when it was entered into voluntarily by the School as a condition of it being permitted to proceed with a substantial development, including a sports centre?

The School sought to modify the S106 when it was pointed out that the site of its proposed new building was outside the development footprint specified in the S106. The reason stated for choosing that site is so that Oldfield House can continue to be used for teaching whilst the new building is constructed: this avoids the cost of temporary classrooms that could be used, as the School has previously for a period of seven years, whilst Oldfield House is redeveloped on its existing site. (However, its choice to do so does introduce a serious conflict between construction traffic and pupils as explained in the section on Construction below.)

The footprint was imposed by the S106 for the very good reasons of restricting the impact of future development by the School on the conservation area and on the amenity of its neighbours, particularly those in Crown Street, which Oldfield House is on. The nature of the conservation area and the adjacent properties haven't changed since 1995, so the original reasons are still valid; indeed they will not likely change in the future and that must limit the development potential of the JLS site. It is finite and may now be fully exploited. The School voluntarily agreed to limit its future development to that footprint in exchange for receiving planning permission for a major new extension including a new sports centre. It now finds that restriction inconvenient, so is arguing against the logic it agreed for the S106 footprint, to avoid the cost of temporary classrooms at the expense of the conservation area and the amenity of nearby residents.

Some of the evidence we offer below on the other two appeals inevitably overlaps to some extent with our reasons for opposing this appeal, so we hope this submission will be taken in the round, as evidence against all three.

Appeal App/M5450/Q/21/3281360 (Discharge of Section 106)

Returning to the 2016/18 Appeal, there are two statements in it by JLS of considerable significance to these appeals, one relevant to the appeal to discharge the S106 entirely.

As recorded in the Inspector's report (see paragraph 13), the School had acknowledged in inquiry evidence that "the S106 had a useful purpose". The context of that inquiry was that the S106 places a limit on pupil numbers without the express agreement of LBH to increase it. The whole of that appeal inquiry in September 2017 was to do with the effect that the size of the School has on the local environment and the amenity of residents. The appeal lasted four days and involved evidence amounting to four thick ring-binders on JLS's part. It is difficult to understand how such an extensive and detailed consideration into increasing the pupil limit imposed by the S106 can be compatible with a proposal now, about four years later, that the same S106 serves no useful purpose.

The fact that the School chose to apply to modify the development footprint in the S106 only two years before submitting an application that the same S106 serves no useful purpose is equally paradoxical. The footprint agreed in 1995 was to restrict future development by the School in the Village conservation area, by reference to the alignment of houses along Crown Street and within the approximate footprint of houses demolished to make way for Oldfield House. None of that has changed. That restriction might now be inconvenient to the School's current plans, but the fact that JLS needs permission to vary it and indeed did seek that permission, is a priori evidence that it serves a useful purpose.

The submission by the Harrow Hill Trust to LBH on this issue (ref P/2092/21 24th July 2021) elaborates on these arguments, all of which we support and do not need to repeat here.

Appeal App/M5450/W/21/3275231 (Redevelopment)

1. Need

Turning to the second appeal before you, on the Council's refusal to grant planning permission for a large new building, we come to the second significant point arising from JLS's evidence to the 2016/18 Appeal, namely that JLS would not need any more accommodation for nearly 20% more pupils. Annex A2 (see below) provides text from the School's evidence to that appeal which argues that the School could, with the buildings and facilities existing at that time, accommodate an increase from 600 to 710 pupils within its existing infrastructure. Indeed the School argued it was being hampered by not being able to do so. So, a School that four years ago said that it could accommodate 710 pupils without additional space, is now saying that it requires a bigger teaching block than Oldfield House for its current 600 pupils.

At Annex A3 we attach a review of the School's 'Educational Rationale' by a local teacher, albeit one in the state sector. We would add a more qualitative observation to the analysis contained in A3, namely that it is widely known that the School is very popular and well oversubscribed every year. In her letter to the 2016/18 Inquiry (see Annex A2 below) the Head of JLS confirmed this situation in terms: "I have had to turn away a number of

disappointed parents every spring even when their sons have met the School's entrance criteria". Therefore, JLS cannot claim that the new accommodation is essential to its competitive position in the private sector.

We therefore submit that the School cannot prove a need for the extra space, and it is clearly a desire – or a pre-cursor to another attempt to increase pupil numbers in the future, despite supposedly that it has no intention of doing so.

2. Alternative site

Residents however have no objection to the School fulfilling some desire to increase and/or upgrade its accommodation, if it were to be done within the constraints set out in the S106 to protect the local environment and amenity. To this end the Council, at their Planning Committee in January 2020, proposed to defer the application for the new building "to allow the Planning Team to undertake further negotiations with the applicant and local residents on matters relating to the footprint and location of the proposals, specifically to see if the proposed building could be relocated on the current footprint of Oldfield House". We underline the reason for deferment because in the months following it was frequently misrepresented and is so again in paragraph 5.15 of JLS's Statement of Case. The first bullet there claims that the planning committee asked for a review of the siting options in an Alternative Site Studies Report: the verbatim quote from the planning committee minutes above, makes no reference to a report, and 5.15 makes no reference to the committee's request for negotiations with residents.

In the event, the School proceeded to produce a report on siting which the planning committee had not requested and which did NOT address the option of relocating the proposed new building on the current footprint of Oldfield House. A meeting was eventually arranged with the LBH Planning Team, JLS and ourselves, at which the School went through their report: there was no discussion of using the Oldfield House footprint so, as far as the residents are concerned, no meaningful consultation along the lines required by the Planning Committee had taken place. The same conclusion was reached by Cllr Dan Anderson, as summarised in his speech to the planning committee meeting that refused the application on 18 November 2020 (Annex A4).

