

Report of the Head of Planning & Enforcement

Address ST JOHNS SCHOOL POTTER STREET HILL NORTHWOOD

Development: Retention of additional classroom and assembly area with library for pre-prep school, together with first aid room and staff toilet, without complying with condition 4 of planning permission ref. 10795/APP/2001/1600 dated 21/11/2001 (which limits pupil numbers at the school to 350 and staff to no more than 40) to allow the retention of the current numbers of 405 pupils and 65 full-time equivalent staff (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
E-mail dated 10th December 2009
E-mail dated 15th March 2010
Letter dated 26th January 2010
4779/N/011 Rev. A
SJS/PrP. 200.01
SJS/PrP.200.02
SJS/PrP. 200.03
SJS/PrP. 200.04A
SJS/PrP 200.05A

Date Plans Received:	17/07/2009	Date(s) of Amendment(s):	19/07/2001
Date Application Valid:	17/07/2009		17/07/2009
			14/10/2009
			17/11/2009
			08/12/2009
			10/12/2009
			01/02/2010
			15/03/2010
			22/03/2010

1. SUMMARY

Members may recall that this application was deferred from the North Committee meeting on the 22nd December 2009 in order to allow a new report to be prepared, incorporating all the information contained in the Addendum Sheet and to ensure that all policies are considered that are relevant to this retrospective planning application.

This application originally sought 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 stipulated by the condition. It would appear that since the extension was completed, at no time has the school been in compliance with this condition, having had similar pupil and staff numbers to the current situation for at least the last 5 years.

Following Legal Officer advice, given the school's non-compliance with this condition, the original permission cannot be relied upon to authorise the building works and the extension has to be considered anew, albeit the building has been on site for over 4 years and is therefore immune from any enforcement action. The application's description has been amended and a further round of public consultation carried out.

As previously considered at the Ruislip/Northwood Committee meeting on the 20th November 2001, although the building did not accord with the 1995 changes to national Green Belt policy and would not constitute exceptional circumstances to justify development in the Green Belt, the proposed single storey extension was not considered to significantly harm the open character of the Green Belt. Furthermore, the 2001 report considered that residential amenity and the safety and free flow of traffic on neighbouring roads would not be affected, subject to appropriate conditions.

The condition restricting pupil and staff numbers was only applied due to highway safety concerns. The school's non-compliance with the condition has enabled the impact of the increased numbers on highway safety to be studied. 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, namely 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.

Also, the increase in pupil and staff numbers over and above that of the 2001 permission is not considered to have been harmful to the openness of the Green Belt or the residential amenities of surrounding occupiers, given that the majority of activities take place within existing school buildings.

The school has also now offered a S106 Agreement that would restrict pupil and staff numbers to 405 pupils and 65 full time equivalent staff. It is recommended that approval be granted subject to the legal obligation.

2. RECOMMENDATION

That delegated powers be given to the Head of Planning and Enforcement to grant planning permission, subject to the following:

1. That the Council enter into a legal agreement with the applicants under Section 106/Unilateral Undertaking of the Town and Country Planning Act 1990 (as amended) or other appropriate legislation to secure:

(i) that the number of pupils enrolled with the school for attendance at the school site for educational purposes shall not at any time exceed 405 in aggregate (excluding pupils enrolled for attendance in the future and former pupils);

(ii) that the number of members of staff engaged to provide services to the school at the school site shall not at any time exceed the equivalent of 65 full-time members of staff; and

(iii) that not later than one calendar month after the beginning of each academic year the school will notify the Council in writing of the number of pupils as described in 1.1 and the number of members of staff engaged for that academic year as described in 1.2.

2. That the applicant meets the Council's reasonable costs in the preparation of the S106 Agreement and any abortive work as a result of the agreement not being completed.

3. If the S106 Agreement has not been finalised within 6 months, the application to be referred back to the Planning Committee for determination.

4. That officers be authorised to negotiate and agree the detailed terms of the proposed agreement.

5. That on completion of the S106 Agreement, the application be deferred for determination by the Head of Planning and Enforcement under delegated powers.

