

Report of the Corporate Director of Planning & Community Services

Address ST JOHNS SCHOOL POTTER STREET HILL NORTHWOOD

Development: Variation of condition 4 of planning permission ref. 10795/APP/2001/1600 dated 21/11/2001 (which limits the number of pupils at the school to 350 and staff to no more than 40), to allow for retention of the current numbers of 405 pupils and 65 full-time equivalent staff (Erection of additional classroom and assembly area with library for pre-prep school, together with first aid room and staff toilet) (Retrospective application.)

LBH Ref Nos: 10795/APP/2009/1560

Drawing Nos: 002
Planning Statement
Transport Statement
Supplementary Statement on Staff Parking
Letter dated 13th October 2009
E-mail dated 8th December 2009
4779/N/01C

Date Plans Received: 17/07/2009 **Date(s) of Amendment(s):**
Date Application Valid: 17/07/2009

1. SUMMARY

This application seeks to vary condition 4 attached to planning permission dated 21st November 2001 (ref. 10795/APP/2001/1600) for extensions to the school to allow existing pupil and staff numbers to be retained at their current levels, namely 405 pupils and 65 full time equivalent staff as compared to the 350 pupils and 40 full time staff equivalent required by the condition. The reason given on the decision notice for attaching the condition related to highway safety. The school has not complied with the condition and has had similar pupil and staff numbers at the school as compared to the current situation for the last 5 years. Nonetheless, this has enabled the impact on highway conditions to be considered in detail. The findings of the Traffic Statement, based on traffic surveys conducted at the school have been assessed on site at peak times by the Council's Highway Engineers and they concur with the observations and conclusions of the Traffic Statement. The Traffic Statement concludes that existing traffic conditions on the surrounding roads are acceptable in terms of highway safety and therefore any additional impact associated with the increase in pupil and staff numbers has not been significant. Although not reasons cited for limiting numbers at the school, any additional impact upon the openness of the Green Belt and the amenities of adjoining residential occupiers in direct consequence of the additional numbers are also considered acceptable, given the authorised use of the school.

2. RECOMMENDATION

APPROVAL subject to the following:

1 NONSC Non Standard Condition

The total number of pupils at the school shall not exceed 405 and the total number of staff shall not exceed 65 full-time equivalent.

REASON

To prevent the generation of additional traffic that could give rise to problems of safety and congestion on the surrounding roads, in compliance with Policy AM7(ii) of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2001).

2 NONSC Non Standard Condition

The temporary car park/playground adjoining and accessed from Potter Street Hill shall not be used for staff parking.

REASON

In order to comply with the terms of this application in order to ensure that highway and pedestrian safety is not prejudiced, in compliance with policy AM17(ii) of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2009).

INFORMATIVES

1 I52 Compulsory Informative (1)

The decision to REFUSE planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

2 I53 Compulsory Informative (2)

The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (February 2008) and national guidance.

OE1	Protection of the character and amenities of surrounding properties and the local area
AM7	Consideration of traffic generated by proposed developments.
PPS1	Delivering Sustainable Development
PPG2	Green Belts
LPP 4A.3	London Plan (February 2008)
CACPS	Council's Adopted Car Parking Standards (Annex 1, HUDP, Saved Policies, September 2007)

3. CONSIDERATIONS

3.1 Site and Locality

St John's School is located on the western side of Potter Street Hill, near the top of the hill, close to the borough boundaries with the London Borough of Harrow and Three Rivers District Council. It is on a steeply sloping site between Potter Street Hill and Wieland Road to the west on the adjoining Gatehill Estate, with views to the south over a wide area of London.

The school comprises an original house dating from the 1920s, with purpose built school buildings constructed since 1970 sited towards the north of the site on relatively flat ground,

surrounded by school grounds to the north and south which mainly comprise sloping ground.

The school site is well screened from nearby residential properties to the west and Potter Street Hill is densely lined with trees which obscure views of the school from the east. To the north of the site there is one house with a view over the school complex.