Nevertheless, the residents still hoped for a dialogue on using the footprint of Oldfield House and invited the School to meet with them. The JLS Statement of Case attaches correspondence (Appendix 12) between ourselves and the School, and between the School and the Harrow Hill Trust. Strangely, yet again, this Appendix has a significant omission, namely the first letter (attached Annex A5) we wrote on 24 November (shortly after the Council's refusal) proposing a meeting to discuss ideas we had prepared for a larger building on the site of Oldfield House, in the hope of averting the need for an appeal. As the ensuing correspondence in Appendix 12 shows, the School procrastinated about such a meeting and asked us to forward our ideas without any commitment to meet to discuss them. We feared this was to enable the School to have sight of our alternative site ideas in advance of their appeal. Nevertheless, in the end we did send our thoughts, drawn up by a qualified architect in our group, but to no avail in terms of achieving any meeting.

In their evidence, the JLS team have included an Architectural Statement that dismisses the residents' idea for a development on the site of Oldfield House, represented by the sketches shown towards the end of Appendix 12. We attach a review of this Statement by a qualified architect on the residents' team (Annex A6).

Those sketches also illustrate the impact of the proposed new building compared to a redevelopment on the site of Oldfield House.

3. Heritage

The proposed site of the new building is in the Harrow on the Hill Village conservation area. If it had its own postal address it would be on Crown Street. However, unlike Oldfield House, it is not in line with the neighbouring properties on Crown street, and in effect constitutes 'back-land development'. This is totally unacceptable in a conservation area, and Harrow's Conservation Area Advisory Committee has duly objected to the development proposal.

Again, we do not feel the need to repeat or add to the CAAC's objection.

4. Amenity

As referred to above, the proposed building would be in line with neighbouring properties' gardens, a four-storey building only metres from the boundary fences of no.60 and no.56. The impact on those properties' amenity is clear and substantial. As pointed out in Annex A5, this impact is acknowledged in the appellant's Architectural Statement, but at no point did they carry out any assessment to look at views from no.60 and no.56 (a Grade 11 Listed Building), or at the impact on amenity and overlooking. Neither has a scale model of the proposal been produced to explore the relationship of the proposal with its surroundings. The concerns raised by neighbours have been completely ignored by JLS and their team.

Additional evidence on this impact, including mock-ups of the intrusion the proposal will have on views from their properties, have been submitted separately by Graham King, resident of no.60 Crown Street, and Dr Tony Violaris of no.56, both members of this group of residents. We urge the Inspector to give their submissions full weight, located as they are on the boundary of the appeal site.

5. Construction

Little is said in evidence about the construction effects of the development proposals, and such effects can rarely be sufficient grounds for refusal of a permission. However, it should be acknowledged that the construction of either the building applied for, or a redevelopment of Oldfield House will have significant impacts, not only on immediate neighbours, but on all those living along Middle Road, Crown Street, Byron Hill Road and other roads on the Hill. It is abundantly clear that there will be major traffic impacts on these narrow streets on Harrow Hill, which will simply add to those caused by the day-to-day impacts of School traffic, which was the subject of much debate at the 2016/2018 Appeal, and ultimately was the reason for its refusal.

There are two ways in which the traffic impacts from the appeal proposals are likely to be worse than those from a redevelopment of Oldfield House, accepting that there is not currently available a worked-up design of the latter.

The first is the very large quantity of material that will have to be excavated and transported away due to construction of the proposed building into the side of the hill, to create a near-basement bottom storey.

The second is potentially more serious because it brings in aspects of health and safety to the pupils. As set out in our review of the Architectural Statement (Annex A4), the School decided early on to identify the chosen site for the new building so that it could continue to use Oldfield House, rather than put up temporary classrooms on the proposed new site (as has been done previously) whilst Oldfield House is demolished and rebuilt,. This means that construction traffic to the new site will cross with pupils going between Oldfield House and the main School buildings at every class period change-over. One can only imagine the outrage the School would express if any other developer were to propose a construction involving so much potential for accidents to pupils: indeed, I think we could all agree that it simply wouldn't be allowed to happen.

One could say that these risks would be a matter for the School and the appointed contractor, but this conflict between construction vehicles and pupils is bound to spill over onto Middle Road, as lorries are held from proceeding to the construction site whilst pupils move from class to class. Those held vehicles will temporarily, but probably quite frequently, block the smooth flow of traffic on Middle Road, and potentially other local roads too.

We are surprised that the School has chosen to opt for a building location that presumably saves the cost of temporary classrooms but introduces such risks.

Conclusion

The application that the S106 should be discharged as having no useful purpose, is totally at odds with both the School's own recent statements as to its useful purpose and with its applications seeking to modify it. It seems clear that the School now finds the S106, which it entered into voluntarily and in exchange for a major building extension, an obstacle to its future expansion plans: again, this itself would indicate that it has a useful purpose. Put this together with the fact that the other party to the agreement doesn't agree to it being discharged and it would look almost perverse to residents if this appeal were to be allowed. The residents of course made their views on the importance of the S106 when over 200 of them signed a petition to that effect ("We, the undersigned, petition that the application P/2504/19 (to vary the Section 106 agreement related to restricting development areas in John Lyon School grounds) be rejected by the London Borough of Harrow Planning Department. . . ."), which was read out in full by the Chair at the LBH planning committee meeting on 22 January 2020.