6. That if the application is approved, the following conditions and informatives be attached:

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).

3 MCD1 Ancillary Uses

The building hereby permitted shall be used only for purposes ancillary to the school and shall not be used by the general public.

REASON

To prevent the generation of additional traffic giving rise to problems of safety and congestion in Potter Street Hill, in accordance with policy AM7(ii) of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

4 NONSC Non Standard Condition

Within 1 month of the date of this permission, details of covered and secure cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The approved provision shall have been implemented on site within 3 months from the date of this permission and thereafter permanently retained.

REASON

To ensure that appropriate cycle parking facilities are provided, in accordance with policy AM9 of the adopted Hillingdon Unitary Development Plan Saved Policies (September

2009).

5 NONSC Non Standard Condition

Within 1 month of the date of this permission, details of the opening and closing times of the shared use playground/parents car park shall be submitted to and agreed in writing by the Local Planning Authority. The temporary car park shall thereafter be made available for car parking by parents in accordance with the approved details.

REASON

To ensure that the temporary car parking is available for appropriate periods during the peak morning drop-off and afternoon pick-up periods to safeguard highway and pedestrian safety, in accordance with policy AM7(ii) of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

INFORMATIVES

1 I52 Compulsory Informative (1)

The decision to GRANT 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 GRANT 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.

PPS1	Delivering Sustainable Development
PPG2	Green Belts
LPP 4A.3	London Plan (February 2008)
OL1	Green Belt - acceptable open land uses and restrictions on new development
OL4	Green Belt - replacement or extension of buildings
EC2	Nature conservation considerations and ecological assessments
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
OE1	Protection of the character and amenities of surrounding properties and the local area
R10	Proposals for new meeting halls and buildings for education, social, community and health services
AM7	Consideration of traffic generated by proposed developments.
AM9	Provision of cycle routes, consideration of cyclists' needs in design

	of highway improvement schemes, provision of cycle parking facilities
AM14	New development and car parking standards.
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 predominantly steeply sloping site between Potter Street Hill and Wieland Road to the west on the adjoining Gatehill Estate, with views over the lower ground to the south looking across 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 an approximate 1.05 hectare area of relatively flat ground on which all the existing school buildings are sited. The main vehicular access to the school is also taken at this point from Potter Street Hill, with the main access road crossing the site, which links to Wieland Road through an arched entrance building. School buildings front the access road to the north and south, with a hard-surfaced playground/car-park immediately to the north of the main entrance on Potter Street Hill. The extension, the subject of this application is sited behind the buildings which front the northern side of the access road and the western side of the playground/temporary car park.

The extension 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.

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 its length on the 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). Part of the school grounds to the south also form part of a Nature Conservation Site of Borough Grade II or Local Importance.

3.2 Proposed Scheme

This application was originally submitted as an application 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 at the school. However, as it appears that this condition has not been complied with from the outset, the original permission cannot be relied upon to authorise the extension. The description of development has therefore been amended, and the application now seeks retrospective permission to retain the single storey building for use as an additional classroom and assembly area with library for the pre-prep school, together with a first aid room and staff toilet, while allowing up to 405 pupils and 65 full time equivalent staff numbers at the

school, to enable existing pupil and staff numbers to be retained.

The building is sited to the rear of the school buildings which front the northern side of the access road and also return to front the playground/temporary car park to the east. The building is single storey and comprises an L-shaped main block, with a maximum width of 10.0m and depth of 18.25m and a maximum roof ridge height of 4.3m and 2.7m eaves height. This building projects by approximately 4.6m further north than the adjoining school building. A 6.6m square, 2.7m high flat roofed link extension provides internal access to the building from the adjoining school buildings abutting the playground/car park to the east. The covered play area is sited to the front of the link extension, within the courtyard formed by the surrounding buildings.

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 last 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 main 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 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.

Other relevant building history at the school:

10795/AJ/91/714 - Erection of a two storey classroom block (including staff facilities) and associated car parking - Approved 29/11/91.