The main vehicular access to the school is from Potter Street Hill, although vehicular access can also be gained from Wieland Road. Potter Street Hill is blocked to vehicular traffic at its northern end, adjacent to the northern boundary of the school. From its junction with Hillside Road/Potter Street to the south, the road has a footpath along most of the length on its eastern side, with the exception of a 150m long central section.

The school forms part of the Green Belt as identified in the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

3.2 Proposed Scheme

This application seeks retrospective permission to vary condition 4 of planning application ref. 10795/APP/2001/1600 dated 21/11/2001 (which limits the number of pupils at the school to 350 and full time equivalent staff to 40) to allow the retention of the current numbers of 405 pupils and 65 full time equivalent staff.

A planning statement has been prepared in support of the application. This describes the history of the site. It claims that the school were unaware of the limitations (both to the 10795/APP/2001/1600) and an earlier application (10795/AR/97/436) and cites information supplied in connection with previous appeals and applications on this site as evidence of this. It goes on to say that the breach of condition has persisted for at least 9 years yet no complaints have been made to the LPA or to the School and suggest that this is evidence that pupil/staff numbers have not caused any particular planning or highway issues. The statement assesses the policy framework for considering the application and highlights the negative impacts of not allowing the optimum number of pupils to be taught at the site, disruption to pupils and pupils having to be taught elsewhere, which might increase journey times. The document refers to the Travel Statement and the various initiatives that are being explored as part of the School Plan, such as a mini-bus service, car sharing and encouragement of other transport modes. It re-iterates the findings of the Travel Statement and stresses that the condition was specifically introduced to avoid highway concerns and not as a result of the Green Belt status of the land. The document discusses the social and financial implications of refusing the application.

A Transport Statement has been submitted in support of the application. This provides an introduction to the application, and claims that it was during the process of the application submitted and refused early this year for further extensions (10795/APP/2009/199) when it became apparent that the school was operating in breach of the planning consent granted in 2001. This has been on-going over the last 5 years or so, with around 400 pupils at the school. The statement goes on to provide a brief description of the school, stating that vehicular access to the school is achieved from Potter Street Hill and Wieland Road, with the main access for parents/visitors being off Potter Street Hill. Potter Street Hill has an open staggered priority junction at its southern end with Hillside Road/Potter Street and is closed at its northern end to vehicles. The statement goes on to say that access from Wieland Road is only used by some of the staff who travel to and from the site to the west, with the agreement of the owners of the adjoining Gatehill Estate's private roads.

It goes on to explain that there are two basic areas for car parking, a large car parking/playground adjacent to Potter Street Hill and a staff/visitor parking area located in the vicinity of the main building. The playground/car park is opened for parents to park in order to drop off/pick up children at the start and end of school, but is closed during the day to be used as a playground. There are two accesses onto Potter Street Hill. The southern access is used as an entrance into the car parking/playground area as well as an access/egress for the staff/servicing using the access road to the staff/visitor parking to the north of the main building. Secondly, there is an exit only to the north of the entrance, directly from the playground and so allows for a segregated in and out movement of traffic.

Over the last 5 years, pupil numbers have ranged from 395 to 406 in 2008, with staff numbers remaining relatively consistent at around 65 full time equivalent each year. The statement goes on to say that highway records kept by Transport for London and Hertfordshire County Council reveal that there has been no personal injury accidents in the vicinity of the school and during school hours in the last 5 years.

The assessment then goes on to explain the results and conclusions reached on the various traffic surveys that were carried out at various points on Tuesday 19th May 2009. These findings are more fully discussed at Section 7.10 in the report. The Statement concludes by stating that at no time on the day of the survey was there congestion, interruption of the free flow of traffic or an unsafe situation created. Vehicles could turn around at the northern end of Potter Street Hill and when parked on Potter Street Hill, vehicles did not cause problems to other road users and generally tend to park to the north of private accesses and to the south of South View Road at the northern end of the school.

