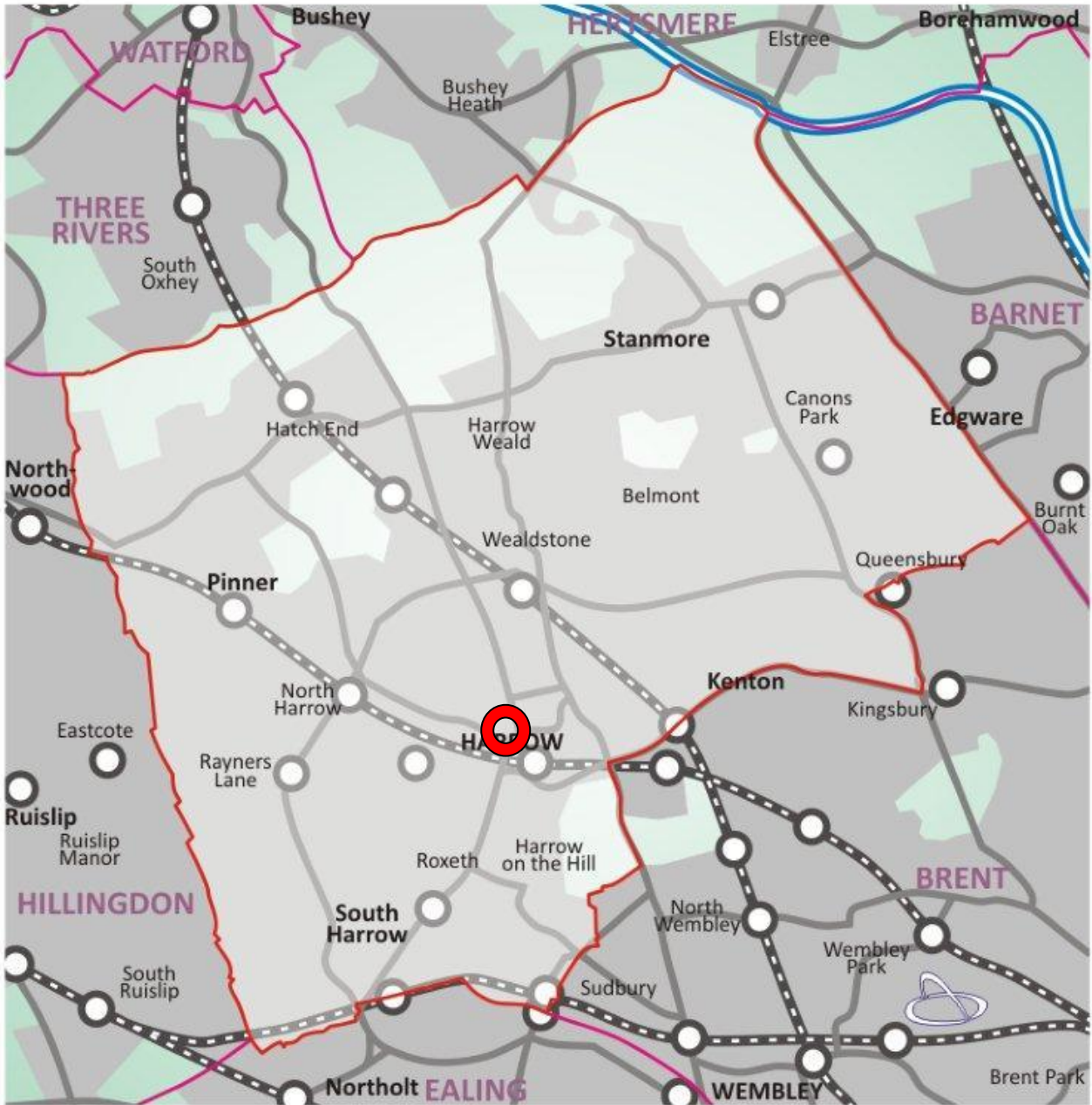