Regarding the appeal for permission for the new building, its siting is outside the S106 development footprint agreed to respect the conservation area within which it lies and to protect the amenity of neighbouring properties. No good reasons have been advanced for

deviating from that agreed footprint (the opportunity for a new building to improve on the design of Oldfield House equally applies to a direct replacement of Oldfield House on its existing site) and no public benefit has been demonstrated, since the new building only enhances the facilities enjoyed by the current number, not an increased number of pupils. There is no need for the new building.

Ted Allett

Resident of 25a Middle Road, on behalf of other residents

Annex A1

Letter from JLS requesting an increase pupil numbers (10 October 2003)

From: The Headmaster
Christopher Ray BA, PhD, CPhys



The John Lyon School

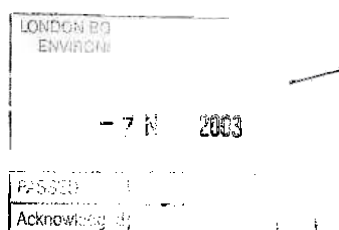
Middle Road, Harrow-on-the-Hill, Middlesex HA2 0HN

Tel: 020 8872 8400

Fax: 020 8872 8445

Email: headmaster@johnlyon.org

Graham Jones,
Head of Planning,
London Borough of Harrow,
PO Box 37,
Civic Centre,
Harrow,
HA1 2UY



Ref WEST/695/696/94/FUL

October 10th 2003

Dear Mr Jones,

On the 23rd June 1995 an agreement was reached between the London Borough of Harrow and John Lyon School on a planning application to extend the School's educational facilities to include a sports hall and swimming pool and a new library.

One of two main conditions laid down was that the school should restrict further development to a defined building envelope. The second was that the School should restrict the number of pupils to 525 unless agreed by the Council.

I am now writing, on behalf of the Governors of the School, to ask for permission to increase the upper number of pupils enrolled for full-time education to 600 (an increase of 14.3%). We have no plans or needs to build beyond the defined envelope.

Since 1995, three relevant factors have arisen which require the school's attention:

First, there appears to have been a considerable increase in the use of cars by parents, bringing their sons to and collecting them from the School each day. Although we have been unable to quantify this increase with any precision, many local residents tell us that the volume of school traffic has risen substantially. However, it is also clear to many local residents that many road users are not associated with John Lyon and use Middle road as a short-cut to the top of the Hill.

We have, however, now made a full transport survey for our current pupils: the results of this survey are attached. At present, some 50% of our pupils arrive at school by car (with approximately 200 car journeys to and from School per day involved). At peak times the congestion on and around Middle Road is considerable. Despite our repeated requests to parents to use other forms of transport if at all possible, they continue to use cars and we cannot prevent them from doing. Even so, there is evidence that many car-driving parents have responded to our request for them to drop and pick up their sons on streets away from the Hill itself. However, we recognise that the consequent reduction of traffic on the Hill involves a

Annex A2

Statements made by JLS at the 2016/18 Appeal regarding accommodation

At the 2016/18 Appeal inquiry (Ref: APP/M5450/Q/16/3160672) the John Lyon School consistently presented its position as a facility of excess educational capacity available for immediate use if only it were allowed to increase pupil numbers from 600 to 710.

Statements submitted by the School In the course of the inquiry include:

A. In Gateley Plc's Supporting Statement on behalf of The John Lyon School 24 February 2016 (Appeal Bundle v1-6):

1.2 This would entail the expansion of numbers to 710 and there are strong educational requirements for maximising the use of existing school facilities. These are considered further in section 6 below.

6.1.1 Whilst it does not entail the *physical* expansion of the school estate the proposed increase in pupil numbers represents expansion in the availability of educational opportunity.....

6.4.4 Whilst the current proposal does not entail "new" building of educational facilities *per se*, it is clearly in accordance with the Core Strategy.....

B. Letter dated 31 March 2017 from Katherine Haynes, Head of John Lyon School, included as Appendix 1 to the Proof of Evidence of Mr Gibson, (then) School Bursar:

At Page 2 of Appendix 1 under heading **Our Current Situation:**

The current cap constrains my ability to offer places efficiently.

At top of Page 3 of Appendix 1:

I have had to turn away a number of disappointed parents every spring even when their sons have met the School's entrance criteria. If given the chance I am confident, as with successful applicants that these pupils would thrive at The John Lyon School.

C. In Gateley Plc's Statement of Case on behalf of the John Lyon School (Appeal Bundle V4-1):

3.7 There is a sound basis for considering that the Appellant would be able to welcome an additional 110 pupil places having regard to parental demand, and to the current approach towards selection.....

3.8 Whilst any increase in numbers is likely to gradual and spread over a number of academic years, parental demand can be reasonably expected to fill the additional places that an uplift in the current limit – to a new limit of 710 – would allow.

3.9 The Appellant is confident that it would maintain its standing as a reputable and attractive teaching and learning environment.....whilst welcoming these additional pupils into the School.

