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| Meeting: | Development Control Committee |
| Date: | Wednesday 6 September 2006 |
| Subject: | Former Cloister Wood Fitness Club |
| Responsible Officer: | Andy Parsons, Head of Planning |
| Contact Officer: | Frank Stocks |
| Portfolio Holder: | Councillor Marilyn Ashton |
| Key Decision: | No |
| Status: | Public |

Section 1: Summary

- 1.1 This report updates the Committee on the recent granted planning permission (P/1306/05/CFU).
- 1.2 At the 7th June 2006 meeting of the Development Control Committee, Members resolved to agree with the recommendations in the report by the Group Manager (Development Control) that:
 - a) The use of the overflow car parking area that took place during the week of the opening ceremony that began on Sunday 21 May 2006, be recorded as one of the six occasions per year that such parking is allowed under the terms of the Section 106 agreement attached to planning permission **P/1306/05/CFU**.
 - b) That as no formal details had been submitted to discharge five outstanding conditions of planning permission, the applicants be advised that to remedy the situation and regularise the use of the site, they submit a new planning application, under Section 73 of the Town and Country Planning Act 1990, to vary the conditions.
 - c) That Officers write to the applicants informing them of this and to request that they meet Officers to discuss concerns that have arisen since the use of the site as a Place of Worship commenced.

Section 2: Update

- 2.1 A letter was sent to the applicants dated 23 June 2006 with the report to the 7 June Meeting of the Committee attached as an appendix.
- 2.2 Members are asked to note that, apart from several telephone communications with the planning officer for the site by the applicant and the submission of some poor quality, unacceptable plans that attempted to discharge condition 4 (disabled access) and condition 7 (details of fencing around car park 3), no formal response has been received by officers at the time of writing this report, 10 August 2006.



Urban Living
Executive Director Andrew Trehern

Gami Associates.
232b Kenton Road
HARROW1
HA3 8BY

Our ref: P/1306/05/CFU
Your ref:

Date: 23 June 2006

Dear Mr Gami

Town and Country Planning Act 1990 (as amended)
Shree Swaminarayan Satsang, Former Cloisters Wood Fitness Club, Wood Lane,
Stanmore

I refer to my letter of 18/05/06 and a subsequent consideration of a report by the Development Control Committee on 7 June 2006. A copy of the report is attached as an Appendix.

The Development Control Committee resolved as follows:

Minute 18. **Former Cloister Wood Fitness Club:**

The Committee received a report of the Group Manager (Planning and Development) in this regard. The Committee supported the recommendations of the Group Manager (Planning and Development) and expressed concern that the applicants had not responded to officers' correspondence.

RESOLVED: That:

(1) the overflow parking that occurred on Sunday 21 May 2006 be recorded as the first of the six occasions per year that such parking was allowed under the terms of the Section 106 Agreement attached to planning permission P/1306/05/CFU;

(2) the approach adopted by officers in advising the applicants about the outstanding planning conditions in planning permission P/1306/05/CFU and the use of the site be agreed;

(3) officers be requested to meet with the applicant to discuss concerns regarding the outstanding planning conditions.

Thus there are three matters that you need to be aware of or to action:

1

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1. the use of the south field for overflow parking
2. the status of your planning permission for the whole use of the site
3. the need for a meeting with Planning Officers to discuss item 2 as soon as possible

1 the use of the south field for overflow parking

You are advised that the Development Control Committee agreed that the overflow car parking that occurred below Car Park 3 on Sunday 21 May 2006 is recorded as the first of the six occasions per year (the first year effectively commencing on 21 May 2006) allowed under the terms of the legal agreement.

Clearly between now and the end of the first year you need to monitor and record all use of this area in order to comply with the terms of your legal agreement.

2. the status of your planning permission for the whole use of the site

Planning permission, reference: P/1306/05/CFU, was granted on 19 May 2006, following completion of a Section 106 Legal Agreement on 18 May. The planning permission included 5 conditions that require you to submit details to the Local Planning Authority, and obtain our agreement, before the use commenced.

The use had commenced by 21 May 2006 and no such details had been received or dealt with. In these circumstances you need to appreciate your legal position – it is now quite clear that your planning permission is invalid and the development (i.e. the use of the site) is unlawful.