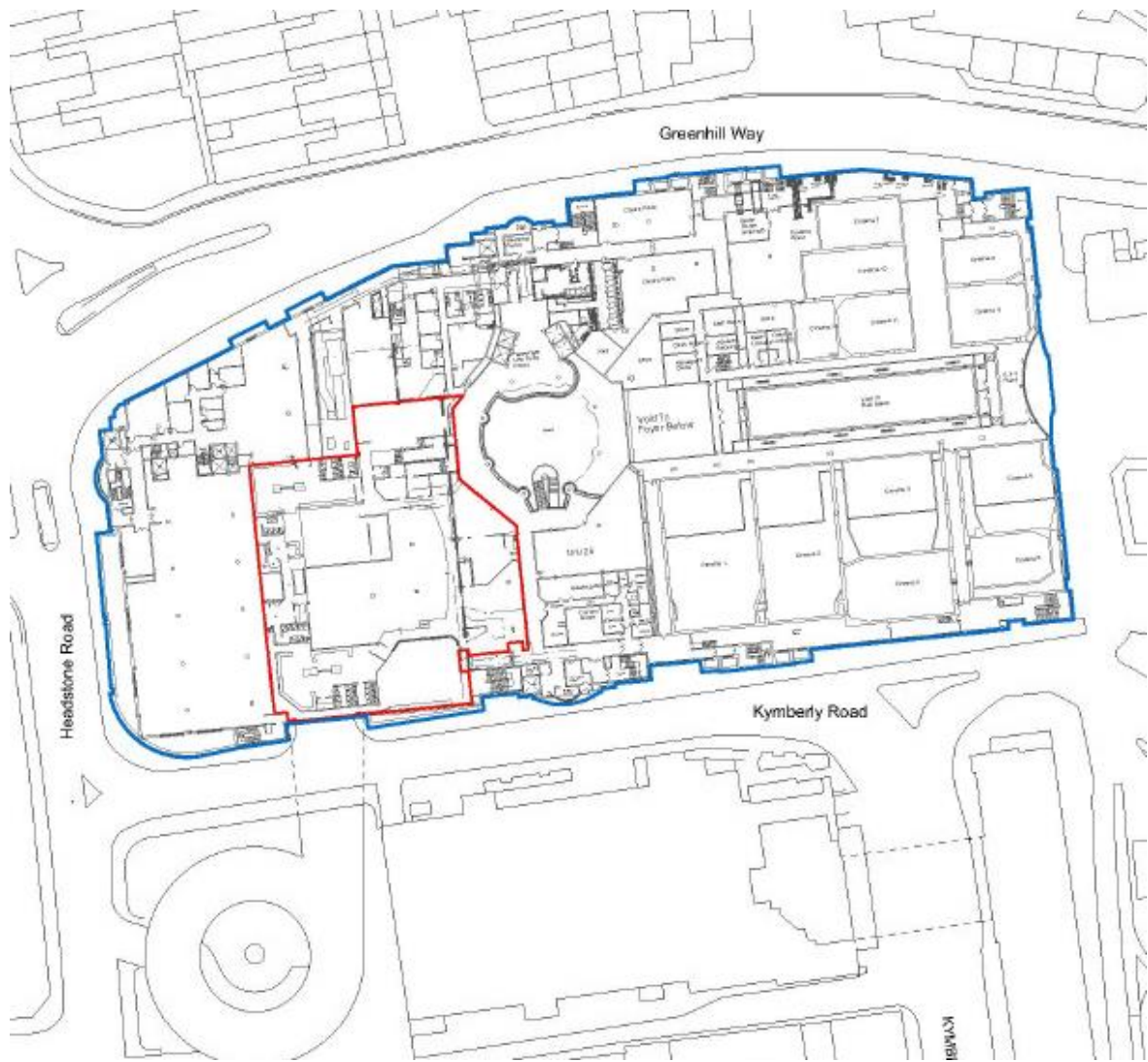