3.11 The appellant *is* therefore in a position to extend the opportunity to benefit from the high standards and support it provides, to a greater number of boys than is currently permissible. [Emphasis added]

3.16 Were it to be permitted to expand its pupil numbers as proposed, the Appellant would be able to undertake further improvements to the **built** fabric, curriculum delivery, sport..... [Emphasis added]

9.22 The Appellant is confident that it would maintain its standing as a reputable and attractive teaching environmentwhilst welcoming an additional 110 pupils into the School. It *is* in a position to extend the opportunity to benefit from the high standards of education and support it provides, to a greater number of boys than is permissible under the current obligation. [Emphasis added]

Annex A3

Educational rationale

1. The educational rationale outlined by JLS seems to be nothing more than a series of assertions about their requirements around pedagogy with very little evidence to back up their claims.
2. A previous public inquiry and appeal into pupil numbers, JLS asserted that it had sufficient teaching space to accommodate a near 20% increase in numbers from the current 600, so no further buildings were needed! Now, they claim to have a “pressing and urgent requirement to create more teaching and learning floorspace” just for the existing 600 pupils. Both statements cannot be true which leaves residents suspicious of the real motive behind the development of a new building.
3. **The JLS Inspection by the Independent Schools Inspectorate 26 to 28th November 2019**, suggests that the quality of education has been above average for maintained schools from 2016-2018, that the curriculum is documented with appropriate plans and schemes of work and covers the breadth of material needed to enable pupils to make good progress. With regards to the premises of and accommodation, the inspection suggests that all the standards are met, and maintained to a standard commensurate with health & safety, acoustics and lighting are appropriate. There is **no suggestion in this inspection report** that the current accommodation is not suitable for providing an outstanding education.
4. There is general government guidance on the amount of space that should be allocated per pupil. I accept this is for maintained schools but it does give us a general heuristic.

Annex A: Building areas

Recommended minimum areas for mainstream schools	Base area for:				Area per pupil place for:		
	All primary	Middle schools	Secondary and all-age up to 750		All primary	Key Stage 3/4	Post-16
			up to 16	with 16+			
1. Basic teaching	-	-	-	-	2*	2.9	3.2
2. Halls, dining and PE	100	200	300	375	0.3*	0.6	0.6
3. Learning resources	10	50	75	125	0.1	0.15	0.4
4. Staff and admin.	30	75	100	100	0.2	0.2	0.2
5. Storage	20	75	125	150	0.15	0.25	0.3
Float	80	100	150	250	0.15	0.4	0.3
Minimum net area	240	500	750	1000	2.9	4.5	5
Non-net area	110	200	300	400	1.2	1.8	2
Minimum gross area	350	700	1050	1400	4.1	6.3	7
Recommended maximum areas for mainstream schools							
Maximum net area	275	575	875	1175	3.1	4.9	5.4
Maximum gross area	400	835	1270	1700	4.5	7.1	7.85

Recommended building areas for all types of mainstream school

* nursery places for 3 to 4 year olds should have 2.3m² basic teaching but do not need hall, dining and PE area.

All age above 750 places, or with more than about 300 11 to 16 places, should use the total of the primary and secondary base areas. Split sites (where a significant part of the school is provided in buildings on more than one site) may need extra gross area of up to 75m² in some cases, to allow for the replication of administrative and kitchen facilities, depending on the distance between sites and the facilities on each site.

Note: The net area includes a 'float'. When the recommended minimum areas of each category of space are added together, the total will be less than the recommended total net area. This difference provides the 'float' that can be used to enhance some areas, depending on the priorities of the school.

See Building Bulletin 104 for building area formulae recommended for special schools, alternative provision, specially resourced provision and units.

[Area guidelines for mainstream schools \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

This is non-statutory guidance but it would appear that the **current school's provision more than adequately meets this guidance.**

5. This is more about a **selling point for the school rather than a pedagogical argument** and one cannot believe that this is not about increasing the future numbers on roll, dressed up in pedagogical clothing. What we have is a fantasy wish-list and a number of half-truths dressed up as pedagogical argument. Schools are complex organisations but with a bit of creativity and flexibility in approaches to curriculum and delivery, you can maximise usage of existing provision or retro-fit existing provision to meet changing needs. The statements made by JLS about its accommodation needs, could be considered by adaptations to its current accommodation.
6. The timetabling and room usage arguments are a **social construct and not absolutes.** Schools can build their timetables how they wish. If the afternoons are less busy because each Year group is outside taking part in games, then a pragmatic approach would be to vary the demand by having some students go out in the morning and some in the afternoon, to relieve any timetabling issues? Morning room occupancy is cited at 88%-94% but no data on the afternoons is given, which suggests it is considerably less. Again, this is about creative timetable solutions to solve the rooming issues which may not need new buildings in a conservation area. All year groups do not need to be in lessons at the same time.
7. Burden on staff and pupils – **the timetable is in the gift of the school, it is not a fixed entity.** They can choose to lengthen their lessons to reduce movement, lengthen their school day to create capacity. Year groups could start and finish at different times, which would reduce the traffic issues (indeed, many teenagers would like to start their day later, for example UCL Academy in Swiss Cottage have an evidence- based curriculum offer and their KS5 students' study from 10 – 5pm as the research suggests this is optimum time for learning). Staff timetables are also in the control of the school and can be amended to reduce any workload burden on an individual, **I am not sure this is a matter for a planning appeal.**
8. The **use of student numbers seems a distraction.** If your rooms cannot accommodate the numbers who have selected the activity, then you can run two groups or put a limit and rotation on their capacity? If demand for co-curricular and after-school sessions has risen, JLS could offer two separate groups, or they need to retro-fit and build suitable spaces within their accommodation. Classrooms can have foldable walls put in and or more private booths and spaces can be created.
9. Subject-specific rooms. It is not uncommon for most teachers to teach in generic or shared rooms. Science teachers do not have to do practical experiments EVERY lesson. Like all other subjects, they will have a schedule and will book the labs for practicals and then the theory lessons can easily take place in another room.
10. Computer suites – the school is right it's demand to develop digital strategies strangely, but their thinking is a little outdated. With the move towards cloud solutions, long gone are the days when you need computing labs, much of the work can be done on laptops in a range of settings. It sounds like they need to upgrade their WIFI and get rid of server rooms.

