

Meeting:	Development Management Committee
Date:	6 th September 2007
Subject:	Rear of 45 Station Road, Harrow
Key Decision: (Executive-side only)	No
Responsible Officer:	Group Manager, Planning and Development
Portfolio Holder:	Planning, Development and Enterprise
Exempt:	No
Enclosures:	Site plan

Section 1 – Summary and Recommendations

This report relates to the unauthorised change of use of Rear of 45 Station Road, Harrow, from a locksmiths office (B1) to a retail unit incorporating a shop and an internet café (A1). This material change of use does not benefit from planning permission and has taken place within the last ten years.

The unauthorised use of this building as a retail unit creates an over-intensification of this site and lack of space for refuse storage. The retail unit, with its excessive hours of operation, represents a movement of retail use down a residential street, creating noise and disturbance, additional parking and traffic pressure, which is detrimental to the amenities of the occupiers of neighbouring residential properties.

The development is contrary to policies SD1, SD3, D4, D8, T13, T15 and EP25 of the Harrow Council Unitary Development Plan 2004. It is recommended that an enforcement notice be served, requiring the cessation of the unauthorised use.

Recommendations:

Having regard to the provisions of the Unitary Development Plan and all other material planning considerations (in accordance with Section 172 of the Town and Country Planning Act 1990 (as amended), the Council be authorised to:

- (a) Take all necessary steps for the preparation, issue and service of an Enforcement Notice requiring within three calendar months;
 - (i) The cessation of the use of the property as a retail unit (A1).

- (b) In the event of non-compliance with the above enforcement notice, to;
 - (i) Institute legal proceedings, should it be considered in the public interest to do so, pursuant to Section 179 of the Town and Country Planning Act 1990.

Carry out works in default, should it be considered in the public interest and also financially viable to do so, under the provisions of Section 178 of the Town and Country Planning Act 1990.

Section 2 – Report

- 2.1 The site that is the subject of this report, Rear of 45 Station Road, Harrow, consists of a two-storey detached building located at the rear of a retail unit currently occupied by a restaurant (A3), on the western side of this main road. Station Road itself is occupied predominantly by retail units, restaurants and cafes, with flats over. The detached building in question is located at the rear of the site, fronting onto Nibthwaite Road, a predominantly residential street.

- 2.2 The Council received a complaint on the 3rd August 2006 alleging that the detached building was being used as a retail unit. Subsequent enforcement investigations verified this allegation and established that a breach of planning control had occurred.

- 2.3 The expediency of enforcement action has been assessed with reference to guidance contained in PPG18 and Circular 10/97, both entitled 'Enforcing Planning Control'.

- 2.4 Expediency has also been assessed with regard to the statutory Development Plan, which for the Borough consists of the London Plan (adopted February 2004) and the Unitary Development Plan (U.D.P.), which was formally adopted in July 2004. U.D.P. policies that are relevant to this report include;
- Policy SD1 (Quality of Design)
 - Policy SD3 (Mixed-Use Development)
 - Policy D4 (The Standard of Design and Layout)
 - Policy D8 (Storage of Waste, Recyclable and Re-Usable Materials in New Developments)
 - Policy T13 (Parking Standards)
 - Policy T15 (Servicing of New Developments)
 - Policy EP25 (Noise)
- 2.5 The change of use does not conform to the adopted policies referred to above. The addition of a retail unit at the rear of this site represents an over-intensification of use on the property, which is already occupied by a restaurant. This over-intensification of use on the site restricts the area available for refuse storage for both the restaurant and the retail unit, contrary to policies SD1, D4, and D8 of the Unitary Development Plan 2004.
- 2.6 The detached building in question is located at the rear of 45 Station Road, but effectively fronts onto Nibthwaite Road, close to neighbouring residential properties. It is considered that the conversion of this building into a retail unit represents a movement of retail use away from Station Road, down a residential street. This additional activity generates additional parking and traffic pressure on this already busy residential street resulting in an unsatisfactory relationship with neighbouring residential properties, contrary to policies SD3, T13 and T15 of the Unitary Development Plan 2004.
- 2.7 This unauthorised use, with its excessive hours of operation, is detrimental to the amenities of the occupiers of neighbouring properties due to noise and disturbance, contrary to policy EP25 of the Unitary Development Plan 2004.
- 2.8 Accordingly enforcement action is recommended to secure the cessation of this unauthorised use.

2.9 The recipient of an enforcement notice can appeal against it to the Planning Inspectorate under Section 174 of the Town and Country Planning Act 1990.

Financial Implications

3.0 None.

Section 3 - Statutory Officer Clearance

Name: Sheela Thakkrar	<input type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 4 September 2007		
Name: David Galpin	<input type="checkbox"/>	on behalf of the Monitoring Officer
Date: 28 February 2007		

Section 4 - Contact Details and Background Papers

Contact: Nicholas Ray (Nicholas.ray@harrow.gov.uk) tel. 0208 736 6187

Background Papers

- Unitary Development Plan
- Supplementary Planning Guidance – Householder extensions

IF APPROPRIATE, does the report include the following considerations?

1.	Consultation	NO
2.	Corporate Priorities	NO