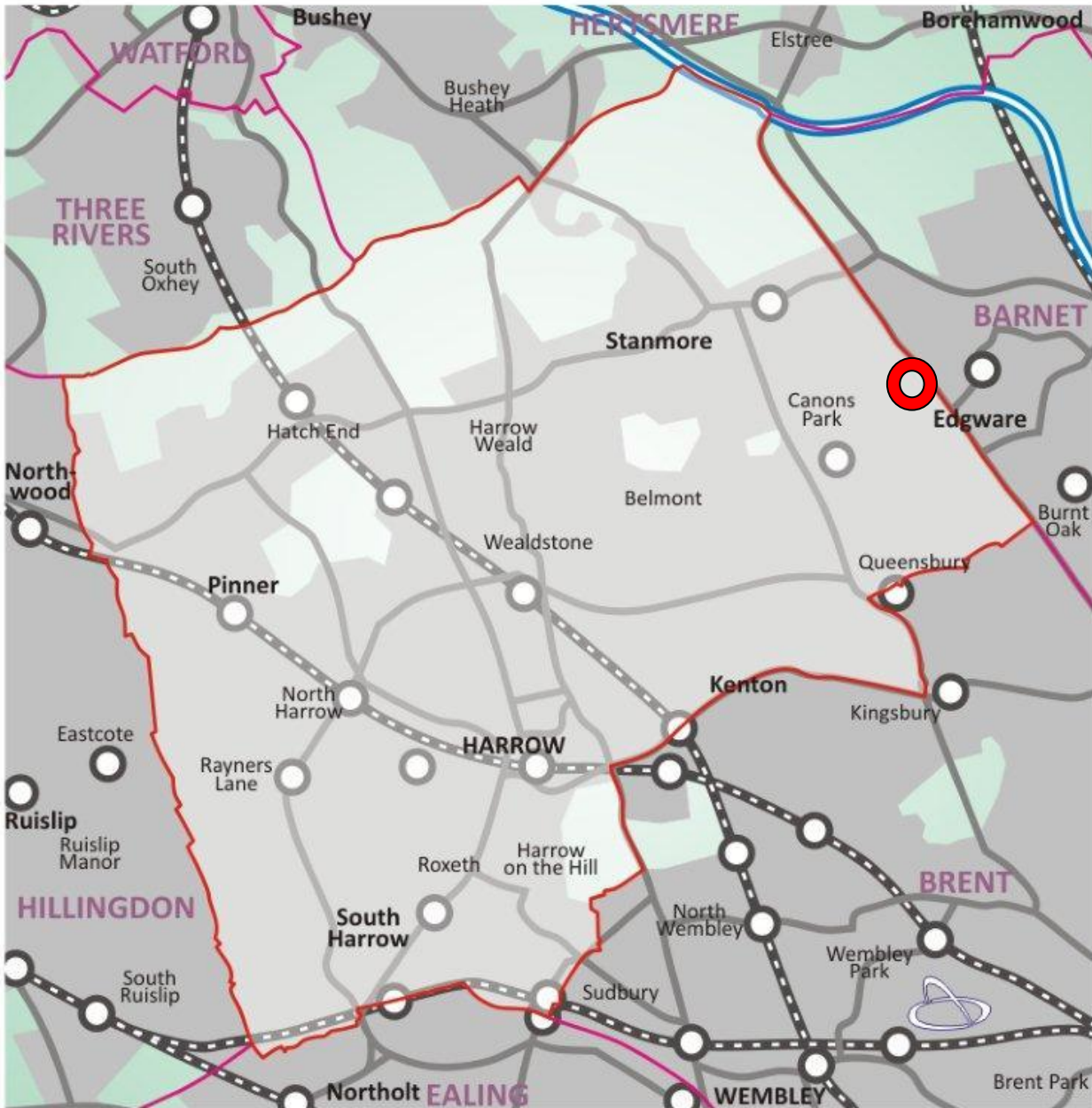


 = application site



87 Burnt Oak Broadway, Edgware, HA8 5EP	P/1711/21
---	-----------

# HARROW MAP

## Location Plan



# LONDON BOROUGH OF HARROW

## PLANNING COMMITTEE

**17<sup>th</sup> JUNE 2021**

**APPLICATION NUMBER:** P/1711/21  
**VALIDATION DATE:** 23/04/2021  
**LOCATION:** 87 BURNT OAK BROADWAY  
**WARD:** EDGWARE  
**POSTCODE:** HA1 1NX  
**APPLICANT:** MERKUR SLOTS UK LTD  
**AGENT:** PLANNING POTENTIAL  
**CASE OFFICER:** WILL HOSSACK  
**EXPIRY DATE:** 18/06/2021

### **PROPOSAL**

Details Pursuant To Condition 4 (Management Strategy) Of Planning Permission P/3884/20 Dated 25.3.2021 For 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, and
- 2) Approve the details

### **REASON FOR THE RECOMMENDATIONS**

Planning Permission for the change of use of ground floor from pawnbrokers (Class E) to Adult Gaming Centre (Sui Generis) was granted under application P/3884/20 dated 25/03/2021, subject to conditions. This application seeks to discharge condition no.4 (management strategy).

