



JAL/21-00175

10 May 2021

Catriona Cooke
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Dear Ms Cooke

**Re: John Lyon School – Application under s.106a Town and Country Planning Act (as amended) –
Discharge of planning obligations relating to planning permission WEST/695/94/FUL, dated 23 June
1995 (as amended)**

I write on behalf of John Lyon School to apply for the discharge of planning obligations, under s.106a of the Town and Country Planning Act (as amended). The application is submitted in parallel with an application to add a condition to planning permission reference: P/2160/10, under s.73 of the Town and Country Planning Act (as amended).

In support of the s.106A application, I attach:

- Plan ref: 977-31-B identifying the land to which the obligation relates,
- A copy of the obligation (as varied/amended), and
- A statement setting out the background to this application, and the case for discharge of the obligations.

The copy Plan attached [977-31-B] is of the only copy in the School's possession. It is understood that the Council does not have a plan which differs from that attached. The s106 in this respect is arguably unenforceable in respect of preventing extensions to the buildings.

Further, I understand that Harrow Council does not have forms for this type of application, and in that context I confirm the information necessary under Regulation 3 of The Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992 below:

Name and address of the applicant:

John Lyon School
Middle Rd
Harrow on the Hill
Harrow
HA2 0HN

The address to which the application relates and the nature of the applicant's interest:

John Lyon School
Middle Rd
Harrow on the Hill

Harrow
HA2 0HN

Interest: Landowner

Identification of the planning obligation which the applicant wishes to have discharged:

All planning obligations relating to planning permission WEST/695/94/FUL, dated 23 June 1995, as varied/amended.

The applicant's reasons for applying for the discharge of the obligations:

The obligations no longer serve a useful purpose in that they:

- Unreasonably constrain development, unjustifiably extending existing policy constraints to development control of the land and applied in the area (which themselves are considerable);
- Unjustifiably prevent development that is in accordance with planning policy, even if found to be so by the Secretary of State on appeal;
- Unreasonably restrict the use of school facilities, including dual or community use, even if such a use would create a substantial public benefit;
- Are unnecessary as any which are justified should be properly and preferably addressed by way of planning condition, in accordance with government policy;
- Have long since been discharged in any event (in two instances), and
- do not meet the statutory tests in regulation 122 (as amended) of the Community Infrastructure Levy Regulations 2010 and policy tests in NPPF paras 54-56 required to impose planning obligations.

See attached statement for further details.

Such information necessary for the local authority to determine the application:

The background to this application, and the case for discharge of the obligations is set out in the attached statement.

It is to be noted that a s106A application submitted on 30 May 2019 (ref: P/2504/19) to vary the current extant s106 obligation remains undetermined despite a number of requests having been made for this to be determined.

I would be grateful if you could confirm receipt of this application, by return.

Yours sincerely,

Jason Lowes

Jason Lowes (May 10, 2021 11:00 GMT+1)

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Cc Beverley Kuchar, Sushila Bhandari – Harrow Council