A Supplementary Statement on Staff Parking has also been submitted and again this is discussed at Section 7.10.

3.3 Relevant Planning History

Comment on Relevant Planning History

The original application (10795/APP/2001/1600) for the erection of additional classroom and assembly area with library for pre-prep school, together with first aid room and staff toilet was granted on 21st November 2001. Condition 4 of this application states:

The total number of pupils at the school shall not exceed 350 and the total number of staff shall not exceed 40 full time equivalent.

Reason

To prevent the generation of additional traffic giving rise to problems of safety and congestion in Potter Street Hill.

A subsequent application for a two storey extension to the existing junior school block to provide a new teaching spaces and associated staff, toilet and cloakroom facilities and erection of a single storey extension to dining hall/kitchen facilities to provide new storage and catering staff welfare facilities was refused on 6th April 2009.

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

PT1.10 To seek to ensure that development does not adversely affect the amenity and the character of the area.

Part 2 Policies:

OE1 Protection of the character and amenities of surrounding properties and the local area

AM7 Consideration of traffic generated by proposed developments.

PPS1 Delivering Sustainable Development

PPG2 Green Belts

LPP 4A.3 London Plan (February 2008)

CACPS Council's Adopted Car Parking Standards (Annex 1, HUDP, Saved Policies, September 2007)

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **4th September 2009**

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

116 neighbouring residential properties have been consulted and a site notice was posted. 10 responses (2 from the same resident) have been received, raising the following concerns:

(i) Due to school's location, it attracts a large number of cars to the area. Potter Street Hill is the only road directly servicing the school and is narrow and not designed to carry such traffic. This development exacerbates existing problems of congestion, emergency vehicle access and parking on Potter Street Hill, including blocking private drives and obstruction of pedestrian access. Surrounding roads, such as Sandy Lane and Wieland Road also affected as cars cut through Pinner Hill estate;

(ii) This is a retrospective application, and ignorance of limitation on pupil and staff numbers is not a valid ground for breaching the condition. This is also hard to believe as the agent who submitted the application in 2001 is still Secretary of the Company for the School and the Headmaster has not changed;

(iii) Numerous claims made in supporting documentation are refuted, for example that no road accidents have occurred in last five years, current pupil/staff levels have not caused any particular planning or highway issues in the locality and that it was the school that brought the breach to the attention of the LPA. For instance, a family member has been struck recently by a car wing mirror, which was reported to the school and complaints have been made to the school regarding traffic matters and the state of the road caused by coach, service vehicle and car traffic etc has been taken up with the Council;

(iv) The applicant contends that financial, educational and social considerations are material to the decision but this is refuted and implications are over-stated. For instance, cost of re-schooling 56 pupils to local authorities is exaggerated. School also attracts a considerable number of students from suburban north-west London so that it is misleading to suggest many students would have to

travel larger distances if the application were to be refused and this may increase pupil numbers walking to school. St John's has the potential to reduce school numbers by relocating some students to their associated school at Merchant Taylors;

(v) As regards traffic survey, one survey is not enough, particularly as taken in fair weather and a coach free day. No doubt cars were kept moving promptly to try and create as favourable conditions as possible. Traffic survey also does not contain baseline data to show how traffic has grown since 1997 and does not take into account number arriving via Gatehill Estate entrance;

(vi) Site is a designated green belt area and Potter Street Hill is a site of nature conservation importance. Applicants contend that reason for condition was only on traffic grounds, but there are other reasons relating to creep/harm to Green Belt. Many additions have been added to the school over the years and question whether many of these approvals were 'appropriate' in green belt terms as have involved disproportionate additions to original school buildings. The footprint of the original building on 1/7/48 was 379m² which would allow a total maximum footprint of 570m² if the 50% rule applied whereas footprint of current school buildings is 3,371m². This is contrary to policy OL4 of UDP;

