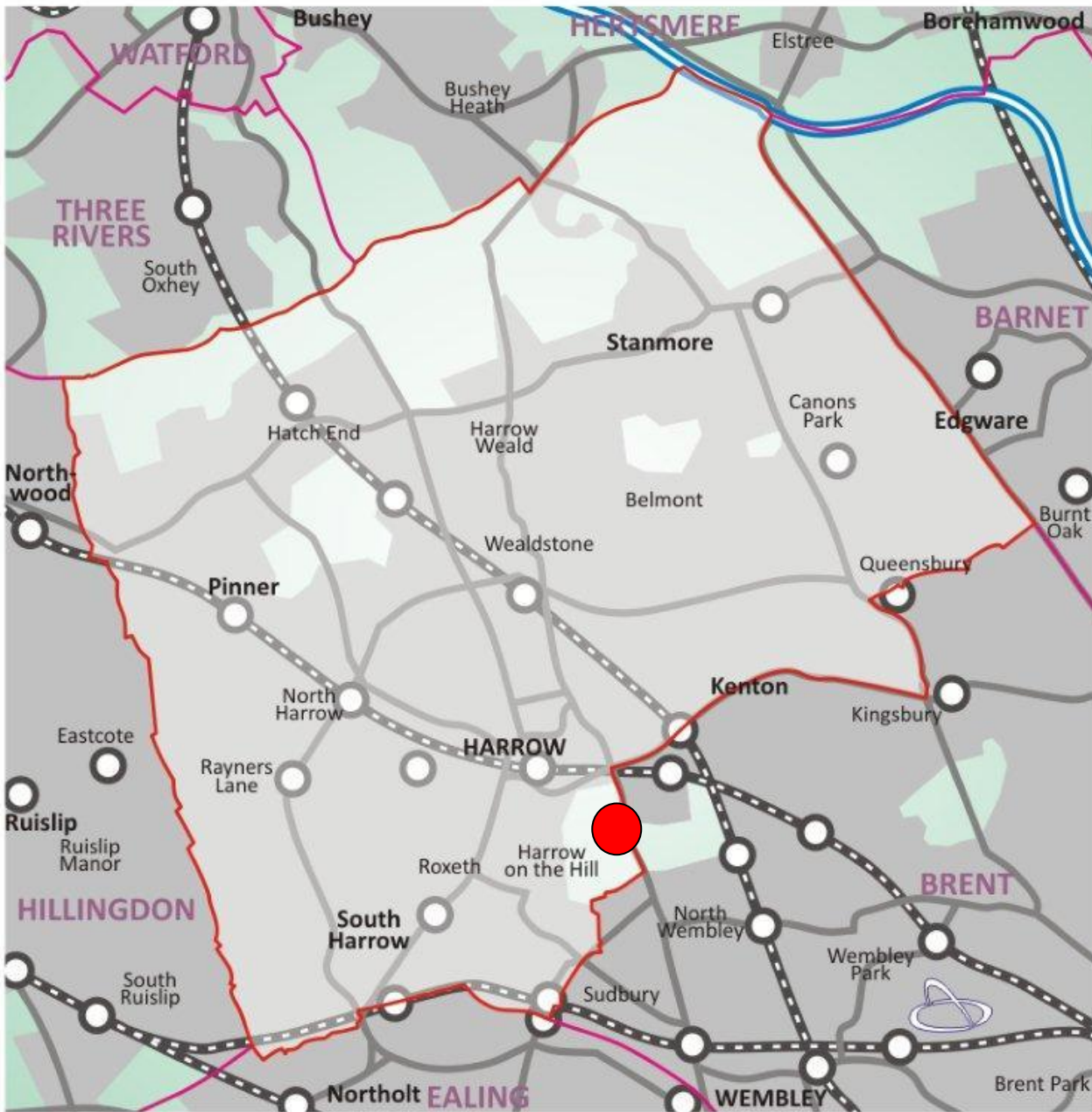