11. Pastoral work and Coaching culture. You can purchase very good sound-proof booths that can be put into rooms to create more private but visible spaces.

Cllr Stephen Hickman BA (Hons) MA Education, PGCE, QTLS, MSET.

Annex A4

Clr Dan Anderson's Speech to the LBH Planning Committee (18 November 2020)

As Mr Vickers referred to and which I think is worth repeating...the decision to defer was:

"To allow the Planning Team to undertake further negotiations with the applicant and local residents on matters relating to the footprint and location of the proposals, specifically to see if the building could be relocated on the current footprint of Oldfield House" and if my memory serves me correctly, there was also agreement that the Harrow on the Hill Trust would be included in this as well. It is therefore unfortunate that no such meaningful negotiations or discussions took place. Especially so, because as Mr Vicker's highlighted, there is an openness from residents to engage with the proposer to work towards a less harmful solution, which includes considering amendments to alternative plans included in the applicant's own Study".

This still stands, no meaningful consultation has occurred.

With regards to this application

Location

The pattern of existing development down Crown St is clear, with every building addressing the street - this includes the existing Oldfield House, constructed on the site of 2 previous residential buildings - by changing the buildings location it goes against the Council's policies which states

'the context provided by neighbouring buildings and the local character and pattern of development must be regarded'. To repeat my example from January, if a resident on Crown Street proposed knocking down their home and constructing a larger building at the end of their garden, the proposal would be rejected.'

The proposal also goes against the Section 106 agreement, which defines exactly where John Lyon School may and may not build. This agreement reflects concerns held by the Council and local residents of the potential for overdevelopment within the Harrow on the Hill conservation area. This unchanged proposal sites the building in an area specifically prohibited by this Section 106 agreement.

Again, whilst I am not disputing that the Council has a duty to support John Lyon School, and as ward councillors we are of course appreciative of the School's desire to develop new STEAM facilities, but the Council has a primary duty as stated in the **Core Strategy Policy C3 to 'Safeguard the special character of Harrow on the Hill and its setting.'**

Allowing the proposed building in this location would be contrary to this aim.

Resident amenity

The proposed location, bulk, massing and design of the building, in addition to harming the Harrow on the Hill Conservation Area, would impact adversely on the outlook of the neighbouring house at no. 60 Crown Street. This is in contrary to the policies DM 1, which sets out to achieve a high standard of development and the application of the 45-degree code in the Residential Design Guide, which states that development with an overbearing visual impact, when reviewed from within a

neighbouring building or its amenity spaces, and which leave inadequate outlook from habitable room windows will not be acceptable. Again, this is clearly the case from 60 Crown Street.

Public benefit

Additionally, National Planning Policy Framework requires that harmful development within a conservation area, which this is acknowledged to be, should be offset by public benefits. As was raised and discussed in the January meeting, unlike the offered public use of Harrow School's new sports centre, **no public use or other benefit linked directly to the proposed new building has been suggested. This remains unchanged in the application.**

To conclude

This committee came very close to rejecting this proposal in January. The decision was deferred for meaningful negotiations to take place, which didn't happen. Instead, residents have been presented with the proposer's own Alternative Sites Study, which Mr Vickers has already highlighted doesn't include all viable alternatives.

Now that the original application has been brought back to this Committee in November wholly unchanged, I am again urging the Committee to reject this proposal, which goes against the Council's current policies, will have a negative impact on local resident's amenity and will have a detrimental long-term impact on the Harrow on the Hill Conservation Area.

In my speech in January, I commented on the process that this application has gone through. Given how this has played out over the last 10 months, it would seem strange to me if this unchanged application was to pass this evening and I would imagine I wouldn't be the only person in this borough thinking that.

Thank you

Annex A5

Residents' letter to JLS proposing a dialogue on using site of Oldfield House

Mr M Gibson
John Lyon School
Middle Road
Harrow
(by email)

24th November 2020

Dear Michael

I'm writing to you on behalf of local residents, further to the Planning Committee refusing the School's application for a new STEAM building on 18th November.

At that meeting, the officers said they believed they had carried out the Committee's wishes when deferring a decision in January by, amongst other things, arranging the presentation to us on 4th November. Perhaps you'll agree that on the night, many Councillors expressed disappointment that more had not been done to engage with local residents to try to find an acceptable proposal based on the site of Oldfield House.

On the 4th we suggested that such a proposal might be found and offered to work with you to identify something that delivers what the School wants and minimises the harm done to the conservation areas and the amenity of neighbouring properties. We put that suggestion more formally in a letter to the LBH planners a few days later – we'd like to assume you saw that letter but attach it here in case you didn't.

The purpose of this letter is to reassure you directly that it was a genuine invitation to work together to find a mutually satisfactory way through this and to extend that invitation to you to do so now.

Our suggestion that a better solution exists wasn't based on some vague hope, but by developing some of the options in the Alternative Site Studies report. It would be good to table our ideas and talk them through at a meeting.

As always in such situations, there is a balance to be found, and we would like to meet with you and your architects in good faith, to find the best balance available.