10795/AN/94/972 - Details of scheme of landscaping in compliance with condition 5 of planning permission ref. 10795/AN/94/872 dated 29/11/91 - Approved 23/06/94.

10795/AR/97/436 - Erection of a part two storey, part single storey detached building to provide assembly hall, four new classrooms, music practice rooms and toilets - Approved 10/06/98.

10795/APP/2009/199 - Erection of a two storey extension to existing junior school block to provide new teaching spaces and associated staff, toilet and cloakroom facilities, and erection of a single storey to dining hall/kitchen facilities to provide new storage and catering staff welfare facilities - Refused 06/04/09.

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

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

Part 1 Policies:

- PT1.1 To maintain the Green Belt for uses which preserve or enhance the open nature of the area.
- PT1.10 To seek to ensure that development does not adversely affect the amenity and the character of the area.
- PT1.31 To encourage the development and support the retention of a wide range of local services, including shops and community facilities, which are easily accessible to all, including people with disabilities or other mobility handicaps.

Part 2 Policies:

- PPS1 Delivering Sustainable Development
- PPG2 Green Belts
- LPP 4A.3 London Plan (February 2008)
- OL1 Green Belt - acceptable open land uses and restrictions on new development
- OL4 Green Belt - replacement or extension of buildings
- EC2 Nature conservation considerations and ecological assessments
- BE13 New development must harmonise with the existing street scene.
- BE15 Alterations and extensions to existing buildings
- BE20 Daylight and sunlight considerations.
- BE21 Siting, bulk and proximity of new buildings/extensions.
- BE24 Requires new development to ensure adequate levels of privacy to neighbours.
- BE38 Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
- OE1 Protection of the character and amenities of surrounding properties and the local area
- R10 Proposals for new meeting halls and buildings for education, social, community and health services
- AM7 Consideration of traffic generated by proposed developments.
- AM9 Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
- AM14 New development and car parking standards.
- CACPS Council's Adopted Car Parking Standards (Annex 1, HUDP, Saved Policies, September 2007)

5. Advertisement and Site Notice

- 5.1 Advertisement Expiry Date:- **25th March 2010**
- 5.2 Site Notice Expiry Date:- Not applicable

4th September 2009

6. Consultations

External Consultees

ORIGINAL COMMENTS

116 neighbouring residential properties consulted and a site notice posted.

Two petitions, one with 23 signatories, the other with 22 signatories received, the first objecting for the following reason:

'We refer to your notification regarding the above proposed development and as Hillingdon residents wish to lodge our petition of objection to this proposal which could have a substantial impact on the day to day amenity of the residents of the Gatehill Farm Estate either close to or adjoining the boundary of the school.

The applicant has blatantly ignored the planning condition imposed although well aware of its content. The limit has been set by the Local Authority in order to permit the further development in Green Belt land. The applicant has ignored this planning condition as well as other planning conditions. For example, another condition imposed was for landscaping and the erection of screening. The applicant ignored this condition for screening by demolishing 50-60 trees to the west of the site in 2007 prior to seeking further overdevelopment of the Green Belt site and despite letters of enforcement action this breach has still not been rectified. There is also insufficient and otherwise substandard car park arrangement for staff attendance without impinging on playground space.'

The second petition was received after the application was initially presented to committee, but before the application was re-consulted with a revised description. The 22 signatories object for the following reason:

'We refer to your notification regarding the above proposed development and as Hillingdon residents wish to lodge our petition of objection to this proposal which could have a substantial impact on the day to day amenity of the residents of Potter Street Hill.

The application to vary the Condition would effectively mean a 24% increase in the number of pupils and students from the previous limit (340 students plus 39 staff). This would be inappropriate development and therefore harmful to Green Belt land. The increase in numbers of pupils and staff has led to a noticeable increase in traffic and congestion to the detriment of the day to day amenity to residents of Potter Street Hill. A recent example demonstrates the potential danger to the lives of residents as well as road [users] when an ambulance could not reach the passengers of two cars involved in an accident.'