(vii) Remorseless increase in pupil numbers over the years despite restrictions. For instance, in application 1997/436, the school states that school would not increase numbers from 336 pupils and condition added accordingly, but ignored. In terms of the application the school is trying vary (2001/1600). The schools own records show pupil numbers had breached the 350 limit before the extension was built. By May 2004, pupil numbers had risen to 393, the school itself attributing the rise primarily to the pre-prep class in the new nursery class building allowed under 2001/1600. 2008/720 application for a new classroom block was predicated upon need for an additional 16 pupils. School therefore have no intention of restricting pupil numbers and provide misleading information in applications. In recently refused application in early 2009 (2009/199), applicant admitted that existing facilities were cramped and inadequate for existing number of students (about 405). Pattern emerging - need for further development justified in accompanying application that new facilities would improve facilities for existing pupils and that no increase/only small increase in pupil numbers involved. Once built, more pupils taken on and further need for additional facilities;

(viii) If the LPA is mindful to grant permission, would need to refer to the secretary of State;

(ix) Development only for profit;

(x) Entrance to school should be re-located away from top of Potter Street Hill, with parking provided in lower field;

(xi) School does not only operate for 39 weeks of the year, activities take place at weekends and during holidays by external bodies;

(xii) Traffic volumes have resulted in damage to fencing and lamp columns on Potter Street Hill;

(xiii) Restricting pupil numbers to 350 will provide better space for teaching and learning. Needs and demand of school are proportionate to number of pupils with increased pressure for inappropriate development in the green belt;

(xiv) Removal of condition will infringe on the right of local residents for a private family life under the Human Rights Act;

(xv) Unreasonable to try to blame LPA as did not enforce condition.

Northwood Residents' Association - No comments received.

Northwood Hills Residents' Association - No comments received.

Gatehill (Northwood) Residents' Association - No comments received.

Ickenham Residents' Association - No comments received.

London Borough of Harrow - No comments received.

Three Rivers District Council - No comments received.

Internal Consultees

HIGHWAY ENGINEER:

St John's School is located to the west of Potter Street Hill, Northwood and to the east of Wieland Road. Potter Street Hill is a no through road and Wieland Road is a cul-de-sac. The site currently has permission for a maximum of 350 pupils. Consequently the highway comments are based on the impact of an additional 55 pupils and 25 members of staff.

A Transport Statement (TS) has been submitted in support of this application, which suggests that the school currently has 406 pupils and 36 full time and 39 part time members of staff, and has been operating at around the level of 400 pupils for the last 5 years.

The main access for parents and visitors is off Potter Street Hill with an in and out arrangement for the car park, which has a total of 53 marked spaces. The southern access is used as an IN and the northern access as an OUT of the car park. This segregated arrangement helps in the movement of vehicles at drop off and pick up times. During peak pick-up/drop times, given the short duration of stay required by parents/carers, additional drivers are able to make use of some unmarked areas and also manoeuvre around the car park.

The applicant has advised that the school has a total of 62 staff car parking spaces spread around the site. A survey carried out on the morning of 16 November 2009 revealed that a total of 51 staff cars were located on site. A staff survey carried out in January 2009 for the Travel Plan which has been agreed with the Council revealed that a total of 81% of staff drive to school, 9% walk to school and the remaining 10% either being passengers or use other modes.

The survey and observations contained in the submitted TS assert that there are no congestion or safety problems as a result of the current levels of activity at the school. The Council's Highway Engineers have carried out site visits during peak morning and afternoon drop-off and pick-up timings, and our observations confirm that the majority of the car parking associated with the School takes place within the site, however a few vehicles were seen to park in Potter Street Hill, but these are not considered to cause highway safety issues and/or access issues to other nearby properties.

From the surveys carried out in support of the TS, both in the morning and afternoon periods, no cars were observed stopping and waiting to drop off or pick up either pupils or staff in Wieland Road. The Council's Highway Engineers' site visits also did not observe any related car parking problems in Wieland Road.

