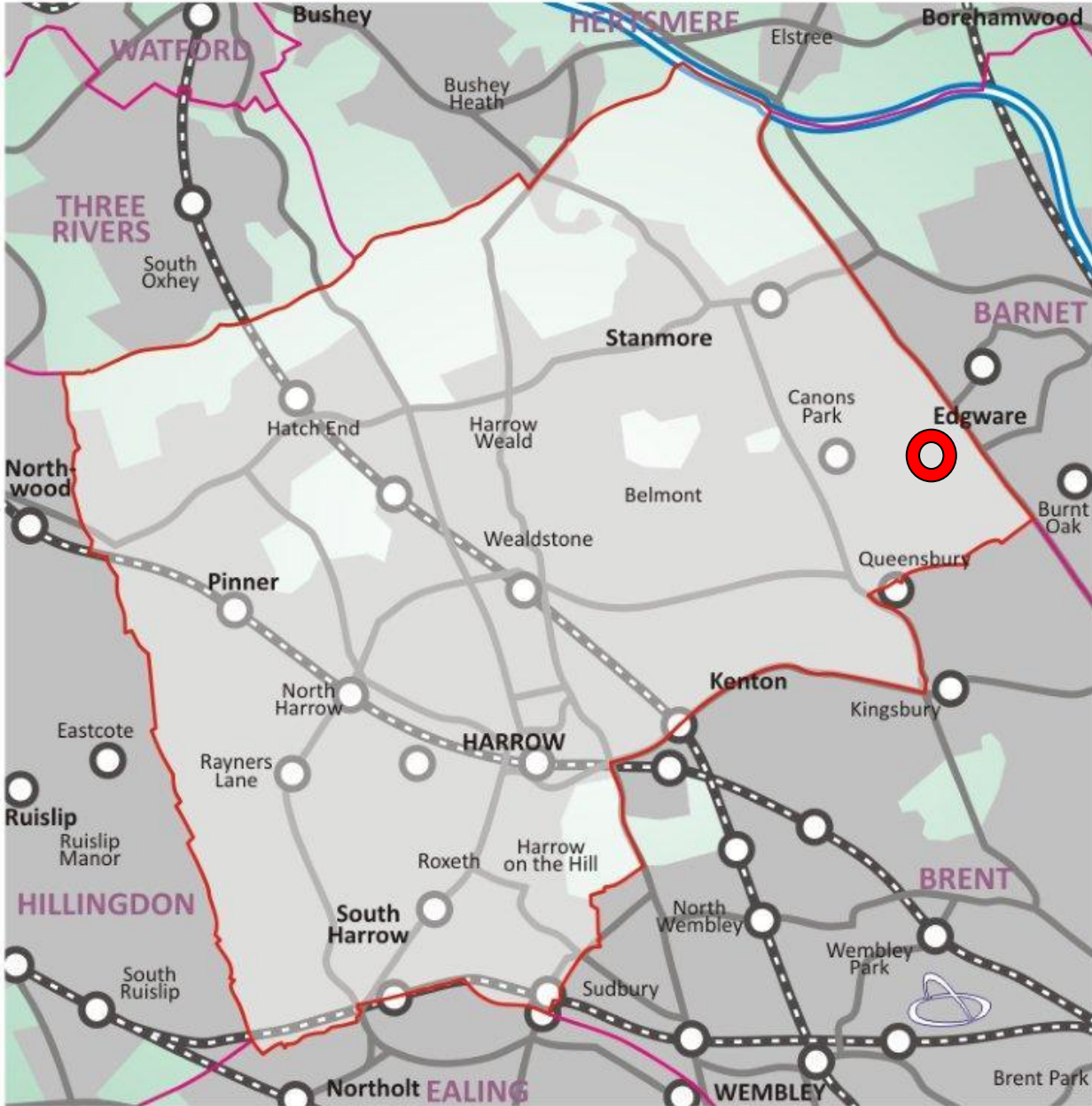


 = application site



87 Burnt Oak Broadway, Edgware, HA8 5EP

P/3884/20

LONDON BOROUGH OF HARROW

PLANNING COMMITTEE

17th March 2021

APPLICATION NUMBER: P/3884/20
VALIDATION DATE: 28/10/2020
LOCATION: 87 BURNT OAK BROADWAY
WARD: EDGWARE
POSTCODE: HA1 1NX
APPLICANT: CASHINO GAMING LTD
AGENT: PLANNING POTENTIAL LTD
CASE OFFICER: WILL HOSSACK
EXTENDED EXPIRY DATE: 19/03/2021