13 individual responses also received (5 being additional responses from same objector), 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 to 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.
- (xvi) In the Supplementary Parking Statement, it is not clear where the claimed 62 staff spaces are within the school grounds. Not aware of any planning permission being granted and do spaces satisfy standards? Over the years, applicants have replaced open space with hardstanding. In the variation report considering the refusal of permission in April 2009, the case officer states that 'confirmation is required if they have planning consent for these overspill places'. Applicant's claim that there are the 62 spaces available conflicts with previous applications, where they state that 51 spaces are available outside of the car park. Claim that there are 62 spaces appears wrong and correct number seems to be 51.
- (xvii) There are no cycle spaces. Will their provision as part of the School Travel Plan be at the expense of car spaces?
- xviii) We estimate that there are 4 heavy goods vehicles delivering to the school on a normal working day, but no mention of any provision made within the site.
- (xix) Does the coach parking space satisfy standards?
- (xx) The 2001 application also subject to approval of landscaping plans. It appears that these have not been submitted. In one of documents, recommendation to get TPOs applied to the existing planting screens to the west of the development. This was not followed through.
- (xxi) Case law is cited and there is a requirement to look at all the planning circumstances existing at the time of the determination. It seems that the only or main consideration in arriving at the recommendation is a consideration of highway safety. Inappropriate development in the Green Belt needs to be considered. Now have statements from school stating that current accommodation is cramped and needs up-grading.
- (xxii) In 3.1, school is not well screened from west as trees have been removed.
- (xxiii) In 3.2, report states that some staff travel to the school with the agreement of the owners of the adjoining Gatehill Estate's private roads but there is no such agreement in place and therefore staff are trespassing.
- (xxiv) A proper analysis of the true facts in the supplementary statement further supports need to reduce pupil numbers to 350.

Northwood Residents' Association - No comments received.

Northwood Hills Residents' Association - No comments received.

Gatehill (Northwood) Residents' Association:

- (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) 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;

(iv) 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;

(v) 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;

(v) Unreasonable to try to blame LPA that they did not enforce condition.

Ickenham Residents' Association - No comments received.

London Borough of Harrow - No comments received.

Three Rivers District Council - No comments received.

RE-CONSULTATION RESPONSES

117 neighbouring residential properties consulted and a site notice posted. 5 responses have been received, mainly re-iterating original comments, namely:

(i) There is a general presumption against inappropriate development in the green belt. Such development should not be approved except in very special circumstances. Inappropriate development is harmful by definition. The LDF advises that additions to buildings in the green belt should not be disproportionate, considered to be any enlargement of the building over 50% of the original. The original building was 370sq m. The development of 380sq m would be disproportionate and therefore inappropriate.

(ii) There are no special circumstances to support the development. Several Court of Appeal decisions to expand schools in the Green Belt have indicated that factors that are applicable to all or most schools cannot be construed as very special circumstance. Revisions to PPG2 make clear that development by (education) institutions is subject to same controls as other development in the Green Belt. The applicants have made a number of claims of the consequences of a reduction in the numbers of students and staff at the school but need to confine consideration to land use matters. School is also independent outside the remit and responsibility of Hillingdon Council and also provides for children of non-compulsory age groups.

(iii) LPA has duty to ensure that there is no undue intensification or enlargement of buildings within the Green Belt. There is a long history of continuous expansion at the school, amounting to over 2640sq m of built up space, a foot-print almost 700% that of the original building, a significant overdevelopment of the site which is mainly driven by increased pupil numbers.

In addition to current example, the development of the two storey detached building (ref.

10795/AR/97/436) in 1997 lead to 340 pupils at the school 4 years later despite assurances at the time that there would be no additional pupils from the current 320. The January 2009 application was also justified on grounds that existing accommodation was cramped and sub-standard for 21st century learning.