The personal injury accidents database for a period of 5 years have been analysed in the TS and confirms that there are no related personal injury accidents reported during this period in the surrounding highway network.

Potter Hill Street has no footway in places. A School Travel Plan has recently been prepared and agreed with the Council. As part of the School Travel Plan measures, the problem of a lack of a footway on the whole length of Potter Street Hill is being investigated. A pedestrian/cycle route is being considered within the school site to connect the southern end of Potter Street Hill directly with the School.

Queue length surveys carried out at the junction of Potter Street Hill/Potter Street/Hillside Road shows a maximum queue length of 8 vehicles, which dispersed in less than a minute.

Notwithstanding the above, for the additional 55 pupils and 25 members of staff, the impacts of any additional parking demand and additional traffic on the local highway network are not considered to

be significant.

In the light of the above considerations, no objection is raised on the transportation aspect of the proposals. Conditions restricting the number of pupils and staff as proposed and restricting any staff parking within the car park fronting Potter Street Hill are recommended to be applied.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

As this application seeks to vary a condition restricting pupil and staff numbers on an application for a school extension that has already been approved and built, there are no objections in principle to the development.

7.02 Density of the proposed development

N/A to this application.

7.03 Impact on archaeology/CAs/LBs or Areas of Special Character

N/A to this application.

7.04 Airport safeguarding

N/A to this development.

7.05 Impact on the green belt

The intensification of the use of a site is a material consideration in Green Belt terms. However, in this particular case, the application is to alter permitted pupil and staff numbers at the school and no additional buildings or hardstanding areas are proposed. The impact of this proposal arises from the additional 55 pupils and 25 members of staff at the school. Given that this activity would be mainly contained within existing buildings on site, the only impact upon the openness of the Green Belt would be during play/sport periods and at arrival and departure times. It is considered that the additional activity as compared to the activities associated with the authorised 350 pupils and 40 staff at the school would not be so significant at these relatively infrequent periods of external activity as to justify a refusal on grounds of being prejudicial to the openness of the Green Belt. It should also be borne in mind that the impact upon the Green Belt of the additional buildings proposed on the original application (10795/APP/2001/1600) was fully considered by the former Ruislip/Northwood Planning Committee meeting on the 20th November 2001 and the reason for limiting pupil and staff numbers was only considered necessary on highway grounds.

7.06 Environmental Impact

N/A to this application.

7.07 Impact on the character & appearance of the area

N/A to this application.

7.08 Impact on neighbours

The additional pupil and staff numbers would not generate any significant additional noise and general disturbance as compared to the use of the school site with the authorised numbers of pupils/staff numbers. The Council's Environmental Protection Unit has confirmed that there not been any complaints concerning noise and disturbance generated by pupils at the school in the last 5 years. Furthermore, the adjoining properties, certainly on the opposite side of Potter Street Hill tend to be large detached properties on substantial plots that generally have generous off-street car parking provision available. Wider traffic issues have been dealt with at Section 7.10 below. As such, it is considered that the increase in pupil and staff numbers has not resulted in a loss of residential amenities to surrounding properties. The application thus complies with policies BE19 and OE1 of the adopted Unitary Development Plan Saved Policies (September 2007).

7.09 Living conditions for future occupiers

N/A to this application.

7.10 Traffic impact, car/cycle parking, pedestrian safety

This application has been supported by the submission of a Transport Statement. As part of this assessment, a number of traffic surveys were carried out at various points within and around the school on Tuesday 19th May 2009, when there were no school trips or other activities that would have affected the surveys. The applicants state that the traffic surveys did not take place on more days in order to meet the Council's tight deadline for the submission of the application. These were carried out between 07:00 to 09:30 hours and 14:30 to 18:15 hours and reveal that morning traffic on Potter Hill Street is very 'peaked', with 217 of the total of 226 arrivals at the school car park (96%) occurring between 07:45 and 08:45 hours. This is less pronounced in the afternoon period when 88 out of the total of 274 traffic movements or 32% occurred during the peak hour of 15:30 to 16:30 hours.