Officers consider that the details submitted are acceptable to address the reasons why the condition was imposed. Accordingly, officers conclude that the proposal is worthy of support and the condition can be discharged.

### **INFORMATION**

This application is reported to Planning Committee due to application P/3884/20 being granted at planning committee subject to the submission of the approval of details application for the management plan being brought back to committee for determination at a later date.

Statutory Return Type: Approval Of Details

Council Interest:	None
Net additional Floorspace:	0m <sup>2</sup>
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 site has been granted planning permission to operate an Adult Gaming Centre (Use Class Sui Generis) 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 ground floor 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 seeks approval of details in relation to condition no.4 of previously granted permission P/388/4/20.
- 2.2 The condition states: "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 neighbouring occupiers, and to safeguard amenity by reducing risk of crime and the fear of crime."

- 2.3 The application has submitted a management strategy detailing General Operational Measures, Noise Mitigation Measures, Preventative Anti-Social Behaviour Measures, Dispersal Policy and Security Measures.

## **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
P/3884/20	Change of use of ground floor from pawnbrokers (class e) to adult gaming centre (sui generis)	Grant 25/03/2021

#### 4.0 **CONSULTATION**

4.1 There is no statutory requirement to consult adjoining occupiers for an application for approval of details reserved by condition.

#### 4.2 **Statutory and Non Statutory Consultation**

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

Consultee and Summary of Comments
<p><u>LBH Environmental Health</u> No objection to the noise management strategy</p> <p><u>Secure by Design team</u> No Objection: Management Plan gives weight to licensing team outside of planning legislation.</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 **Discharge of Condition 4 (Management Strategy)**

6.2 The relevant policies are:

- The National Planning Policy Framework (2019)
- The London Plan (2021): D11, D14, SD7
- Harrow Development Management Policies (2013): DM1, DM2
- Harrow's Core Strategy (2012): CS1

6.2.1 Condition 4 of P/3884/20 states:

*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 neighbouring occupiers, and to safeguard amenity by reducing risk of crime and the fear of crime.*

6.2.2 The reasoning behind the condition no.4 was to safeguard the neighbouring residential amenities of the area whilst addressing concerns raised from risk and fear of crime. The submitted management strategy details administrative measures pertaining to the operation of the unit. The strategy confirms the policy of the Merkur Slots UK providing fully trained staff to operate the premise.

6.2.3 To address noise generated arising from the use of the Adult Gaming Centre the applicant has confirmed there are no additional noise generating activities outside of what was addressed in the approved noise report and explicitly stated the venue does not operate a tannoy system and will not fix the door open whilst the premise is trading. As such, in conjunction with the previously approved noise report which has been conditioned to be implemented on site the administrative measures are considered to be acceptable in relation to the residential amenities.

6.2.4 The strategy also states no alcohol is to be served on the premises and individuals who are deemed to be under the influence of excessive alcohol will not be allowed to enter the premise. The document also emphasises the approach of banning customers who engage in anti-social behaviour inside or outside of the premises. The strategy also details the premises adopting a 'dispersal policy' to discourage customers waiting outside the premises once it closes.

6.2.5 Both the Council's Environmental Health Team and the Metropolitan Police Secured by Design (SBD) have been consulted regarding the submitted management plan. Neither have raised any objections to the administrative

measures proposed. Notably the SBD team have stated the management plan also serves to add weight to the licensing team if issues were to arise outside of planning control.

- 6.2.6 As such in conjunction with the other conditions to the application site (limiting the hours of operation and the approved noise report), the proposed administrative measures provided in the management strategy serve to meet the reasoning of the condition in further addressing any impacts to residential amenities and risk/fear of crime arising from the use of the Adult Gaming Centre.

## **7.0 CONCLUSION AND REASONS FOR APPROVAL**

- 7.1 Officers consider that the details submitted are acceptable to address the reasons why condition no.4 of application no.P/3884/20 dated 25/03/2021 was imposed. Accordingly, officers conclude that the proposal is worthy of support and the condition can be discharged.



## **APPENDIX 1 Informatives**

### **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):

D3, D11, D14, SD7

Harrow Core Strategy (2012):

CS1

Development Management Policies Local Plan (2013):

DM1, DM2

#### 2 Discharge of Conditions

The approval granted by this decision relates only to those conditions listed in this application. It does not extend to any other matter referred to in any correspondence or shown on any plans

#### 3 Plan Numbers

Supporting Document titled: Merkur Slots, 87 Burnt Oak Broadway, Edgware, HA8 5EP MANAGEMENT STRATEGY April 2021

### **CHECKED**

Head of Development Management	Orla Murphy 25.5.21
Interim Corporate Director	Mark Billington 27.5.21

**APPENDIX 1: SITE PLAN**



This page has been left intentionally blank