(iv) Greater demand for parking and drop-off areas within the school, increasing risk to users. There have been accidents on Potter Hill Street in past. School attracts a large number of cars due to pupils being drawn from large catchment area with the school's Green Travel Plan showing 80% of pupils coming from outside Hillingdon. Potter Street Hill not designed for such traffic and road is frequently blocked as school refuses to open gates before classes end. Congestion extends to evenings, weekends and school holidays because of out of hours activities. In 2009, a development of 551sq m of additional floorspace (ref. 10795/APP/2009/199) was refused despite school claiming that there was no increase in pupil numbers on grounds of insufficient parking, which will lead to overspill parking. Photographic evidence of existing overspill parking is attached.

(v) School does not comply with LPA standards as regards to marked parking spaces, disabled parking, hard standing areas for loading and manoeuvring space for coaches etc. School has not complied with previous conditions to provide disabled spaces and there are doubts as to whether all the overspill parking spaces have planning consent.

(vi) Detrimental to amenity of adjoining residents on grounds of level of traffic movements, noise, fumes, smell and general disturbance.

(vii) The proposal will damage a Site of Grade II Importance for Nature Conservation. School has already destroyed a line of approximately 50 mature trees and approximately 500sq m of grassland that supported diverse fauna and flora, including foxes, squirrels, rabbits and birds.

(viii) Siting, bulk and proximity of the development would result in a loss of residential amenity due to being overbearing and loss of privacy.

(ix) There are legal precedents which establish that 'the fact that the development has been carried out should not weigh in favour of the applicant'.

(x) Proposal would set undesirable precedent.

(xi) School never ceases to submit applications and is hoping that local residents grow apathetic.

(xii) School should work within consents they have and then apply to go beyond these like everyone else.

Northwood Residents' Association - No comments received.

Northwood Hills Residents' Association - No comments received.

Gatehill (Northwood) Residents' Association:

1. Claim that current administration of the school unaware of restriction on pupil and staff numbers as all planning matters were dealt with through the associated Merchant Taylors School is hard to understand. The Bursar of St Johns School at the time of the 2001 application was also the Bursar and Clerk to the governors of the Merchant Taylors School and he remains an important part of the school's business and administration. The headmaster of St John's School has also been in post since the mid 1990s.

2. It is not reasonable for the applicant to suggest that the LPA should of realised and pursued breach on subsequent applications.

3. The traffic survey which only took place on one day did not mention smaller commercial vehicles and school minibus which invariably use the Wieland Road access. Are there other errors with the survey?

4. Financial implications of complying with condition 4 are disputed.

5. An examination of the planning files shows that previous extensions at the school (10795/AT/97/436 and 10795/APP/2001/1600 refer) were allowed exceptionally on this Green Belt site because of the assurances that were made by the school as to the rationale for the development and that school numbers were only to increase slightly, if at all. This extension was built in 2002 and the Inspection Report two years later attributes the rise in the school roll to 393 to

the introduction of the pre-prep school in the new nursery building, contrary to the school's claim made to justify the extension, that it is not intended to increase pupil numbers at the school, ten at most. The 2008 application for a new 4 classroom block was predicated on need to take on further 16 pupils and to provide better facilities generally. Pattern is emerging whereby school justifies extension by stating only small increase in pupil numbers, and then larger numbers are enrolled which results in need for more accommodation.

6. Breach of planning condition by the school not an isolated case as 40 to 50 cypresses were felled in 2007 which were shown as being retained on approved landscaping plan (application ref. 10795AJ/91/714 and 10795/AN/94/872).

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

The school forms part of the Green Belt. This application seeks to retain a single storey extension to the school which was originally approved by the Ruislip/Northwood Planning Committee on the 20th November 2001. As part of the previous officer's report to committee, reference was made to PPG2: Green Belts which was published in January 1995 and amended in March 2001. The report listed the categories of development that can be considered to be appropriate within the Green Belt and it was noted that the proposal did not fall into any of them. It was therefore acknowledged that the development was inappropriate within the Green Belt and therefore permission should only be granted in very special circumstances. The report went on to refer to a supporting statement, in which the applicants argue that the proposal is for a small single storey extension, located within the curtilage of existing buildings. The statement then goes on to advise of the need for the development and that it is not intended to employ more than one full time and two part time teachers and student numbers will not increase by more than 10. The Officer's report went on to advise that in the light of recent appeal decisions, it was unlikely that special circumstances had been demonstrated. However, the report stated that unlike the appeal cases cited, the proposal involves the construction of a building on a site that is not readily visible from publicly accessible land and is only visible from the one private garden outside the application site. While it would increase the coverage of buildings on the site, the building is single storey and located between two existing buildings that form a courtyard. There is also substantial tree planting along the boundary of the site with the open land to the north, which when grown to full height, will substantially screen the new building. The officer's report concluded that the proposal would not materially harm the open nature of the Green Belt and the tree planting would enhance this aspect.

