
Item: 2/10

ELLIOT HALL MEDICAL CENTRE, 167 P/1983/10/GL/C
UXBRIDGE ROAD, HATCH END, HA5 4EA

Ward HATCH END

DISCHARGE OF A SECTION 106 AGREEMENT TO PLANNING PERMISSION
WEST/756/97/FUL RELATING TO THE OPENING AND CLOSING TIMES; NUMBERS
OF VISITORS STAFF AND PATIENTS AND REPORTING REQUIREMENTS.

Applicant: Dr Christopher Jenner

Agent:

Case Gerard Livett

Officer:

Statutory Expiry Date: | 05-Oct-2010

RECOMMENDATION

Subject to the completion of a deed of release by the applicant, **APPROVE** the release of the obligations in the s 106 agreement dated 19th February 1998 which restricts the opening and closing times, numbers of visitors, staff and patients, and imposes reporting requirements at the Elliot Hall Medical Centre

Reason for Approval: - The decision to APPROVE the release of the s106 agreement has been taken having regard to Government guidance contained within PPS1 and the policies and proposals in The London Plan 2008 and the saved policies of the Harrow Unitary Development Plan 2004, listed below, and all relevant material considerations including any comments received in response to publicity and consultation.

The Council is satisfied that release of this Agreement would enable Elliott Hall Medical Centre to provide suitable and comprehensive medical services in the area and would accord with general government policy on the provision of primary health care

London Borough of Harrow Unitary Development Plan 2004

D4 – The Standard of Design and Layout

T6 – The Transport Impact of Development Proposals

C8 – Health Care and Social Services

MAIN CONSIDERATIONS AND POLICIES (The London Plan 2008 and the saved policies of the London Borough of Harrow Unitary Development Plan 2004)

- 1) Health Care Provision, Transport Impacts, Residential Amenities (D4, T6, C8)**
- 2) S17 Crime and Disorder Act (D4)**
- 3) Consultation responses**

INFORMATION

This application is required to be determined by the Planning Committee as the release of s.106 Agreements cannot be determined under delegated powers.

a) Summary

Statutory Return Type: Minor Development, all other

Council Interest: Council owned freehold

b) Site Description

- The application site is a two-storey building with accommodation in the roofspace on the south side of Uxbridge Road
- The site is adjacent to the Harrow Arts Centre complex

c) Background

- Planning permission LBH/F/41103 dated 17 January 1992 allowed for the construction of a single and two-storey building to provide a G.P. Surgery
- A Legal Agreement accompanying that planning permission granted a lease of 125 years at a peppercorn rent for the use of the building as a medical centre.
- A further planning permission, reference WEST/756/97/FUL, dated 19 February 1998 allowed for a first floor extension and new roof with additional accommodation within roofspace and single-storey rear extension to the Medical Centre.
- This second planning permission was accompanied by an Agreement under section 106 of the Town and Country Planning Act 1990
- The Agreement contains six obligations, namely:
 - That the number of general practitioners qualified medical advisers

and nursing staff seeing and consulting with patients within the surgery at any one time shall be limited to 8

- That the number of non-medical ancillary staff attending the surgery in the course of their employment shall at any one time be limited to 13
 - That the total number of NHS or private patients eligible by virtue of registration to receive treatment within the surgery shall be limited at any one time to 12,000 patients
 - That all qualified medical practitioners practicing within the surgery will give written consent to the Harrow and Brent Family Health Services Authority to provide every 6 months or on request details of the latest group capitation figure for the practice otherwise known as “the group list size” and details of individual practitioners’ capitation figure if requested
 - That on request of the Local Planning Authority each medical practitioner practicing within the surgery shall give details of their capitation figure (to include in-patients and out-patients) otherwise known as “the patient list size” within fourteen days of request
 - That the surgery shall only be open to patients visiting the surgery between the hours of 8am and 8pm on Mondays to Saturdays only except in the case of emergencies
- The proposed release of the Agreement is to remove these restrictions to allow for better patient services to be provided by the surgery
 - The Planning Committee previously resolved on 13th October 2010 to discharge obligations 1, 2, 3 and 6 (relating to staff numbers, list sizes and opening hours) of the s.106 Agreement. The remaining obligations (4 & 5) are linked to group and patient list sizes and do not stand on their own.
 - This application therefore seeks to fully discharge all the obligations of the s.106 Agreement.