PROPOSAL

Change of use of ground floor from Pawnbrokers (Class E) to Adult Gaming Centre (Sui Generis)

RECOMMENDATION

The Planning Committee is asked to:

- 1) Agree the reason for approval as set out in this report
- 2) Grant planning permission subject to the conditions listed in Appendix 1 of this report:

REASON FOR THE RECOMMENDATIONS

The proposal would contribute towards the longevity of the town centre and would provide an appropriate use within the primary shopping frontage. Accordingly, weighing up the development plan policies and proposals, and other material considerations including comments received in response to notification and consultation as set out below, officers conclude that the proposed development is worthy of support.

INFORMATION

This application is reported to Planning Committee due to the receipt of a significant number of objections and is therefore considered to be of significant public interest as detailed in Provision E of the Scheme of delegation.

Statutory Return Type:	Change Of Use
Council Interest:	None
Net additional Floorspace:	0m ²
GLA Community Infrastructure Levy (CIL) Contribution (provisional):	N/A
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

Policy D11 of the London Plan (2021) 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. The Secure by Design Team have been consulted regarding the application and this is detailed further in the main body of the report.

1.0 SITE DESCRIPTION

- 1.1 The application site comprises a part single/two storey mid-terraced building that incorporates a pawnbrokers, the lawful use of the site is that of a retail use (Use Class E), at ground floor level and features a residential flat at first floor level. The application site is situated on the south western side of Burnt Oak Broadway and the rear of the application site backs onto Parkway Lane.
- 1.2 The residential flat is accessed from the rear along Parkway Lane via an external staircase and a roof terrace. The retail unit benefits from an outdoor yard to the rear. The neighbouring properties along this side of Burnt Oak Broadway comprise mainly of two storey mid-terrace buildings similar in design and appearance to that of the host property.
- 1.3 The application site is located within the Burnt Oak Broadway Town Centre and within a primary shopping frontage and has a PTAL rating of 4.
- 1.4 The opposite side of Burnt Oak Broadway is less homogenous and comprises a mixture of two/three storey buildings that incorporate commercial units at ground floor level and residential above.

2.0 PROPOSAL

- 2.1 The application proposes the change of use from a pawnbrokers (Class E) to an adult games centre (Sui Generis) that would have a floor area of 116m².
- 2.2 The proposal does not coincide with any external alterations to the unit.
- 2.3 The proposal seeks to extend the opening hours of the unit for 24 hour operation. The proposed use would have 7 employees.

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
BRE/DC/TP3844 T	New Fascia Sign	Grant 01/04/1994
P/0422/10	Externally illuminated fascia sign internally illuminated projecting sign and projecting pawnbrokers balls sign	Grant: 19/04/2010
P/0423/10	Installation of a new shop front and roller shutter	Grant 19/04/2010

4.0 CONSULTATION

- 4.1 A total of 6 consultation letters were sent to neighbouring properties regarding this application. The overall public consultation period expired on 6th January 2021.
- 4.2 A total of 9 responses were received.
- 4.3 A summary of the responses received along with the Officer comments are set out below:

Summary of Comments on original consultation

Principle of the Development

Failure to comply with DMLP policies 1, 36, 39 and 41; non-A1 uses in the street is below the quota required by the DMLP

It is not considered the proposal would contradict any relevant development plan policies as discussed in the report (Section 6.2)

Amenity

Increase in noise and disturbance; Noise report only focuses on internally generated noise and not external activity

This has been addressed in section 6.4 of the report

Crime

Increase disorder, disturbance and bad behaviour; Deter shoppers to the area

This has been addressed in section 6.6 of the report

Other

Other users wish to use the store front; applicant has previously applied for Bingo license

It is considered that the proposal can be granted planning permission and as such although other potential occupiers may provide a differing use the assessment of the application pertains to what has been submitted. Other issues regarding licensing lies outside of material planning matters.