Sincerely hoping for a positive response to this invitation.

Kind regards
Ted Allett
Middle Road

Attachment, letter of 8th November, follows:

Attachment

Dear Ms B Kuchar & Ms C Cooke (by email)

8 November 2020

Thank you again for organising the presentation by John Lyon School and its consultants last Wednesday evening. The invitation was for half an hour, so we were pleased to be allowed ninety minutes talking about the application.

Our main query on the presentation was to ask how the School and yourselves thought production of the Alternative Site report could be said to meet the requirement for deferment at the Planning Committee on 22 January. The unanimously approved motion, as recorded in the agreed official minutes was:

“to DEFER the application to allow the Planning Team to undertake further negotiations with the applicant and local residents on matters relating to the footprint and location of the proposals, specifically to see if the proposed building could be relocated on the current footprint of Oldfield House.”

The motion is clear and unambiguous: it expected LBH Planning to undertake negotiations with local residents. Inviting comments on the presentation of a finalised report only two weeks before the application was due to be considered by the Committee again, does not constitute negotiation.

We were asked why we hadn't commented on the report in response to your notification letter dated 8 October. That letter invited comments on the application and since it appeared that neither the proposed new building in the application nor the relevant planning policies had changed (since confirmed by yourselves), we saw no reason to repeat our previous objections. Indeed, we had been reassured by Cllr Graham Henson that it was unnecessary as all previous objections would be carried forward for consideration by the Planning Committee on 18 November.

We sincerely believe that we might be able to agree to a proposed new building based around the current footprint that meets both the School's educational aspirations and minimises its impacts on both the Harrow on the Hill Village Conservation Area and the amenity of neighbouring properties. We have some constructive suggestions to offer regarding the best position of the main entrance to the building and the provision of parking for the School's minibuses.

The Alternative Site Studies report establishes that a building on the site of Oldfield House is feasible. Last Wednesday, we suggested that you and the School pursue further discussions with us based on Options 2, 4 & 5. To allow time for these discussions, consideration of the application would need to be deferred. Please advise asap if you agree to this way forward.

Yours sincerely

Ted Allett, Michael Gollings, Graham King, Ashley Vickers, Tony Violaris

Annex A6

Residents' review of Architectural Statement by Curl la Tourelle Head (May 2021)

We have reviewed the Architectural Statement (AS) and would like to rebut various points made and provide an alternative evidence based narrative, countering the AS's assertion that the JLS proposal would not harm the character of the CA and that it is not possible to design a building on the site of the existing Oldfield House.

The explanation of the origins of the design proposal are critical to understanding the reasoning behind the design.

The JLS Brief and identification of a suitable site

Pages 2-4 The Brief & pages 5-8 The Site

The AS outlines in reasonable detail the JLS brief for a new STEAM building, including how an appropriate site was selected within the JLS grounds. 2.5 of the report states,

'This led to the conclusion that the only School site that meets these tests is the Oldfield House site'.

The report goes on to make an argument that Oldfield House has a negative impact on the character of the CA, a view that is backed by the JLS Conservation consultant report. It is also worth noting that when Oldfield House was applied for by JLS, the LBH obviously assessed it as not having a negative impact on the character, otherwise it could not have been approved. The AS proceeds to argue that the demolition of the existing building and replacement is an opportunity to enhance the area in addition to providing a modern education space.

The explanation in the AS fails to explain or justify the leap made from identifying the Oldfield House site as an opportunity for new development and the actual JLS proposal which is not on this site and is in fact located in an open area, aligned with neighbouring residents' gardens, and contrary to the pattern of development along Crown Street and the character of the Harrow on the Hill Village CA.

The AS omits in 'The Brief' a fundamental requirement set by JLS which has dictated the selection of the building location, over and above any conservation and planning principles. The reason for proposing a building in the proposed location is for non-planning related matters.

John Lyon's Strategic Plan (submitted with the application) states in Point 2, 'For minimum disruption to learning it would be better to build a new building alongside the current building (then demolish the old one), so that uninterrupted learning can continue during the year-plus construction period'.

The fundamental reason for JLS proposing to build in this location is one of perceived economics and convenience. By building in the proposed location JLS believe they will save money by avoiding the need for

temporary classrooms and accommodation (which would be required if a new proposal was built on the existing Oldfield House site). This requirement is made explicit in 8.13 page 15 of the AS when it asserts temporary classrooms could cost over £750,000. This cost estimate (notwithstanding that it is not justified by costed evidence) is stated by the architect as part of their critique of the local residents' sketch plan exploring a replacement building on the Oldfield House site.

It would have been more accurate and reflective of the design process to include in 'The Brief' that JLS prohibited building in the current location of Oldfield House and instructed their consultants accordingly.

All assessments by JLS consultants in relation to a proposal on the existing Oldfield House site need to be seen in the context of JLS ruling out building in this location for non-planning related matters. It is also the reason why JLS have misrepresented the S106 agreement and in particular the significance of areas excluded from future development, which the proposal is located within.

All justifications for the proposed building location are part of a post rationalized argument in order to meet the JLS requirement to build as far away as possible from Oldfield House to minimize disruption to the School and perceived cost of temporary accommodation.

The potential short term operational and unsubstantiated cost issues for the School, should not be used to dictate the location of a proposed building which would then have a long term detrimental impact on the character of the area and harm to neighbouring residents.