There has been no material change in Green Belt policy or circumstances on site since the previous officer's report to suggest that the building is no longer appropriate. Furthermore, this permission has been implemented (albeit without complying with condition 4) and the building has been on site for more than 4 years. As such, the building is immune from enforcement action and the school could benefit from the original permission by complying with condition 4. These are material considerations which need to be borne in mind and in such circumstances, no objections are raised to the retention of the building.

7.02 Density of the proposed development

Not applicable to this application.

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

Not applicable to this application.

7.04 Airport safeguarding

Not applicable to this application.

7.05 Impact on the green belt

The intensification of the use of a site with an additional 55 pupils and 25 members of staff could impact upon the site in Green Belt terms. However, 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, periods of movement between buildings 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.

7.06 Environmental Impact

Not applicable to this application.

7.07 Impact on the character & appearance of the area

The previous report considered that the justification advanced for making an exception to Green Belt policy demonstrates that the building has little effect on the visual amenity of the area. On site, the single storey building is well screened by surrounding buildings to the south and east and has been recessed into the sloping ground level to the north and west. It harmonises with the scale and design of surrounding school buildings. As such, the building complies with policies BE13 and BE15 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

7.08 Impact on neighbours

The previous report stated that the application site was 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. The nearest residential property on Woodgate Crescent to the west is over a 100m from the single storey building which is screened by existing school buildings. To the north, there is only one house with a view over the school complex, in particular the area of the extension. This property, known as Gatehouse is over 80m from the extension and sited on higher ground, with the nearest part of its rear garden boundary over 55m away, separated by the school's cricket pitch. To the east, the nearest residential property is 70m away. The extension, due to the sloping levels, has also been set into the ground on its northern and western edges, with planting provided above, beyond the retaining walls. As previously concluded, the building has no impact upon the amenities of surrounding residential properties.

The additional pupil and staff numbers would not generate any significant additional noise, fumes, smells and general disturbance as compared to the use of the school site with the authorised numbers of pupils/staff numbers and the background traffic volumes on surrounding roads to justify a refusal of permission. 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 amenity 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

Not applicable 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 Statement 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 pick-up 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 this parking is not considered to cause highway

safety issues and/or restrict access 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. A car parking plan has been submitted which shows 50 formal parking spaces and 17 informal/access road parking spaces within the school. 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. 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. This is also shown on the car parking plan. 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.

The existing staff car parking arrangements within the school site are also satisfactory, given that the parking is not for the general public. Cycle parking provision and the hours of opening/closing of the temporary car park for parent parking have been controlled by condition.

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 development is considered to comply with policies AM7(ii), AM9 and AM14 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2009).

7.11 Urban design, access and security

Urban design is dealt with at Section 7.07 above. Access is dealt with in Section 7.10 above and as an extension to the school, there are no additional security considerations.

7.12 Disabled access

The extension, including the provision of an access ramp was previously considered to provide adequate facilities for people with disabilities. As the building has already been built on site, and the fall back position is that the school could benefit from the original permission by limiting pupil and staff numbers to comply with condition 4, no objections can be raised now to the disabled facilities provided. As such, the scheme complies with policy R16 of the adopted Hillingdon Unitary Development Plan, Saved Policies

(September 2007).

