

DELEGATED APPLICATION REPORT

Address: John Lyon School Middle Road Harrow HA2 0HN

Reference: P/2504/19

Description: Modification To Section 106 Planning Obligation Relating To Planning Permission West/695/94/Ful Dated 23Rd June 1995 (Principal Agreement) To Amend The Building Envelope To Reflect Extensions Permitted Under Application References P/2160/10 And P/3420/06

Ward: Harrow on the Hill

Applicant: James Govier

Agent:

Case Officer: CATRIONA COOKE

Expiry Date: 25/07/2019

RECOMMENDATION
Schedule of Modification

1. **Modification to Clause 1 of the second schedule relating to no development to take place outside a building envelope shown edged red on Plan No.977/31/B.**
2. **Insert new Clause to require demolition of existing Oldfield House an amendment to Plan No. 977/31/B to show footprint of New Oldfield House.**

REFUSE permission for the development described in the application and submitted plans for the following reason(s):

REASON

In the absence of an approved development there is no justification for the amendment to the building envelope edged red on plan No. 977/31/B The proposal is therefore considered to be unacceptable as a modification to the Section 106 Agreement associated with Planning Permission Ref: WEST/695/04/FUL under the Town and Country Planning Act 1990 (Section 106A).

Statutory Return Type:

Council Interest: None

Gross Floorspace: n/a

Net additional Floorspace: n/a

Site Description

- The application site comprises Oldfield House located on the top end of Middle Road at the junction with Crown Street.
- The School provides secondary level education for boys between 11 to 18 years of age.
- The site is bounded by residential development to the east, south and west and by Metropolitan Open Land to the North. There is a significant level change from Crown Street to Lower Road. The existing Oldfield House is sited to the front of the site and is largely obscured by a listed wall
- The site is located within The Harrow on the Hill Village Conservation Area and within the setting of Roxeth Hill Conservation Area.

Proposal Details

- The application proposes modification to section 106 planning obligation relating to planning permission WEST/695/94/FUL dated 23rd June 1995 (principal agreement) to amend the building envelope to reflect extensions permitted under application references P/2160/10 and P/3420/06

Revisions to Previous Application

N/A

Relevant History

P/1813/19 - Redevelopment to provide four storey teaching block with basement; hard and soft landscaping; parking (demolition of existing building)
Refused - 24/11/2020

Reason for refusal:

The proposal, by reason of excessive scale and inappropriate siting, would do harm to the local character of the area and would not preserve or enhance the character and appearance of the Conservation Area, contrary to policies DM1, DM6, DM7 and DM46 of the local plan, CS18, CS10 and CS3A of the Core Strategy and 7.4, 7.6 and 7.8 of the London Plan (2016) and D1, D2 and HC1 of the Draft London Plan (2019).

Applicant Submission Documents

Consultations

Advertisement

Site notice – Expiry 06/06/19

Harrow Times – Expiry 06/06/19

Notifications

Sent: 177

Replies: 212

Expiry: 05/06/2021

Summary of Responses

- the School is still trying to find a way of expanding pupil numbers. They have not been allowed to do on successive applications to Harrow Council due to their reluctance to deal effectively with traffic problems they already cause. The school want to be allowed to invest in larger premises so they can turn around later and claim they are being discriminated against when their next application to increase pupil numbers is made and refused on the grounds of traffic nuisance.
- The building they wish to erect is ugly oversized for the location and architecturally banal. In such a special area one either has to build in the vernacular or with outstanding flair; the proposed building does not succeed architecturally and strengthen's the school's hand in future negotiations with Harrow Council to increase pupil numbers.
- The existing Section 106 needs to be amended to accommodate this latest proposal however the criteria necessitating the original Section 106 when it became binding in 1995 has not changed and therefore it should not be amended to legally allow the current proposal.
- In their application the school appears to have purposefully misrepresented the section 106 agreement to suggest that it relates to footprint rather than location and then use this as a pretext to justify a new build outside the agreed built envelope, as long as it occupies the same footprint.
- The rationale for having a no-build envelope around Oldfield House iin 1995 was the same then as now i.e. the preservation of the character of the Harrow on the Hill conservation area.

APPRAISAL**MAIN CONSIDERATIONS**

- 1) Planning Obligation
- 2) Consultation Responses

1) Planning Obligation

This application seeks a modification to the original 106 agreed and dated 23rd June 1995 (principle agreement) attached to planning permission granted under reference WEST/695/94/FUL, to amend the building envelope to reflect extensions permitted under application references P/2160/10 and P/3420/06 and that sought under P/1813/19 for the demolition of Oldfield House and the construction of a replacement teaching block (previously modified by deed of

variation dated 24.09.2007 and 22.11.2011)

The original section 106 secures planning obligations, *inter alia*, to secure a fixed build envelope on the site. This application was submitted together with an application for the construction of a New Oldfield House (P/1813/19) on land outside of the build envelope and the demolition of the existing Oldfield House. This application was refused on 24/11/2020. Therefore in the absence of an approved development the Local Planning Authority cannot support amendments to the agreed built envelope.

On this basis this application is recommended for refusal.

2) Consultation Responses

Dealt with above.

CONCLUSION

Having regard to Section 106A of the Town and Country Planning Act 1990, the policies and proposals in The London Plan (2021), the Harrow Core Strategy (2012) and the Development Management Policies Local Plan (2013), it is considered that the modification of the section 106 would have an unacceptable impact on the agreed build envelope and is recommended for refusal.

Plan Nos: Letter dated 29th May 2019 from JTS Partnership ref: JPG/km/8871.

Delegation of Decision

Modification of a section 106 obligation can be determined under powers delegated to the Director of Planning as the application falls within Category 22 (b) and is not excluded by provisos A-G of the schedule of delegation dated 12th December 2018.

Case Officer: Catriona Cooke

Date: 23/04/2021

Case Officer to agree that Draft Decision Notice is accurate and correct:

Yes No

Delegated Officer: Sushila Bhandari

Date: 24/05/2021