The Travel Statement advises that the main car park has a capacity of 53 spaces and during the morning of the survey, this capacity was exceeded only for one 15 minute period starting at 08:15. However, cars 'park' in other areas and also cars manoeuvre around the car park looking for spaces particularly at peak times. In the afternoon, there were four periods when cars exceeded the total number of parking spaces, despite the lesser 'peaked' effect produced by the more staggered finishing times of the school, as some parents arrive early and wait for children to finish before leaving, possibly waiting to collect an older child, finishing later. The majority of this activity is confined within the school grounds, with only 12 vehicles throughout the morning survey period dropping off pupils on Potter Hill Street, with a typical length of stay being less than 5 minutes and 13 vehicles picking up pupils during the whole of the afternoon survey period, although lengths of duration tended to be much longer and tended to be a parent, having picked up a younger child, waiting to collect an older sibling. No cars were observed stopping or waiting to drop off or pick up either pupils or staff in Wieland Road. During the whole of the morning study period, a total of 34 vehicles parked to the north of the bollards accessed via Sandy Lane and 13 vehicles in the whole of the afternoon period.

The junction capacity on Potter Street Hill was also assessed. The survey confirms that the majority of morning and afternoon traffic using Potter Street Hill is associated with the school. From observations, queues generated between 08:05 to 08:40 with queue lengths between 4 and 8 vehicles, with the worst queue lengths dissipating within less than a minute. In the afternoon, there was only one 5 minute period when a queue length of 8 vehicles built up, but again this dissipated in less than a minute. Through traffic on Hillside/Potter Street was not affected.

The Travel Assessment concludes by stating that at no time was there congestion, interruption of the free flow of traffic or an unsafe situation on the highway. Vehicles could turn around at the northern end of Potter Street Hill and when parked on Potter Street Hill, vehicles did not cause problems to other road users and generally park to the north of private accesses and South View Road.

It is also anticipated that traffic will reduce as the policies of the Travel Plan begin to take effect.

The Council's Highway Engineers have carried out un-announced site visits during peak morning and afternoon drop-off and pickup times during November 2009 to verify the statements made and conclusions reached in the Traffic Statement. Their observations confirm the conclusions reached in the Travel Statement that the majority of the car parking associated with the school takes place within the school site. A few vehicles were

seen to park in Potter Street Hill but these are not considered to cause highway safety issues and/or access issues to other nearby properties. From the surveys carried out in support of the Travel Statement, no cars were observed stopping and waiting to pick up either pupils or staff in Wieland Road in the morning and afternoon periods and no related car parking problems were observed by the Council's Highways Engineers.

Additional information was requested regarding staff parking at the school, and a Supplementary Statement on Staff Parking has been submitted. This states that there are 65 full time equivalent staff at the school (36 full time and 39 part time), however, part-time staff attendance at the school is dependent upon their responsibilities. Surveys carried out to support the School's Travel Plan suggest that 81% of staff arrive by car, equating to maximum demand of 61 staff parking spaces if all the staff were present at the same time. Presently, there are 62 staff car parking spaces on site. The amount of staff parking available therefore exceeds forecast demand. A separate parking survey carried out on the morning of 16th November 2009 revealed that 51 staff cars were present on site. There are also 5 visitor spaces on site. The supplementary survey also states that since completing the School Travel Plan, a coach 'drop-off' point has been allocated within the grounds of the school instead of outside the school entrance which will further enhance the movement of traffic. Since the preparation of the School Travel Plan, the school have confirmed that a foot/cycle path has also been constructed within the school grounds from the bottom of Potter Street Hill to the school buildings, to encourage walking and cycling. The School Travel Plan also has the agreed aim of reducing car usage by 10% from 2009 to 2012 through its School Travel Action Plan.