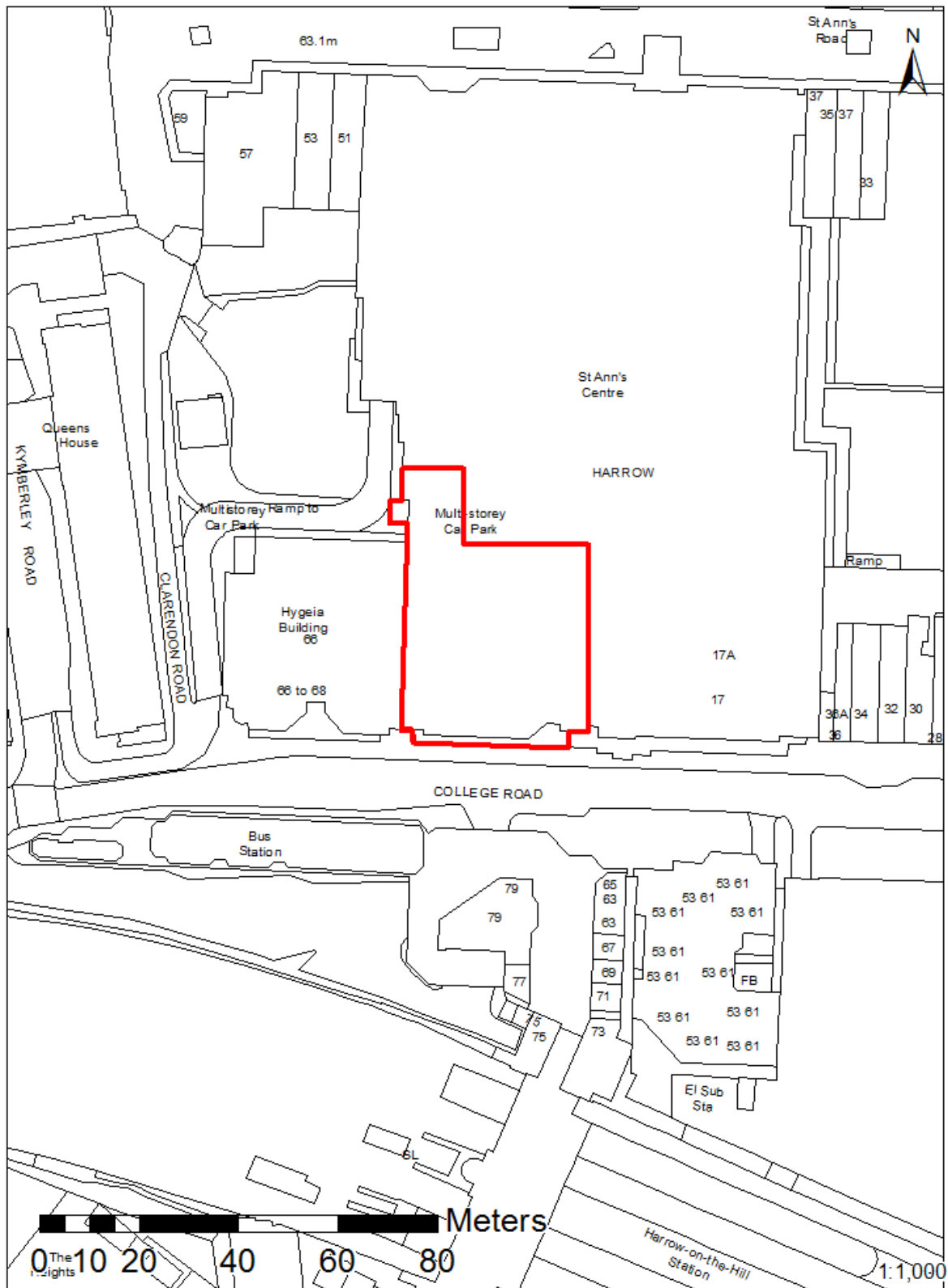