4.4 Statutory and Non-Statutory Consultation

4.5 The following consultations have been undertaken, together with the responses received and officer comments:

Consultee and Summary of Comments
<p><u>Planning Policy</u> No objection in principle to the scheme.</p>
<p><u>BH Environmental Health</u> Recommended that the proposed opening hours be restricted from 9:00 to 00:00 due to noise disturbance and the potential for anti-social behaviour. Noise report does not take into noise from equipment outside of gambling machines.</p>
<p><u>Secure by Design team</u> Casino venues within Metropolitan District are known to generate criminal activity and 2020 statistics would be less owing to the Covid-19 pandemic; if granted a secure by design condition should be attached.</p>

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 The Government has issued the National Planning Policy Framework [NPPF 2019] sets out the Government’s planning policies for England and how these should be applied, and is a material consideration in the determination of this application.

5.3 In this instance, the Development Plan comprises The London Plan 2021 [LP] and the Local Development Framework [LDF]. The LDF comprises The Harrow Core Strategy 2012 [CS], Harrow and Wealdstone Area Action Plan 2013 [AAP], the Development Management Policies Local Plan 2013 [DMP], the Site Allocations Local Plan [SALP] 2013 and Harrow Local Area Map 2013 [LAP].

5.4 A full list of all the policies used in the consideration of this application is provided as informative 1.

6.0 ASSESSMENT

6.1 The main issues are:

- Principle of the Development
- Character, Appearance and Design
- Residential Amenity
- Traffic, Parking, Impact to the Highway
- Secure by Design

6.2 Principle of Development

6.2.1 The relevant policies are:

- The National Planning Policy Framework (2019)
- The London Plan (2021): SD7
- Harrow Development Management Policies (2013): DM2, DM35, DM36, DM39, DM41
- Harrow's Core Strategy (2012): CS1

6.2.2 The existing unit would have been considered a retail unit (formerly Use Class A1). Policy DM36 (A) provides policy protection for the proportion of retail units within primary shopping frontages stating proposals for non-retail uses should not exceed 25% of the length of the frontage.

6.2.3 Following The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, the existing unit is no longer considered to be an A.1 use and would be considered to fall within Use Class E (commercial, business and service). The legislation has served to amalgamate a number of multiple uses (including A1) into Use Class E, allowing the existing use to shift to non-retail uses without the need for planning permission. There is no previous policy protection for the other non-retail uses within Class E, as such the proposed change of use would be able to change its function of a retail use without the policy protection of DM 36 and DM 39. It is considered the new use would provide a recreational/leisure use within the shopping parade and would generate footfall appropriate for its district centre siting.

6.2.4 Therefore, it is considered that the proposal would provide an appropriate town centre use within a primary shopping frontage furthermore, the proposed use would be a form of recreation/leisure function appropriate within a town centre. Therefore, it is considered the proposal complies with the local development framework.

6.3 Character, Appearance and Design

6.3.1 The relevant policies are:

- The National Planning Policy Framework (2019)
- The London Plan (2021): D1, D3
- Harrow Development Management Policies (2013): DM1, DM27

- Harrow's Core Strategy (2012): CS1

6.3.2 The proposal does not incorporate any external alterations and would therefore not harm the character and appearance of the area. Any future external alterations would require either planning permission and/or advertisement consent.

6.3.3 The proposal is therefore considered acceptable in terms of its impact on character and appearance of the area and complies with relevant development plan policies.

6.4 Residential Amenity

6.4.1 The relevant policies are:

- The National Planning Policy Framework (2019)
- Harrow Development Management Policies (2013): DM1, DM36
- Harrow's Core Strategy (2012): CS1

Impact of Development on Neighbouring Amenity

6.4.2 The change of use of the building would coincide with an increased use of the unit with customers utilising the site for longer periods of time than trips to purchase items from a retail unit. This serves to intensify the use and sustained footfall of the site over multiple hours of the day.