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, Landscaping and Ecology

Parts of the school grounds to the south of the main area of school buildings are designated as a Nature Conservation Site of Borough Grade II or Local Importance. The school extension has not involved and has not been sited close to this designated land. Furthermore, the additional activity at the school represented by the increase in pupil and staff numbers over and above the levels authorised at the November 2001 committee is not likely to have had a demonstrable adverse impact upon the ecology of this area. Although it appears that the school has removed a number of trees, these were on the western side of the school, away from the extension and designated nature conservation site. This is a separate matter which the school is seeking to address. As such, the development is considered to have complied with policy EC2 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

7.15 Sustainable waste management

Not applicable to this application.

7.16 Renewable energy / Sustainability

The development is for a school extension that has already been built on site, in accordance with the relevant Building Regulations in place at the time. The extension makes appropriate use of natural lighting and is considered to comply with policy 4A.7 of the London Plan (February 2008).

7.17 Flooding or Drainage Issues

Not applicable to this application.

7.18 Noise or Air Quality Issues

See Section 7.

7.19 Comments on Public Consultations

ORIGINAL COMMENTS

The points raised by the petitioners have been dealt with in the main report.

Points (i) and (v) made by the individual respondents on the initial consultation 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 is recommended in this instance and is also the subject of a condition.

As regards point (xvi), the 12 individual spaces on the west of the site were granted permission on 23rd June 1994 under application ref. 10795/AN/94/872. Application 10795/APP/2009/513 also shows much of the area around the compound to the northwest of the site to be hardsurfaced. The other parking areas tend to be sited immediately adjacent to the buildings and would not necessarily be subject to planning permission. It is however noted that the application seeking to discharge a landscaping condition in connection with the L-shaped building to the west of the site, granted on 7th July 1999 (10795/AW/98/2328) did show the area to its front as an existing tarmaced car park. As regards the number of spaces that these areas contain, this is addressed in the main report. As regards point (xvii) relating to cycle spaces, this has been dealt with by condition. As regards point (xviii), service vehicles would normally make use of the

circulation space within the school and no specific provision would need to be made. As regards point (xix), the provision made for coach parking is adequate. Point (xx) is not correct, as the 2001 permission did not require the submission of a landscaping scheme. As regards point (xxi), the description of development has been amended and re-consulted on. As regards point (xxii), this is a separate issue. As regards point (xxiii), any trespass issue of staff on adjoining roads is not a planning matter.

RE-CONSULTATION RESPONSES

As regards the responses to the re-consultation, points (i) to (viii) have been dealt with in the main report and in dealing with the initial points raised and commented upon above. In response to the additional points raised at point (iv), application ref. 10795/APP/2009/199 was not supported by a transport statement, as is the case here, the findings of which have to be considered. In terms of the opening times of the temporary car park, this has been conditioned. As regards point (ix) this is noted and accepted, but with this application, it is an important point of consideration that the building itself is immune from enforcement action due to the '4 year rule' and no action could be taken against the building itself even if this were considered desirable. Points (x) to (xii) are noted but all applications have to be considered on their merits.

7.20 Planning Obligations

The school has offered a S106/Unilateral Undertaking to ensure that the 405 pupil and 65 full-time staff number limit is legally binding upon the school.

7.21 Expediency of enforcement action

Not applicable 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

This is not applicable to this application.