 = application site



<b>Unit C, St Ann's Shopping Centre, St Ann's Road HA1 1AS</b>	<b>P/4789/18</b>
--------------------------------------------------------------------	------------------

# Unit C, St Ann's Shopping Centre, St Ann's Road



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office. Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecutions or civil proceedings. London Borough of Harrow LA.100019206. 2019. DIGITAL MAP DATA (C) COLLINS BARTHOLOMEW LTD (2019)



# LONDON BOROUGH OF HARROW

## PLANNING COMMITTEE

13th February 2019

**APPLICATION NUMBER:** P/4789/18  
**VALIDATE DATE:** 29 OCTOBER 2018  
**LOCATION:** UNIT C, ST ANN'S SHOPPING CENTRE, ST ANN'S ROAD, HARROW  
**WARD:** GREENHILL  
**POSTCODE:** HA1 1AY  
**APPLICANT:** C/O AGENT  
**AGENT:** MONTAGU EVANS LLP  
**CASE OFFICER:** JONATHAN ASHWORTH  
**EXPIRY DATE:** 31/01/2019

### PURPOSE OF REPORT/PROPOSAL

The purpose of this report is to set out the Officer recommendations to the Planning Committee regarding an application for planning permission relating to the following proposal.

Change of use of first floor of Unit C2 from Retail (Class A1) to Gym (Class D2)

### RECOMMENDATION

The Planning Committee is asked to:

- 1) Agree the reasons for approval as set out in this report, and
- 2) Grant planning permission subject to the Conditions listed in Appendix 1 of this report.

## **INFORMATION**

This application is reported to Planning Committee as the development involves the change of use of non-residential floorspace in excess of 400sqm

Statutory Return Type:	E20 Change of Use
Council Interest:	N/A
8GLA Community	TBC
Infrastructure Levy (CIL)	
Contribution (provisional):	
Local CIL requirement:	N/A

## **HUMAN RIGHTS ACT**

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

## **EQUALITIES**

In determining this planning application the Council has regard to its equalities obligations including its obligations under section 149 of the Equality Act 2010.

For the purposes of this application there are no adverse equalities issues.

## **S17 Crime & Disorder Act**

Policies 7.3.B and 7.13.B of The London Plan and Policy DM1 of the Development Management Policies Local Plan require all new developments to have regard to safety and the measures to reduce crime in the design of development proposal. It is considered that the development does not adversely affect crime risk.

## OFFICER REPORT

### PART 1: Planning Application Fact Sheet

The Site	
Address	Unit C, St Ann's Shopping Centre, St Ann's Road, Harrow HA1 1AS
Applicant	Montagu Evans LLP
Ward	Greenhill
Local Plan allocation	None
Conservation Area	N/A
Listed Building	N/A
Setting of Listed Building	N/A
Building of Local Interest	N/A
Tree Preservation Order	N/A
Other	Town Centre Primary Shopping Area

### PART 2: Assessment

#### 1.0 SITE DESCRIPTION

- 1.1 The application site forms the upper floor of a vacant retail unit within the St Ann's Shopping Centre.
- 1.2 The surrounding units primarily form a food court area typical of shopping centres, though other uses include a watch repairers and retail units.
- 1.3 The site is the Local Plan defined Town Centre and Primary Shopping Area.

#### 2.0 PROPOSAL

- 2.1 The change of use of 930sqm of floorspace from retail (A1) use to gymnasium (D2) use.

#### 3.0 RELEVANT PLANNING HISTORY

- 3.1 A summary of the relevant planning application history is set out in the table below:

Ref no.	Description	Status and date of decision
LBH/18761	Development to provide shops including pedestrian mall with offices and	Granted April 1981

	decked car parking – outline	
LBH/21838	Ground floor & means of access to development to provide shops including pedestrian mall with offices and decked car park over – details pursuant to outline p/p LBH/18761	Granted August 1982

#### 4.0 **CONSULTATION**

4.1 A total of 64 notification letters were sent to neighbouring properties regarding this application.

4.2 The public consultation period expired on 23 November 2018.

#### 4.3 **Adjoining Properties**

Number of letters Sent	64
Number of Responses Received	0
Number in Support	0
Number of Objections	0
Number of other Representations (neither objecting or supporting)	n/a

#### 4.5 **Statutory and Non Statutory Consultation**

**Planning Policy Team** – The application relates to a first floor unit within the St Ann’s Shopping Centre, which proposes a change of use from A1 to D2. It is noted that the proposed development would be located on the first floor of the premise. In terms of use, given it is not on the ground floor, policy in creation to shop frontages does not apply. The proposal would need to comply with policy DM46 of the Harrow & Wealdstone Development Management Policies Local Plan (2013). Planning Policy would therefore not object to this first floor development for a D2 use.