The Highway Engineer concludes that the existing traffic volumes generated by the school are not prejudicial to highway and pedestrian safety. The impact of the traffic generated by the additional 55 pupils and 25 members of staff in terms of their additional parking demand and additional traffic on the local highway network is not considered to be significant.

In light of the above considerations, no highway objection is raised subject to conditions restricting pupil and staff numbers and restricting staff parking within the car park fronting Potter Street Hill. As such, the proposed variation of the condition is considered to comply with policy AM7(ii) of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2009).

7.11 Urban design, access and security

N/A to this application.

7.12 Disabled access

N/a to this application.

7.13 Provision of affordable & special needs housing

N/A to this application.

7.14 Trees, Landscaping and Ecology

N/A to this application.

7.15 Sustainable waste management

N/A to this application.

7.16 Renewable energy / Sustainability

N/A to this application.

7.17 Flooding or Drainage Issues

N/A to this application.

7.18 Noise or Air Quality Issues

N/A to this application.

7.19 Comments on Public Consultations

Points (i) and (v) have been dealt with in the main report. Points (ii), (iii), (iv), (vi), (ix), (x), (xi), (xii), (xiii), (xiv) and (xv) are noted, however, there is the requirement that every application needs to be considered on its individual merits. As regards Point (vii), the school's lack of adherence to the previous conditions restricting staff and pupil numbers is regrettable. However, this application still has to be considered on its individual merits. A S106 agreement restricting numbers would not be appropriate in this instance as this is a matter that should be capable of being controlled by condition and it is for the LPA to ensure that any conditions are complied with in the future. Point (viii) is not correct as this application is only for the variation of a condition on a previously approved scheme.

7.20 Planning Obligations

N/A to this application.

7.21 Expediency of enforcement action

N/A to this application.

7.22 Other Issues

There are no other relevant issues raised by this application.

8. Observations of the Borough Solicitor

When making their decision, Members must have regard to all relevant planning legislation, regulations, guidance, circulars and Council policies. This will enable them to make an informed decision in respect of an application.

In addition Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

Article 6 deals with procedural fairness. If normal committee procedures are followed, it is unlikely that this article will be breached.

Article 1 of the First Protocol and Article 8 are not absolute rights and infringements of these rights protected under these are allowed in certain defined circumstances, for example where required by law. However any infringement must be proportionate, which means it must achieve a fair balance between the public interest and the private interest infringed and must not go beyond what is needed to achieve its objective.

Article 14 states that the rights under the Convention shall be secured without discrimination on grounds of 'sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'.

9. Observations of the Director of Finance

As there are no S106 or enforcement issues involved, the recommendations have no financial implications for the Planning Committee or the Council. The officer recommendations are based upon planning considerations only and therefore, if agreed by the Planning Committee, they should reduce the risk of a successful challenge being made

at a later stage. Hence, adopting the recommendations will reduce the possibility of unbudgeted calls upon the Council's financial resources, and the associated financial risk to the Council.