This position is explained in detail in the report to the Development Control Committee on 7 June.

However, there is a process that will allow you to regularise the position. You need to do submit a new application to the Local Planning Authority to vary the five planning conditions (numbers 3, 4, 5, 6 and 7 of the permission – see the Committee report and the planning Decision Notice) under the provisions of Section 73 of the Town & Country Planning Act 1990 in order for the development to be regularised.

You should be aware that it is not sufficient to simply submit the details in the normal way of discharging a planning permission. You need to submit all of the details as part of a new application to vary the five conditions

Your Section 73 application for variation of conditions will require a planning fee of £135, assuming you submit a single application for all 5 conditions. Separate applications will each require a fee of £135.

Submission of Application to Vary the 5 Conditions – Details Required

In respect of the details you have already submitted – Conditions 4 (details of disabled access) and 7 (fencing around Car Park 3) – unfortunately these are not acceptable in the form submitted. Obviously you now need to resubmit an application to vary the conditions, as explained above. But in addition, neither of the plans that you submitted is metrically scaled. All plans that you submit in relation to the development that has been approved must be drawn to a metric scale scaled (preferably 1:50 or 1:100 scale) and four x copies

2

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of each plan should be provided. Secondly, the drawings are purely indicative and do not relate to the site itself. You will therefore need to provide amended plans when you apply to vary the conditions in your Section 73 application.

In relation to Condition 4, you should be aware that under the provisions of the Disability Discrimination Act 1995 (amended in 2005) all public buildings are required to be accessible to people with disabilities. To enable that condition to be varied and discharged therefore, you will need to provide floor plans and elevations of the buildings that show entrances with either a level threshold and a minimum width of 830mm, a height of between 900mm and 1500mm from the ground if a vision panel is to be provided, or if doors are to be fully glazed, the lettering / indication signs should be a suitable permanent marking at a height of between 850mm to 1000mm and be between 1400mm and 1600mm from the ground.

Suitable provision should also be made for car parking facilities for disabled people. Parking bays should be designed to ensure that there is sufficient, unobstructed manoeuvring space at the side and rear of the vehicle for a wheelchair users needs. A 1200mm wide shared transfer area should be provided along with a clearly marked out area indicating that the space is dedicated for a wheelchair user. Disability parking bays should be provided at a ratio of one in twenty of the overall provision. Accessible parking bays should be located within 50m of the entrance to the buildings.

More detailed advice on accessibility in general can be found in a newly-published Supplementary Planning Document entitled 'Access For All'. This document supplements adopted policies in the Harrow Unitary Development Plan and also aligns with Part M of the 2004 Building Regulations. I have enclosed a copy of the document with this letter.

Regarding Condition 7 of the planning permission, you will need to provide a plan showing the fence within the existing site layout with Car Park 3 clearly demarcated. You will also need to provide an elevation of the fence that indicates the colour and type of material that you propose to use in its construction.

Three additional conditions remain to be submitted as part of your variation application:

Condition 3 cannot be discharged until all the other works have been completed so your variation application needs to indicate how you intend to do this.

Condition 5 requires you to produce a Landscape Management Plan for the site. I have discussed this with the Council's Tree Officer, Mr Ball, and he recommended that you consult the official website of The Landscape Institute for details of reputable landscape architects, who could provide the expertise for you to discharge the condition.

Condition 6 requires that you provide details of the layout of car parking bays and turning and loading areas, (though not of Car Park 3). The plans must also include details of the proposed hard surfacing of the areas and the plans should show details of the drainage of surface water to the nearest storm water drain or soak away.

3 the need for a meeting with Planning Officers to discuss item 2 as soon as possible

In the circumstances outlined above it is clearly in your best interests to resolve these issues as soon as possible. Your attention is also drawn to the obligation of the trustees of the site under the terms of the S106 Deed of Agreement with the Council to request prior approval from the Development Control Committee to use land that is outside of the defined parking areas on the approved plan (ref: SP/854/c) on each of the six occasions in the year that such activity is permitted.

We need to arrange a meeting at Garden House to discuss these issues as soon as possible - please contact me as soon as possible and I will set up a meeting to include Mr. Stocks, Senior Professional - Planning Service and Mr. Simpson, Development Control Manager.

Yours sincerely

**Dave Thompson
Planning Officer**

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