 = application site



Unit 25, St Georges Shopping Centre, St Anns Road	P/5205/19
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LONDON BOROUGH OF HARROW

PLANNING COMMITTEE

20 May 2020

APPLICATION NUMBER: P/5205/19
VALID DATE: 6th JANUARY 2020
LOCATION: UNIT 25, ST. GEORGES SHOPPING CENTRE, ST. ANNS ROAD
WARD: GREENHILL
POSTCODE: HA1 1HS
APPLICANT: C/O AGENT
AGENT: SAVILLS (UK) LIMITED
CASE OFFICER: SELINA HOTWANI
EXPIRY DATE: 27 May 2020

PROPOSAL

Change of use of unit to a flexible use including leisure (use class D2) and/or retail (use class A1)

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.

REASON FOR THE RECOMMENDATION

The proposed development seeks planning permission for the flexible change of use from a second floor D2 gym use to a flexible D2 (gym) and A1 (retail) use within the St. Georges Shopping Centre. The proposal would not result in the loss of leisure space that would be to the detriment of the viability and vitality of the town centre but would essentially offer the premises flexibility to provide A1 retail should market conditions persist. This is considered to maintain and enhance the vitality and viability of Harrow Town Centre and would provide greater resilience and longevity to the occupation of the existing unit. 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 premises as well as refuse and servicing arrangements would remain as existing and managed largely by the Shopping Centre.

The decision to **GRANT** planning permission has been taken having regard to the National Planning Policy Framework (2019), the policies and proposals in The London Plan (2016), the draft London Plan - Intend to Publish Version (2019) the Harrow Core Strategy (2012) and the Development Management Policies Local Plan (2013), Area Action Plan (2013)

and to all relevant material considerations, and any comments received in response to publicity and consultation.

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
GLA Community Infrastructure Levy (CIL) Contribution (provisional):	TBC
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.

1.0 SITE DESCRIPTION

- 1.1 The application site comprises Unit 25 at the St. Georges Shopping Centre. It is located on the second floor and is accessed via the main entrance to the shopping centre via St. Anns Road.
- 1.2 The subject site is operating under the D2 Use Class and is occupied by 'Better Gym.' The area of the unit comprises a total of 1,855 sqm of floorspace.
- 1.3 The site is within the Local Plan defined Harrow Town Centre and Primary Shopping Area.

2.0 PROPOSAL

- 2.1 The application seeks planning permission for the change of use of the floorspace from Class D2 to flexible use including Class A1 (retail) and / or Class D2 (Leisure).

3.0 RELEVANT PLANNING HISTORY

- 3.1 No relevant planning history.

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 2019.
- 4.3 Adjoining Properties

Number of letters Sent	19
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

Highways Officer – The St Georges centre accommodates servicing within a dedicated internal facility and there is a generous multi-storey shoppers car park.

The town centre location means that pedestrians and public transport users also have very good access to the site.

As this proposal is for a retail unit within an existing shopping precinct, this is unlikely to result in a severe impact for the surrounding highway network. Highways have no objection to this proposal.

Environmental Health – No objections.

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 (2019), 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 originally published in draft form in December 2017 and subject to Examination in Public (EiP) with the Panel's report published in October 2019. The Mayor of London has considered these recommendations, and has either accepted them or where not, provided justification as to why accepting them would not be appropriate. The Mayor has now submitted to the Secretary of State an 'Intend to Publish' version of The Plan. It is for the Secretary of State to determine whether he agrees with the revised Plan and it ought to be published in that form.