10. CONCLUSION

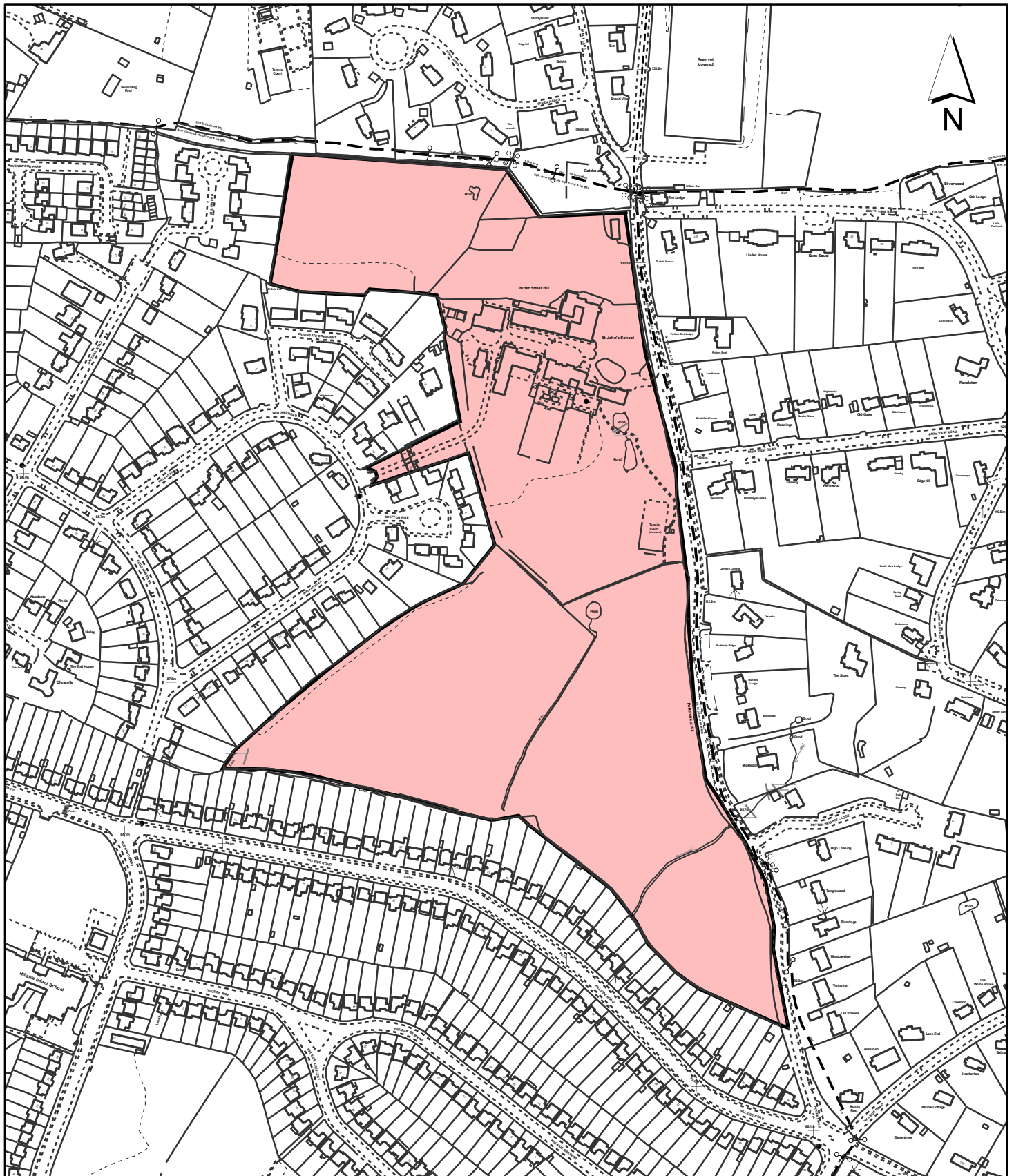
Although it is regrettable that the school did not fully comply with the original permission, it is considered that there has been no change in policy or site circumstances since the original application was considered in November 2001 (ref. 10795/APP/2001/1600) to suggest that a further permission is no longer appropriate. Furthermore, as the building has been on site for over 4 years, the extension itself is immune from any enforcement action. As the school could benefit from the original permission if it fully complied with the permission, it is just the additional pupil and staff numbers that are relevant to this consideration. In this respect, the additional pupil and staff numbers would not materially harm the Green Belt, or the residential amenities of surrounding residential properties. The Council's Highway Engineer is satisfied that the development would not harm highway safety.

11. Reference Documents

Planning Policy Statement 1 (Sustainable Development)
PPG2 (Green Belts)
The London Plan (February 2008)
Hillingdon Unitary Development Plan Saved Policies (September 2007).
Consultation responses
Planning history

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Notes

 Site boundary
For identification purposes only.

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100019283 2009

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
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