6.4.3 The first floor above the ground floor unit is a residential unit, as are the majority of units above the ground floor uses along Burnt Oak Broadway. It is noted the increased use of the site would impact the residential units by way of noise transference from inside the unit and would be exacerbated by issues raised from statutory consultees in relation to the potential for groups gather outside of similar units. The application has provided a noise report, the noise report is considered acceptable in terms of proposed sound insulation. However, Environmental Health Officers have noted that the report mainly pertains to noise from machines within the unit but does not include extractor fans or other machinery.

6.4.4 Despite the noise report discussing behaviours of patrons of adult gaming centres, (as further expanded in section 6.6 of the report), concerns of anti-social behaviour have been raised regarding the 24 hour operation of the proposed unit whilst in close proximity to residential units. The noise report, nor other supporting documentation do not detail management measures to address behaviours. As such it is considered appropriate to recommend that the opening hours of the unit are to be restricted as per the recommendation of Environmental Health Officer to 9:00am – 00:00am. The restriction of opening hours would serve to close the use of the unit prior to the early hours of the morning, limiting the amount of noise transference arising from the use, protecting the residential amenity of the units above the gaming centre and of adjoining occupiers. A further condition has been recommended requesting details of a management plan of the business itself to attain measures to limit any anti-social behaviour and provide further information for the noise report, as a result of the use.

6.4.5 It is therefore, considered that subject to conditions, the proposal would not significantly impinge upon neighbouring residential amenities and would comply with relevant development plan policies.

6.5 Traffic, Parking and Accessibility

6.5.1 The relevant policies are:

- The National Planning Policy Framework (2019)
- The London Plan (2021): T4, T6
- Harrow Development Management Policies (2013): DM42
- Harrow's Core Strategy (2012): CS1

6.5.2 The proposed change of use does not coincide with the increased provision of parking within the town centre. The proposal would be a car-free development and considered acceptable in regard to relevant development plan policies.

6.6 Secure by Design

6.6.1 The relevant policies are:

- The National Planning Policy Framework (2019)
- The London Plan (2021): D11
- Harrow Development Management Policies (2013): DM2, DM4
- Harrow's Core Strategy (2012): CS1

6.6.2 The Metropolitan Police Secure by Design (SBD) team have been consulted regarding the proposal. The SBD team originally raised an objection to the proposal. The SBD team stated that the Burnt Oak Broadway area suffers from above average levels of crime, most frequently via anti-social behaviour. The applicant has liaised with the SBD team following these concerns. The SBD team have confirmed the proposal is able to attain a secure by design accreditation and revised plans to the application have been accepted detailing these measures.

6.6.3 It is therefore considered an acceptable compromise has been reached with the plans able to attain SBD design accreditation in conjunction with the attached condition, limiting of hours of use, it is considered that sufficient measures are in place to address SBD concerns regarding crime risk. As such, sufficient consideration has been given to the proposal in terms of its impact and subject to conditions the proposal would comply with the relevant development plan policies.

7.0 CONCLUSION AND REASONS FOR APPROVAL

7.1 The proposed scheme would contribute to the uses within the Burnt Oak District Centre area whilst subject to conditions would not significantly impinge upon the neighbouring residential amenities of adjoining occupiers.

7.2 For these reasons, weighing up the development plan policies and proposals, and other material considerations including comments received in response to notification and consultation as set out above, this application is recommended for grant.

APPENDIX 1: Conditions and Informatives

Conditions

1 Timing

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

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

2 Approved Drawing and Documents

Unless otherwise agreed in writing by the local planning authority, the development shall be carried out, retained and completed in accordance with the following approved drawings and documents:

Site Plan; 1 Revision B; BOB/BO/03; Noise Report; Supporting Document titled "schedule of works"; Supporting Letter titled "RE: Marketing Report Ground Floor 87 Burnt Oak Broadway, Burnt Oak HA9 5EP"

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

3 Opening Hours

The use hereby permitted shall not open to customers outside of the following times: -

09.00 to 00.00 hours, Monday to Sunday

REASON: To ensure the proper functioning of the commercial properties within the locality and protect the residential amenities of adjoining occupiers

4 Management Plan

The use of the adult gaming centre by members of the public shall not commence until a management strategy including administrative measures to address and deter anti-social behaviour; and measures for managing amplified sound, has been submitted to and approved in writing by the local planning authority. The operation of the premises shall be in strict accordance with the agreed management strategy unless otherwise agreed in writing by the local planning authority.