5.5 The Draft London Plan is a material planning consideration that holds significant weight in determining planning applications, 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 second floor unit within the St Georges Shopping Centre. It is currently occupied by 'Better Gym' (D2 Use Class) on a single level. In terms of Development Plan designation, the unit is located within the Harrow Town Centre as well as the Primary Shopping Area and Primary Shopping Frontage. With regards to the 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 retail and 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 retail and 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 DM40 relates to Mixed Use Development in town centres and whilst the proposal is not strictly mixed uses (A1 retail and D2 Leisure) would offer flexibility between town centre uses which would be consistent with the demand and market conditions. These uses would also comply with criteria A and B which seek to ensure that the function, vitality and viability of the town centre are not compromised. 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, not detrimental to the vitality and viability of the town centre, and maintains an acceptable relationship with nearby residential units. In principle therefore both uses are consistent with the Development Plan.
- 6.2.3 Policy DM47 relates to the loss of existing community facilities. Although the applicant has not provided details on the potential loss of the existing D2 use at the unit, it is considered that Harrow Town Centre does have a sufficient level of D2 gym uses. This is reinforced by a recent permission (P/4789/18) for new gym facilities (D2) in the adjacent St. Ann's Shopping Centre also within Harrow Town Centre. Notwithstanding this, the proposed flexible use would not necessarily result in a loss of the D2 gym use. Moreover, the Council's Policy Officer has stated that should the proposed A1 retail use come forward this would be welcomed as this use class is favourable to creating successful town centre offer. The large footprint of the unit could lend itself easily to an anchor-type use which would enhance and maintain the vitality and viability of Harrow Town Centre. In this regard, the flexibility offered by the current proposal between two preferable town centre uses is considered to be acceptable.

6.2.3 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 predominantly retail units. There is an existing cinema within the St. Georges Shopping Centre which contributes effectively to both the daytime and evening economy within the Town Centre alongside the existing D2 gym facility. In terms of the A1 retail use, the unit is situated within the existing shopping centre amongst a mixture of other town centre uses and as such the proposed use would not give rise to amenity issues related to the neighbouring uses and an acceptable relationship would be maintained. There are residential uses in close proximity to the proposed use, some of which have been 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, the D2 use includes 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 nuisance than the existing use as a gym. However, the agent has confirmed that the intention for the D2 use to be restricted to use as a gym. 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, 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 multi-storey car parking spaces available for all users. The St Georges Centre accommodates servicing within a dedicated internal facility. The town centre location means that pedestrians and public transport users also have very good access to the site. As this proposal is for a flexible retail or D2 leisure unit within an existing shopping precinct, this is unlikely to result in a severe impact for the surrounding highway network. 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 existing leisure use is located on the second floor and included an internal escalator and a set of stairs to provide access to the second floor. The Shopping Centre also provides internal lift access, available for all staff and visitors to use. On this basis, it is considered that the existing arrangements would be acceptable and would accord with the aforementioned policies.

7.0 CONCLUSION AND REASONS FOR APPROVAL

- 7.1 The proposed development seeks planning permission for the flexible change of use from a second floor D2 gym use to a flexible D2 (gym) and A1 (retail) use within the St. Georges Shopping Centre. The proposal would not result in the loss of leisure space that would be to the detriment of the viability and vitality of the town centre but would essentially offer the premises flexibility to provide A1 retail should market conditions persist. This is considered to maintain and enhance the vitality and viability of Harrow Town Centre and would provide greater resilience and longevity to the occupation of the existing unit. 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 premises as well as refuse and servicing arrangements would remain as they exist and would be managed largely by the shopping centre.
- 7.2 The decision to **GRANT** planning permission has been taken having regard to the National Planning Policy Framework 2019, the policies and proposals in The London Plan 2016, the Harrow Core Strategy 2012 and the Development Management Policies Local Plan 2013, and to all relevant material considerations, and any comments received in response to publicity and consultation.

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:

E102 Rev A, E112 Rev B, Covering Letter prepared by Savills (17 December 2019).

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

3 Restricted Use

Should the unit be occupied by a D2 user, the premises shall only be used for the purpose as a Gym and for no other purpose, including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 2015 (or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that order with or without modification).