Existing Oldfield House and comparison with proposal

The AR puts forward justification for the proposed design by criticizing the existing Oldfield House design. The demolition of Oldfield House is not being contested and it is acknowledged that it does not contribute positively to the character of the CA- the CA Statement identifies it as neutral. The fact that the design of the existing Oldfield House might be poor (and of its time), should not mean a new proposal has a lower benchmark for design quality and acceptability, or that a new proposal with inherent design problems (due to its siting and mass) can be presented as being a slightly better alternative to the existing situation. Local residents consider that any new proposal should take the opportunity for enhancement to the area, whilst not creating new problems for local residents.

Proposed building siting and impact on character of the CA

Pages 10,11 6. Benefits of the revised proposal in architectural and townscape terms

The AS states in relation to townscape,

'The relationship of the new proposal with the hillside follows that of the adjacent Locally Listed Main School building...'

This statement is not correct, given the relationship to the hill: the building types, siting and context (eg a different conservation area) are very different.

The AS states in relation to townscape that:

'The proposed southern façade is comparable in scale to the buildings on Crown Street, including the Grade II Listed 56 Crown Street'

This statement does not stand up to scrutiny given the proposed JLS scheme is of a vastly different scale and mass to no.56 – it is more than twice the width and a significantly greater mass. The siting is also critical as to how a building is perceived in terms of its scale and mass. No.56 is situated between two other buildings and so its scale is perceived very differently to the proposed JLS scheme which is 4 storeys high and surrounded by open space. It is of concern that the AS does not appreciate this distinction and is making inaccurate comparisons.

Alternative siting options

Page 12 7. Alternative Siting

The AS details the architect's perceived problems associated with 're-siting' the proposal in the Oldfield House location. It is patently obvious however that simply moving the current JLS proposal onto a different part of the site would incur problems. A new design would inevitably be required to respond appropriately to the immediate context of the Oldfield House location. A new design would be a different design to the current JLS proposal and it would seem to be lazy thinking or disingenuous to consider otherwise.

The critique offered in the AS of 're-siting' the proposal is largely irrelevant for the reason stated above. It also follows that the statement about height needs to be understood in context.

The issues associated with the height above a datum of a proposal further down the slope of the hill, located in an open area relating to neighbouring residents' gardens, are very different to a building located on the Oldfield House site, further up the hill and with a greater presence on Crown Street. The current JLS proposal would be very apparent as a 4-storey building set in an open space, where a similar height 'above datum' building but further up the hill, would be perceived as 3 storeys, with the existing open space preserved behind the building. This distinction should be clear to the architect.

In section 7.2 the AS states,

'In re-siting the current proposal to the top of the site, the presence on Crown Street and the Grade II Listed Suffolk House opposite is increased, the quality of the approach to the building is diminished'.

The AS suggests a new building with a presence on Crown Street would automatically be a problem. This is misreading the character of Crown Street and the CA. Similarly, a new building of high quality design, respectful to the context, would not automatically harm the setting of the listed building opposite. The AS seems to suggest that any proposed new building should be as least visible as possible, whilst ironically proposing a 4-storey building located in an existing open space.

Residents' sketch plan***Pages 13,14,15,16***

A significant part of the AS is dedicated to attempting to discredit the sketch plan of an alternative approach prepared on behalf of the local residents. The sketch plan does not purport to be a fully developed scheme. It is clear that significant design development would be needed and goodwill would be required to engage in this design development. The sketch plan was prepared in the spirit of cooperation by local residents to facilitate a conversation with JLS and their consultants.

Please note that despite requests by residents to meet to discuss the sketch plan (and other ideas) in a spirit of open dialogue, this did not happen. A meeting did take place with some of the JLS project team, but regrettably it was not an open conversation but rather a presentation of why re-siting options would not work. Their architect did not attend the meeting.

The comments on the sketch plan in the AS should be viewed in the context that it is a sketch plan only, and that JLS and their consultants have shown very little will to genuinely engage with developing alternative designs, as demonstrated by their analysis of their 're-siting' options.

In section 8.1 the AS states,

'During consultation, a group of residents indicated that they had concerns regarding the planning proposal's visibility from number 60 Crown Street....'

The concerns raised by residents relate to the proposal of a large 4-storey building being located in what is currently open space and aligned with the rear gardens of Crown Street. This would have a significant impact on both no.60 Crown Street, and also the enjoyment of the garden to the listed no.56, which also shares a boundary with JLS. It is revealing that this concern is acknowledged in the AS but at no point has any assessment been made to look at the outlook from no.56, the impact on amenity and overlooking. The concerns raised have been completely ignored by JLS and their team, no doubt because the significant impact would be made even more apparent if such a study were undertaken. It is more than likely the same reason why a scale model has not been presented of the proposal to explore the relationship of the proposal with the surrounding context.

It is noted that one of the criticisms in the AS of the residents' sketch plan is that there could be overlooking to the east. This is an odd criticism when the developed JLS scheme would contain windows to the east which would overlook the neighbouring gardens and look east towards no.60 Crown Street.

In section 8.3 the AS states,

'From an initial appraisal, the massing shown does not appear to offer sufficient space to house the School's brief demands. The proposed footprint would therefore need to increase, further contravening the S106 agreement which the residents group are seeking adherence with.'

As explained above it is sketch proposal that would need significant design development and goodwill on behalf of the JLS consultant team.

The reference to S106 adherence demonstrates a lack of understanding of the S106 itself. It is not simply a question of calculable footprint, but rather it deliberately excludes certain existing open areas from future development. The JLS proposal is to build within a large open area, specifically excluded from development. The AS statement entirely misrepresents the residents' concerns in this regard.