REASON: To safeguard residential amenities of the area and of neighboring occupiers, and to safeguard amenity by reducing risk of crime and the fear of crime

5. Noise Report

Notwithstanding the details required to be submitted by condition no.4, the proposed change of use shall not be open to members of the public until an updated noise report including;

- Any noise generated by further machinery (outside of gambling machines);
- Measures to address any identified increases in noise

has been submitted to and approved in writing by the local planning authority. Implement the details recommended in the submitted noise report. The details shall be implemented on site and shall be retained for the lifetime of the development.

REASON: To safeguard residential amenities of the area and of neighboring occupiers

6. Secure by Design

The change of use hereby permitted shall not be open to members of the public until evidence of Secured by Design Certification shall be submitted to the Local Planning Authority in writing. Secure by design measures shall be implemented on site and the development shall be retained in accordance with the approved details.

REASON: In the interests of creating safer and more sustainable communities and to safeguard amenity by reducing the risk of crime and the fear of crime

Informatives

1 Policies

The following policies and guidance are relevant to this decision:

National Planning Policy and Guidance:

National Planning Policy Framework (2019)

The London Plan (2021):

D1, D3, D11, SD7, T4, T6

Harrow Core Strategy (2012):

CS1

Development Management Policies Local Plan (2013):

DM1, DM2, DM4, DM27, DM35, DM36, DM41, DM41

2 Pre-application engagement

Statement under Article 35(2) of The Town and Country Planning (Development Management Procedures) (England) Order 2015. This decision has been taken in accordance with paragraphs 39-42 of The National Planning Policy Framework. Harrow Council 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 Compliance with Planning Conditions

IMPORTANT: Compliance With Planning Conditions Requiring Submission and Approval of Details Before Development Commences - You will be in breach of planning permission if you start development without complying with a condition requiring you to do something before you start. For example, that a scheme or details of the development must first be approved by the Local Planning Authority. Carrying out works in breach of such a condition will not satisfy the requirement to commence the development within the time permitted.- Beginning development in breach of a planning condition will invalidate your planning permission.

- If you require confirmation as to whether the works you have carried out are acceptable, then you should apply to the Local Planning Authority for a certificate of lawfulness.

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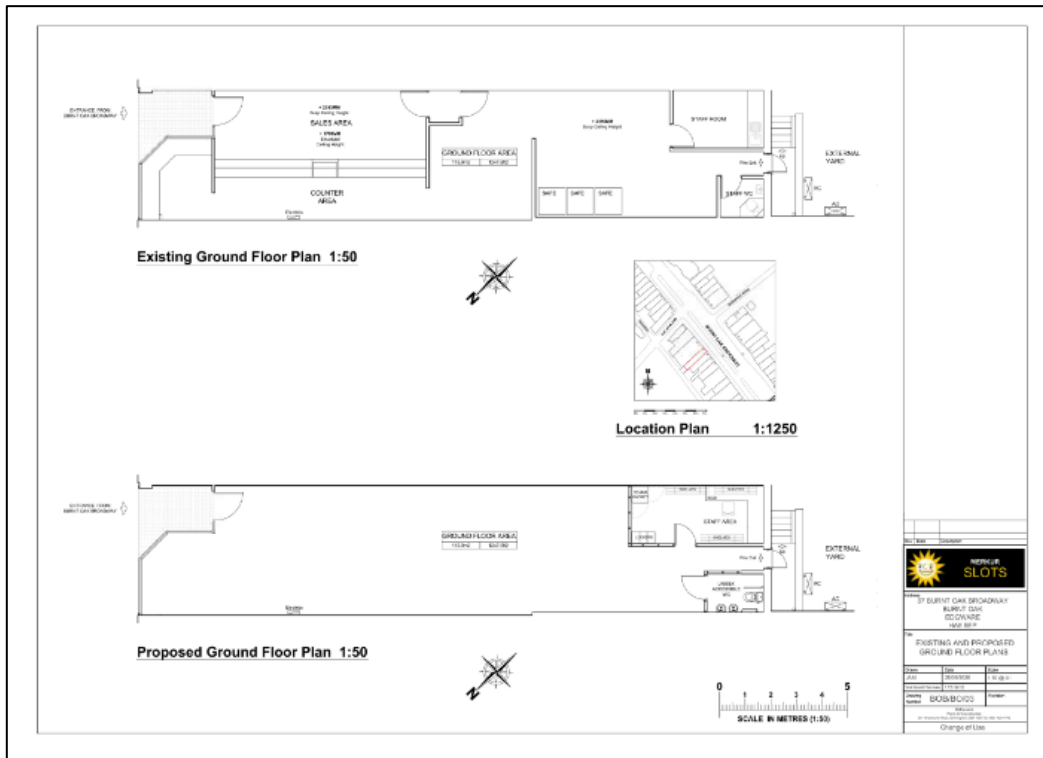
Head of Development Management	Orla Murphy 5.3.2021
Corporate Director	Paul Walker 5.3.2021