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

Informatives

1. Policies

The following policies are relevant to this decision:

The National Planning Policy Framework (2019)

The Draft London Plan (2019):

SD6, SD7, SD8, S5, E9, T6.3, T6.5, T7

The London Plan (2016):

2.15, 4.6, 4.7, 6.13, 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, DM40, 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

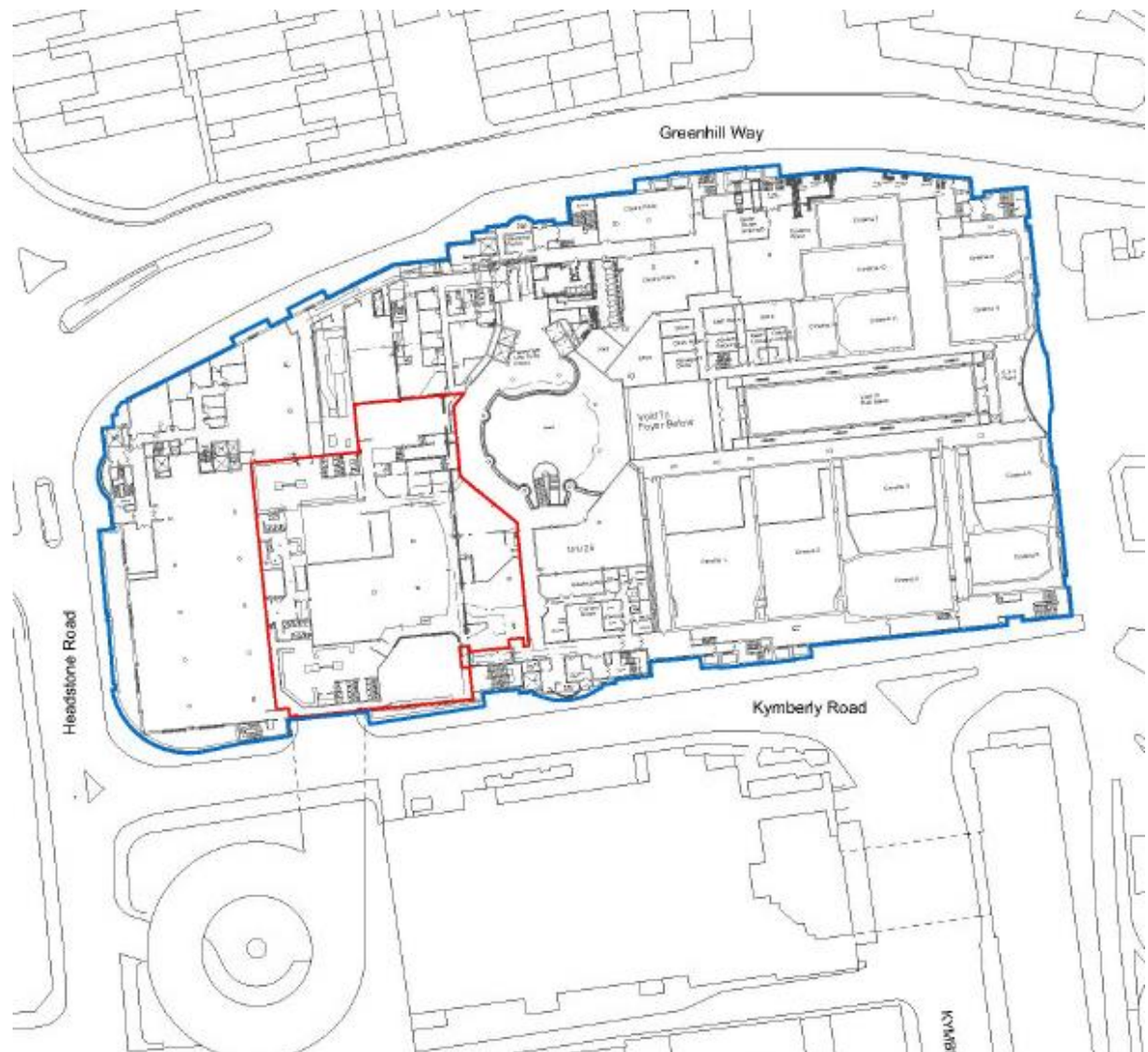
E-mail: communities@twoten.com

5. Equalities Act (2010)