**Highways Officer** – As this proposal is within a highly accessible location in the town centre, it is unlikely to have any adverse highways effect. Users of the gym would have access to the highest level of transport accessibility, good walk and cycle facilities and during opening hours, can use the multi-storey car par associated with the shopping mall. As this is the town centre, there are likely to be

linked trips connected with other leisure activities or work. There are also many new residential buildings either recently built or under construction and those residents may benefit from such a facility within walking distance. This type of use doesn't normally generate many servicing trips but we would expect these to be undertaken as part of the wider mall operations.

## **5.0 POLICIES**

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

*'If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.'*

5.2 In this instance, the Development Plan comprises The London Plan 2016, The Harrow Core Strategy 2012 [CS], Harrow and Wealdstone Area Action Plan (AAP) 2013, the Development Management Policies Local Plan 2013 [DMP], the Site Allocations Local Plan SALP 2013 [SALP].

5.3 While this application has been principally considered against the adopted London Plan (2016) policies, some regard has also been given to relevant policies in the Draft London Plan (2017), as this will eventually replace the current London Plan (2016) when adopted and forms part of the development plan for the Borough.

5.4 The document was published in draft form in December 2017. Given that the draft Plan is still at early stages of the formal process it holds very limited weight in the determination of planning applications. Although this weight will increase as the Draft London Plan progresses to examination in public stage and beyond, applications would continue to be determined in accordance with the 2016 London Plan. It is anticipated that the Examination in Public will commence early 2019.

5.5 Notwithstanding the above, the Draft London Plan (2017) remains a material planning consideration, with relevant policies referenced within the report below and a summary within Informative 1.

## **6.0 ASSESSMENT**

6.1 The main issues are:

- Principle of Development
- Relationship with Neighbouring Uses
- Impact upon the Character and Appearance of the Area
- Highways, Servicing and Parking
- Accessibility

## 6.2 Principle of Development

- 6.2.1 The application site forms a first floor unit within the St Ann's Shopping Centre. It had formerly formed the upper floor of an A1 retail unit (Primark), though both floors are presently vacant. In terms of Development Plan designation, the unit is located within the Town Centre as well as the Primary Shopping Area. In terms of Development Plan policy, policy AAP1 of the Area Action Plan (AAP) supports new development in the Town Centre where it contributes to meeting its needs in respect of, amongst other criteria, new and enhanced leisure uses in accordance with the strategic objectives of the Area AAP. In terms of these objectives, the AAP seeks to strengthen the role of the town centre as a prosperous Metropolitan centre within Outer London. Policy CS1 of the Core Strategy also recognises the role of the Town Centre in providing residents with convenient access to a range of leisure facilities. Policy DM2 of the Local Plan states that non-residential development must be appropriately located to sustain town centres.
- 6.2.2 Policy DM35 of the Local Plan supports new leisure development in the town centre where the proposed use is consistent in use and scale with the role and function of the centre; and is not at odds with the Borough's spatial strategy. Although policy DM36 seeks to protect retail units within Primary Shopping Areas, the policy focuses on units at ground floor level and so its approach to protecting retail units is not relevant to this application. Policy DM41 is supportive of uses that contribute to the evening economy of town centres where the proposed use complements the role and function of the centre, is not to the detriment of the vitality and viability of the town centre, and maintains an acceptable relationship with nearby residential units. Policy DM46 lends support to new leisure facilities provided that they are located within the community that they are intended to serve, are located in a town centre with good public transport accessibility and do not have an adverse impact on residential amenity.
- 6.2.3 Leisure facilities such as gyms are becoming a more common feature within town centres, and a number, including the proposal, operate on a 24 hour basis. This would potentially create a movement of people in the evening and early hours of the day. This movement would not only aid the evening economy but also provide a form of natural surveillance in potentially reducing crime and disorder. As the town centre is also growing as a location for new residential development, and coupled with the likelihood that people do not generally travel significant distances for such facilities, the proposed use would be located within the community that they are intended to serve. Nevertheless, the site is located in the town centre and so is readily accessible through public transport. Whilst the proposed development would result in the loss of retail floorspace, as it is not located at ground floor level, it would not be afforded protection that other retail units in Primary Shopping Areas receive. Taking all of these factors into consideration, it is concluded that there is no objection to the principle of development.