d) Relevant History

LBH/41103	Two/Single storey building to provide G.P. Surgery	Granted 17-Jan-1992
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WEST/756/97/FUL First floor extension and new roof Granted
with additional accommodation 23-Feb-1998
within roofspace and single-storey
rear extension to the Medical
Centre

e) Applicant Statement

- Health care provision has been transformed in the past ten years with a move to provide patient-centred care at local and convenient premises.
- Elliott Hall Medical Centre seeks to increase the range of services available to patients, including greater flexibility in opening times.
- Increased demand for patient services and proposed changes in GP commissioning indicate that more services could be provided within the centre, which would require more staff and the use of the upper floors for consultation
- Early morning and evening patient appointments would cater for changing needs of patients
- Parking restrictions in the vicinity assist in mitigating traffic impacts of the surgery
- The Local Primary Care Trust is seeking to reduce the number of GP surgeries, while maintaining the total number of GPs. Elliott Hall Medical Centre is ably equipped to provide services to a larger list size and would accord with the government's commitment to abolish practice boundaries and allow patients free choice of where to register.

g) Consultations

Hatch End Association: Although we are mindful to support this application we would like to see more details about the proposed variation of the S106 Agreement with regard to the hours of opening, number of staff expected to be on site and any one time and the number of patients overall. We note the applicant's comments about the ease of congestion along the Uxbridge Road with the restriction on the northside but parking should be encouraged in the Arts Centre car park or Morrison's especially concerning parents with young children as the

Uxbridge Road remains hazardous.

Design and Conservation Officer: This would preserve the appearance of the statutorily Listed Elliot Hall

Advertisement Setting of a Listed Building Expiry: 07-Oct-2010

Notifications:

Sent : 14 Replies : 0 Expiry: 28-Sep-2010

Neighbours consulted:

132, 134, 136, 138, 140, 142, 155, 157, 159, 163, 167, 169, 171, 179 Uxbridge Road

Hatch End Arts Centre

Summary of Responses:

- N/A

APPRAISAL

1) Health Care Provision, Transport Impacts, Residential Amenities (D4, T6, C8)

The application is being recommended for approval as the restrictions in the s.106 legal agreement restrict the ability of the Medical Centre to provide a more comprehensive range of primary health care services.

Changes in government policy with respect to primary healthcare place a greater emphasis on the provision of a greater range of services at GP surgeries, and for the services to be available at times that are more suited to the needs of patients.

Furthermore, the coalition government is keen to implement GP commissioning which would result in surgeries providing services independently of the Primary Health Care Trust. This change would render the reporting requirements in obligations 5 & 6 of the original s.106 Agreement redundant.

A primary reason for the restrictions being imposed in 1998 related to concerns over excessive parking on the Uxbridge Road. Since then, parking restrictions on the north side of Uxbridge Road have been introduced and are enforced, which helps ensure the free flow of traffic on this London Distributor Road.

In addition to the four parking spaces available to the surgery at the Harrow Arts Centre car park, patients are also permitted to park at the nearby supermarket car park. It is considered that this reason for the imposition of the restriction is no longer relevant.

There are residential properties on the north side of Uxbridge Road, and the principle consideration of the proposed modification of the s.106 Agreement is the impact this could have on the residential amenities of these occupiers.

The lifting of restrictions on the number of staff, both medical and ancillary, employed at the surgery, together with the removal of the limit of the patient list size, would result in increased comings and goings at the site. Similarly, the removal of restrictions on opening hours would potentially extend the hours of such comings and goings earlier in the mornings, later in the evenings and potentially on Sundays. As noted above, other changes in the provision of primary health care would render the reporting requirements obsolete.

However, as noted above, Uxbridge Road is a London Distributor Road which has high levels of traffic flows, even outside peak hours. Furthermore, the surgery is close to both the Harrow Arts Centre and a superstore, both of which attract traffic movements in their own right.

Given that the surgery is on the opposite side of the road to the nearest residential properties, and the established uses and traffic flows in the area, any potential harm that would result from the proposed changes would not have a significant impact on the residential amenities of those properties.

The discharge of the obligations in the s.106 Agreement would allow for greater flexibility in the provision of healthcare at the site for local people, and the benefits that this would bring outweigh any potential harm to the amenities of the area.

2) S17 Crime & Disorder Act

The proposal would have no impact with respect to this legislation.

3) Consultation Responses

The concerns raised by the Hatch End Association have been addressed in the appraisal.

CONCLUSION

For the reasons stated above it is considered that the release of the Agreement is acceptable as it would enable the Elliott Hall Medical Centre to provide suitable and comprehensive medical services in the area and would accord with general government policy on the provision of primary health care.

Plan Nos: 8205 Issue B