10. CONCLUSION

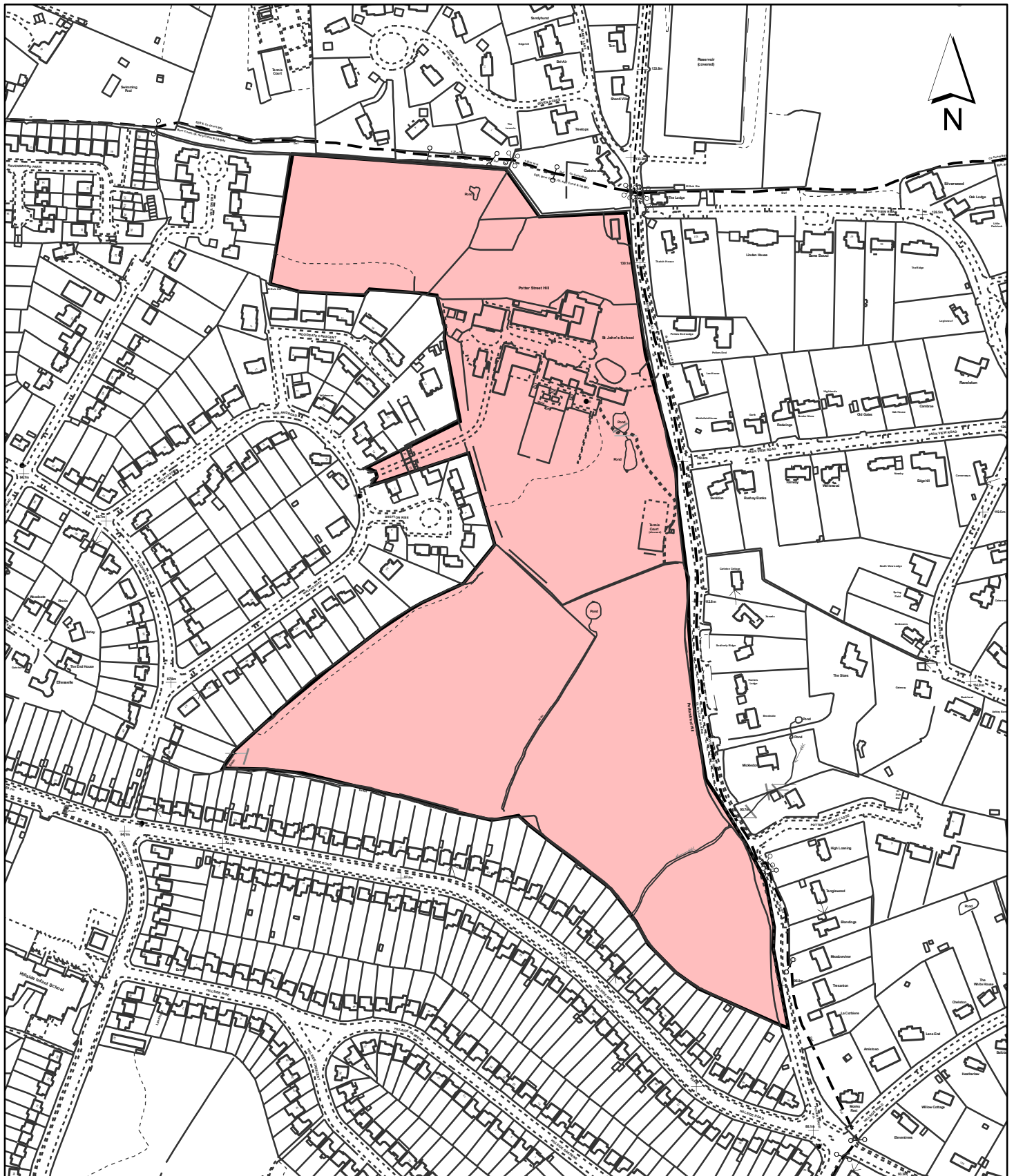
This application to vary a condition to allow additional pupil and staff numbers over and above the numbers stipulated by the condition on planning permission reference 10795/APP/2001/1600, thus allowing the school to retain current numbers. This is considered acceptable on highway grounds, which was the only reason cited for attaching the condition to the original permission. There are no other matters raised by the application that suggest that the additional numbers are having a significant adverse impact on the surrounding area, including the openness of the Green Belt and residential amenity that warrant a refusal of permission.

11. Reference Documents

- (a) Planning Policy Statement 1 (Sustainable Development) and PPG2 (Green Belts)
- (b) The London Plan (February 2008)
- (c) Hillingdon Unitary Development Plan Saved Policies (September 2007).
- (d) Consultation responses
- (e) Planning history

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Notes

 Site boundary
For identification purposes only.

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London Borough of Hillingdon
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Site Address

**St Johns School
Potter Street
Northwood**

Planning Application Ref:
10795/APP/2009/1560

Planning Committee
North

Scale
1:4,000

Date
November 2009

**LONDON BOROUGH
OF HILLINGDON
Planning &
Community Services**

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