### 6.3 Relationship with Neighbouring Uses

- 6.3.1 Policy DM1 of the Local Plan seeks to ensure that new developments do not have a detrimental impact upon the privacy and amenity of neighbouring occupiers. Within the shopping centre, the neighbouring uses are food outlets and retail units. Given that gyms are increasingly more commonly found in town centres and there are no amenity issues related to the neighbouring uses, an acceptable relationship would be maintained. There are residential uses in close proximity to the proposed use, though they are yet to be occupied, however due to the level of intended use, together with the use being wholly contained within the unit means that it is unlikely that residential amenity would be compromised.
- 6.3.2 Within the Use Classes Order, a gym would fall within the D2 use, and other uses include concert halls, cinemas and dance halls, to which a change could occur without the need to apply for planning permission; and these uses could potentially create a higher level of noise generation. Therefore a condition can be imposed that restricts the use solely to a gym within the D2 use class so that the Local Planning Authority can exert control over any future use. With such a condition in place, the proposal would therefore comply with policies DM1 and DM46 of the Local Plan.

### 6.4 Impact upon the Character and Appearance of the Area

- 6.4.1. Although the unit has an external wall that faces onto College Road, no external alterations are proposed. Any future signage connected with the new use would be subject to an application for advertisement consent with due consideration undertaken should any application be received. Consequently, the proposal would accord with policies 7.4 and 7.6 of the London Plan (2016), policy AAP4 of the Harrow and Wealdstone Area Action Plan (2013), policy CS1 of the Core Strategy (2012) and policy DM1 of the Development Management Policies Local Plan (2013).

### 6.5 Highways, Servicing and Parking

- 6.5.1 The application unit is located within the shopping centre that has its own provision of parking spaces available for all users. It is also located within the town centre where public transport methods are widely available. Uses such as gymnasiums tend to draw from a more localised population and it is unlikely that the proposed use would generate a significant increase in customers in comparison to its previous use. This type of use would not generate many servicing trips although it would be expected to be undertaken as part of the wider shopping centre operations. Consequently, the proposal would accord with policies DM42 and DM44 of the Development Management Policies Local Plan (2013).

## 6.6 Accessibility

- 6.6.1 Policies DM1 and DM2 of the Development Management Policies Local Plan (2013) requires non-residential development and changes of use to be accessible to all. The application site is located within the shopping centre itself and so no alterations to the actual building are proposed so would remain as is. No alterations to the unit itself are proposed. The former retail use covered ground and first floor and included an internal escalator to provide access to the first floor, however this would not be available for the proposed use as it is solely located on the first floor. Therefore any new access arrangements would need to ensure that there is compliance with the relevant Building Regulations and Legislation in order to ensure that the proposal would accord with the aforementioned policies.

## 7.0 CONCLUSION AND REASONS FOR APPROVAL

- 7.1 The proposed development would not result in the loss of retail space that would be to the detriment of the viability and vitality of the town centre. An acceptable relationship with nearby uses would be maintained and there would be no adverse impact upon the character and appearance of the area. Access to the proposed use will be required to comply with relevant Building Regulations and legislation, which can be secured by way of an appropriately worded condition. The proposal would therefore accord with relevant Development Plan policies and provisions of the National Planning Policy Framework.