The interpretation of the S106 (with amendments) has historically allowed some minor extensions to existing buildings into this excluded area but this is fundamentally different to the current JLS proposals which show a total disregard for the S106 areas that prohibit development and ignores the reasoning behind the allocation of these areas – to preserve the character of the CA. In short, if a new proposal on the Oldfield House site had a different calculable footprint to the existing then this should be considered on the grounds of whether the other aspects of the proposal are acceptable. The footprint is clearly only one aspect of a design, whilst its impact (positive or otherwise) is formed from many other considerations eg. siting/ location, height, mass, architectural design, response to context, setting of listed buildings etc. The AS and other JLS consultant documents forming part of the appeal are seeking to make a reductive argument based on a misrepresentation of the S106 and unwavering adherence to the JLS doctrine that you can't build on the existing Oldfield House site. This is regardless of the impact of building a large 4-storey building in an existing open space.

In section 8.4 the AS states,

'The proposal is only shown in plan form, without consideration to the site section, and the inherent level differences that are present on the site. The proposal would sit into the hillside to the south, causing poor outlook on to a 4m high bank, effectively submerging the ground floor and preventing natural light from entering for the majority of the year.'

This is an odd argument to make against the residents' sketch plan, given the developed JLS scheme is buried into the hillside, with the lower floor submerged on the 3 sides. The art rooms would have very poor natural light (especially as art studios), given the depth of plan and each space having two north facing windows only.

The quality of the south facing space between any new building and the bank does not need to be a negative one. This is down to creative design development.

Section 8.5 goes on to state,

'The Resident's alternate proposal's key assumption in placing the massing in the south is that development on the Oldfield House site can offer a continuation of Crown Street, and that as such massing should follow the pattern of these houses, as listed in their option's advantages. However it fails to appreciate the landscape

constraints of the site and repeats many of the mistakes of the existing Oldfield House. The level difference of 4 metres between the street and the floor level of Oldfield House breaks the relationship between the two, which is further separated by the tall brick wall which borders the site. This makes it unfeasible for development on this site to follow the pattern of development of existing houses.'

This again misrepresents the views of the residents and what might be an appropriate development on the site, presenting a polarized argument devoid of nuance. It is surprising that the architect would take this view given the rhetoric around the explanation of the JLS proposal, and more specifically the idea of it being a juxtaposed 'small house, big house'. The scale, massing and siting of the JLS proposal means it is hard to see how it could in anyway be related to that of surrounding 'houses'. The JLS proposal is a very large building, exacerbated by unbroken facades to the south and north and its setting in an open space.

It is of course true that any replacement building on the Oldfield House site would have a different relationship to the houses along Crown Street, which in some cases are directly on the pavement, and in other cases set slightly back. This is not to say that a replacement Oldfield House could not be designed as a 'transition' between Crown Street and the main School buildings – this would also be a transition between two conservation areas. The existing banking, and historic wall (with gateway opening) would necessarily mean a different relationship to the street (when compared to neighbouring houses), but with the right design this relationship can still be positive one, engaging more with Crown Street than does the existing Oldfield House. The current JLS proposals completely ignore this design challenge, taking the easy option by placing the building in an open space regardless of the detrimental impact.

In section 8.10 the AS states,

'The proposal in this location would be significantly taller than the current scheme in direct contradiction to the Principal Conservation Officer's request to lower the scheme.'

The Conservation Officer's comments related to the JLS proposal and it being specifically located in an open space, further down the slope of the hill. Given no developed design has been proposed for a building on the Oldfield House site, this comment is not justified. It also assumes that a new building would need to be 4 storeys in height, whilst a 3 storey building might be possible, with slightly increased footprint, still meeting the JLS education brief. It is a lack of will to explore this that is the issue, not the extent of possibilities.

9. Conclusion

In section 9.2 the AS states

'The proposal responds sensitively to its surroundings, adding a 21st Century layer to the rich varied townscape of the Hill. The application has been through multiple iterations, has been scrutinized by the London Borough of Harrow Planning Officers, Conservation Officer and the GLA Design Review Panel on two separate occasions. In responding to feedback from these bodies the proposal's development has been embedded the scheme further into its sensitive built environment.'

Whilst it might be true that there have been different iterations of the JLS design, any proposal for a replacement building on the existing Oldfield House has been ruled out from the outset, as evidenced by the JLS brief and the architect's revealing comments. The needs of the School have been put ahead of the impact on the character of the CA and local residents, particularly no.60 and no.56 Crown Street. The JLS scheme and their consultations with advisory groups have been based on a misleading premise that a building must be located in existing open space, and that providing it 'looks' better than the existing Oldfield House it is an improvement on the existing situation. This is a false argument and fails to take the opportunity to genuinely enhance the character of the conservation area, respect the setting of surrounding listed buildings whilst preserving neighbour's amenity. It is a failure of will on behalf of JLS and the design team where the perceived cost and inconvenience to the School is considered above the detrimental impact.

The conclusion lists the planning officers consulted and other bodies but it does not include the significant opposition to the scheme, or the fact that the planning officers acknowledged the harm that would be caused to the area, incorrectly balancing this against a public benefit that does not exist except for JSL pupils. The Harrow Hill Trust (a local 'statutory' consultee) objected strongly to the scheme, as has the Harrow Conservation Area Advisory Committee. There is significant local opposition and concern relating to the JLS proposals.