APPENDIX 2: SITE PLAN

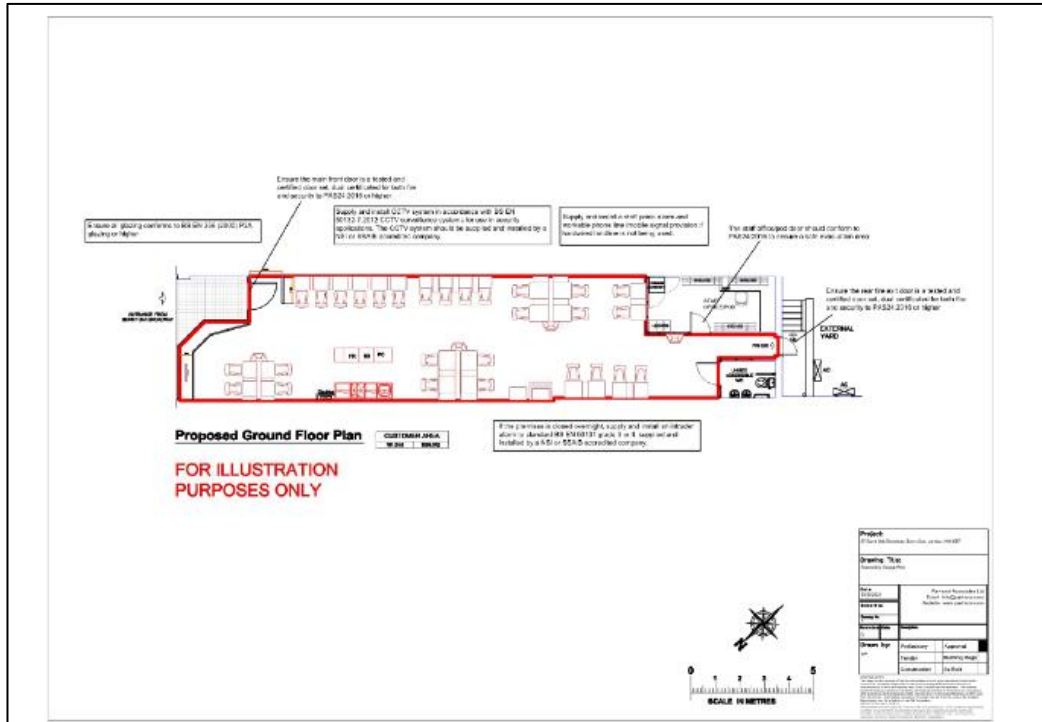


APPENDIX 3: PLANS AND ELEVATIONS

Combined Existing and Proposed Ground Floor Plans



Proposed Details



APPENDIX 4



Google Street View Imagery from May 2019 of 87 Burnt Oak Broadway (Albermarle Bond – Pawnbrokers)

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