## **APPENDIX 1: Conditions and Informatives**

### **Conditions**

#### 1. Timing

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

#### 2. Approved Plans

The development hereby permitted shall be carried out in accordance with the following approved plans:

URB UC [08] 90 01 Rev. D00, URB UC [08] 10 02 Rev. D01, URB UC [08] 10 03 Rev. D01, Design and Access Statement

REASON: For the avoidance of doubt and in the interests of proper planning.

#### 3 Restricted Use

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any Order revoking and re-enacting that Order), Unit C2 shall be used as a gymnasium/health and fitness centre within Use Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

REASON: The use of the property for any other purpose would introduce additional material considerations that the Local Planning Authority would need to consider

#### Accessibility

The use hereby permitted shall operate to the specifications of 'Part M, M1 and M3 Access To and Use of Buildings' of the Building Regulations 2013 and thereafter retained in that form.

REASON: To ensure that the development is capable of meeting 'Access To and Use of Buildings' standards in accordance with the Equalities Act (2010), the Equalities Act (Disability) Regulations (2010) and policies DM1 and DM2 of the Development Management Policies Local Plan (2013).

## Informatives

### 1. Policies

The following policies are relevant to this decision:

**The National Planning Policy Framework (2018)**

**The Draft London Plan (2017):**

SD6, SD7, SD8

**The London Plan (2016):**

4.6, 4.7, 7.4, 7.6

**The Harrow Core Strategy (2012):**

CS1.L

**Harrow and Wealdstone Area Action Plan (2013):**

AAP1, AAP4

**Harrow Development Management Policies Local Plan (2013):**

DM1, DM2, DM35, DM36, DM41, DM42, DM44, DM46

### 2. Pre-application engagement

Grant without pre-application advice

Statement under Article 31 (1) (cc) of The Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended)

This decision has been taken in accordance with paragraphs 187- 189 of The National Planning Policy Framework. Harrow has a pre-application advice service and actively encourages applicants to use this service.

Please note this for future reference prior to submitting any future planning applications.

### 3. Considerate Contractor Code of Practice

The applicant's attention is drawn to the requirements in the attached Considerate Contractor Code of Practice, in the interests of minimising any adverse effects arising from building operations, and in particular the limitations on hours of working.

### 4. Party Wall Act

The Party Wall etc. Act 1996 requires a building owner to notify and obtain formal agreement from adjoining owner(s) where the building owner intends to carry out building work which involves:

1. work on an existing wall shared with another property;
2. building on the boundary with a neighbouring property;
3. excavating near a neighbouring building, and that work falls within the scope of the Act.

Procedures under this Act are quite separate from the need for planning permission or building regulations approval.

"The Party Wall etc. Act 1996: Explanatory booklet" is available free of charge from: Communities and Local Government Publications, PO Box 236, Wetherby, LS23 7NB

Please quote Product code: 02 BR 00862 when ordering

Also available for download from the CLG website:

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/133214.pdf>

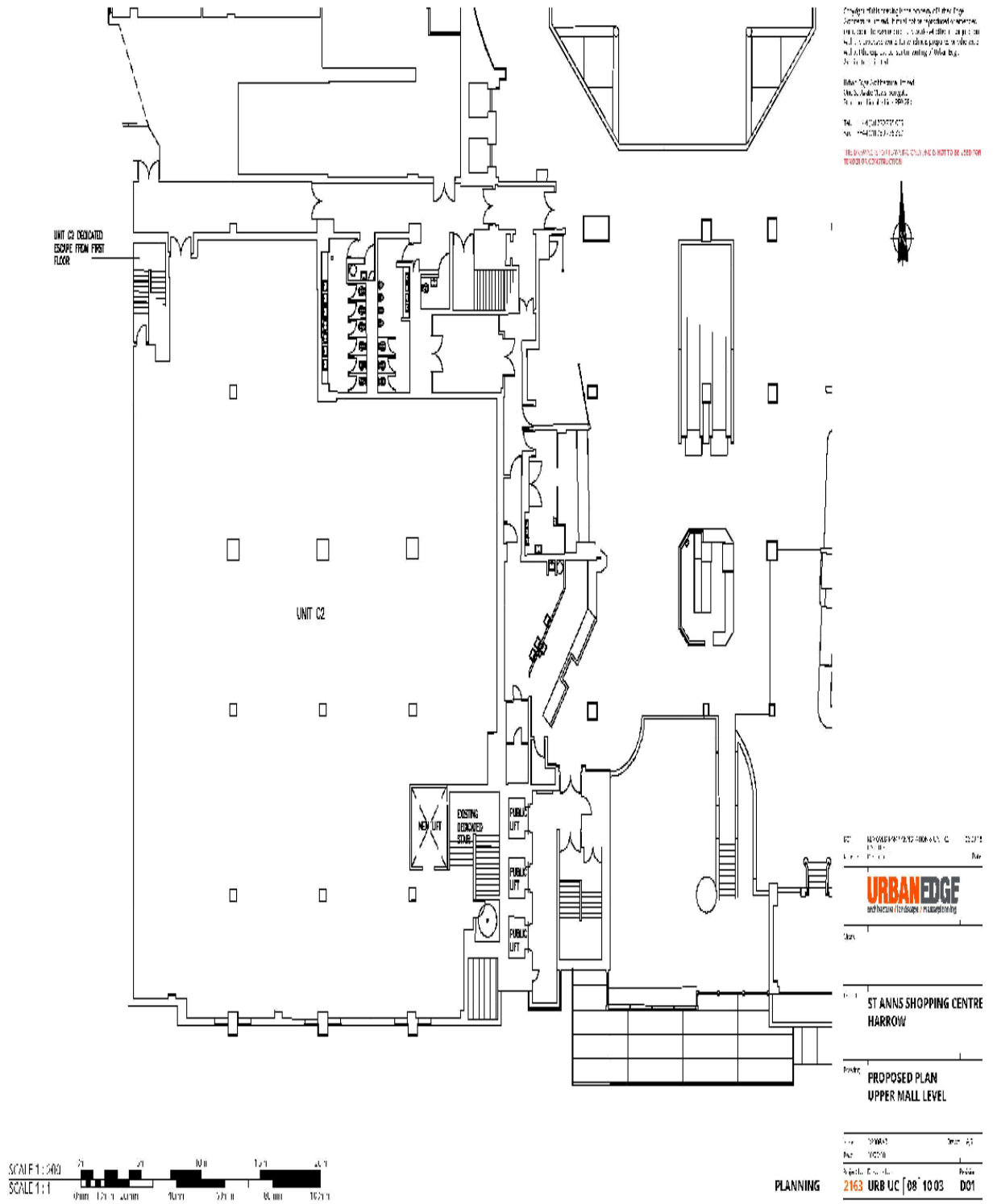
Tel: 0870 1226 236

Fax: 0870 1226 237

Textphone: 0870 1207 405

E-mail: [communities@twoten.com](mailto:communities@twoten.com)

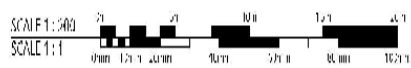
# APPENDIX 2: SITE PLAN



Copyright © UrbanEdge Limited 2019. All rights reserved. This document is the property of UrbanEdge Limited and is intended for the use of the client only. It is not to be used for any other purpose without the prior written consent of UrbanEdge Limited. The information contained herein is for general information only and does not constitute an offer of any financial product or service. For more information, please contact your local UrbanEdge office.

UrbanEdge Limited  
 10th Floor, 100 Broad Street, London, W1P 3JF  
 Tel: +44 (0)20 7070 0100  
 Fax: +44 (0)20 7070 0101

REGISTRATION NO: 271620 (REGULATED) AND 10770 (REGULATED)  
 FINANCIAL CONDUCT AUTHORITY



URBANE  
 and Architecture / Landscape / Planning

ST ANN'S SHOPPING CENTRE  
 HARROW

PROPOSED PLAN  
 UPPER MALL LEVEL

PLANNING 2163 URB UC | 08 10 03 | D01

**This page has been left intentionally blank**