The applicant is reminded of the requirements and responsibilities relating to access to the site in the Equalities Act (2010) And Equalities Act (disability) Regulations (2010).

Interim Chief Planning Officer	Beverley Kuchar 7.5.2020
Corporate Director	Paul Walker 7.5.2020

APPENDIX 2: SITE PLAN



APPENDIX 3: SITE PHOTOS

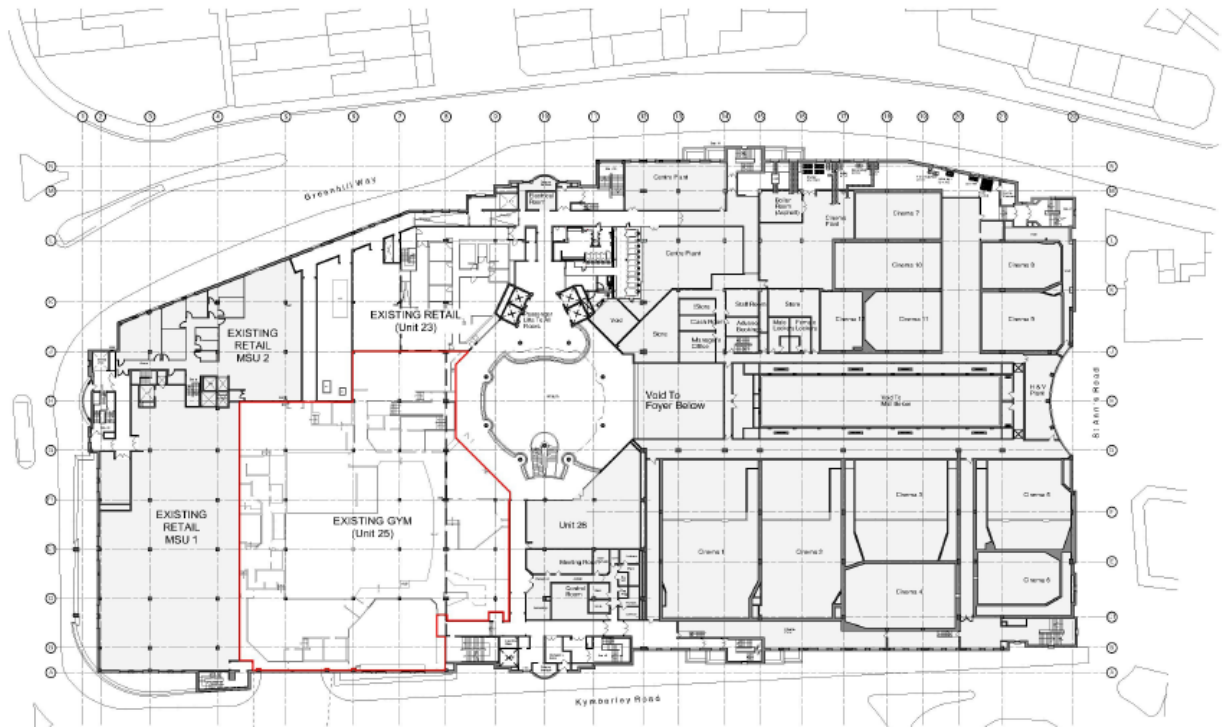


Front / Main Entrance to St. Georges Shopping Centre



Subject site located left of TK Maxx on level 2

APPENDIX 4: PLANS



Existing & Proposed Plan

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