

REPORT FOR: CABINET

Date of Meeting:	15 December 2011
Subject:	Draft Local Development Order North Harrow Consultation Document
Key Decision:	Yes
Responsible Officer:	Stephen Kelly, Divisional Director Planning Services
Portfolio Holder:	Councillor Keith Ferry, Portfolio Holder for Planning, Development and Enterprise
Exempt:	No
Decision subject to Call-in:	Yes
Enclosures:	Appendix A: Draft Local Development Order Appendix B: Statement of Reasons for the Local Development Order Appendix C: Area Map for Local Development Order Appendix D – Recommendation from LDF Panel – 8 December – To follow

Section 1 – Summary and Recommendations

Harrow Council wishes to create a Local Development Order to help regenerate North Harrow District Shopping Centre. The intention is to enable changes of use within parts of the centre between different use classes without the need for planning permission to help revitalise this important shopping centre which is currently suffering from a high rate of empty shop units.

Reducing the time taken to enable occupancy of existing vacant units will help address a reported barrier to new business occupying uses and will support other activities being promoted in North Harrow to help its vitality and regeneration.

Recommendations:

Cabinet is requested to:

- Approve the Draft Local Development Order and the accompanying documents for purposes of a four week period of public consultation
- Delegate authority to the Divisional Director of Planning, in consultation with the Portfolio Holder for Planning, Development and Enterprise to make minor drafting or typographical changes to the content of the documents, if required, prior to public consultation.

Reason: (For recommendation)

To enable consultation to commence on proposals for a Local Development Order in North Harrow to support the regeneration of this important District Shopping Centre in line with the Corporate Policies of supporting our town centre, local shopping centres, and businesses.

Section 2 – Report

Introduction

North Harrow District Shopping Centre has been identified as a priority area for action to reduce vacancy rates within the District Shopping Centre.

The Council is already beginning to work with local traders supported by the Outer London Fund.

The regeneration of North Harrow District Shopping Centre will make a contribution to the Borough's corporate priorities by supporting our local shopping centres and businesses

Options considered

Option 1. Do nothing.

Given the emphasis on regeneration that the Council is committed to in its corporate priorities, the do nothing option is not considered appropriate.

Option 2. Bring forward a local development order without restricting the types and location of new uses.

It is considered that unrestricted changes to new uses within North Harrow District Centre could potentially harm the area and the amenities of the local residents.

Option 3 Bring forward a measured and limited Local Development Order.

To support the vitality and viability of North Harrow District Shopping Centre it is proposed that the Local Development Order be limited to specific parts of the shopping centre as well as for specific classes of uses (applicable to the town centre) only. The aim of the Local Development Order is to ease the regulatory burden on business and reduce the uncertainty of what would or would not be an appropriate use within area of the Local Development Order.

Background

Following the closure of the Safeway supermarket in North Harrow in 2003, the area has been affected by a significant decrease in footfall, as a result of which businesses have closed and North Harrow as a shopping centre has declined.

In November 2010 an initial partnership meeting was held with ward councillors, residents, and businesses, to discuss the future of North Harrow as a shopping centre.

A survey undertaken by the Council in June 2011 revealed that total percentage vacant frontage within North Harrow District Shopping Centre is 20.28% which is more than double the next highest rate in the other District shopping centres in the Borough.

Current situation

The Council's aim is to break the cycle of decreasing footfall and business closures in North Harrow.

The need for planning permission is often regarded as a barrier to new business start-ups. Equally, the perceived inflexibility, cost, and time (2 months) usually required to enable occupancy can be perceived to undermine the pace of delivery and change.

Reducing the time taken to enable occupancy of existing vacant units will help to secure the early delivery of new businesses and activities into North Harrow District

To support the work of the newly created North Harrow partnership it is envisaged that the creation of a LDO will encourage businesses to relocate to this area in the knowledge that the process for obtaining consent for uses specified in the LDO will be removed, thereby providing greater certainty to potential new businesses.

What would a proposed Local Development Order for North Harrow Do

The ultimate objective of the LDO is to assist in reducing the proportion of empty shop frontages in North Harrow District Centre. Harrow Council will work with other stake holders, such as the Town Centre Partnership, to help with other initiatives designed to help achieve this objective including;

The consultation on an LDO therefore seeks responses to the proposals to grant planning permission for changes of use only between the following use classes

- A1 Retail
- A2 Finance and Professional Services
- A3 Cafes and Restaurants
- B1 a Offices
- D1 a Non Residential institutions

Next Steps

The consultation exercise will be for a four week period, following which the consultation responses will then be assessed and any further changes made to the LDO if necessary. Officers will then report back to the LDF Panel and to Cabinet seeking authorisation to submit the final LDO to the Secretary of State.

Implications of the Recommendation

It is hoped that the Local Development Order will assist in the process of securing occupiers for the empty shops by reducing uncertainty and regulatory burden and broadening the range of uses to which units can be put.

All of the proposed uses in the Local Development Order are considered not to conflict with the objectives of the town centre regeneration policy objectives, although uses outside of Class A1 would be contrary to Unitary Development Policies EM16 Change of Use of Shops - Primary Shopping Frontages and EM 17 Changes of Use of Shops – Secondary Shopping Frontages

The Local Development Order process allows the Local Planning Authority to impose conditions to protect the amenities of adjoining occupiers. The proposed conditions and informatives are as set out in (Appendix A)

Given the configuration of properties in the district centre, with residential flats above shops it is considered appropriate given the range of uses permitted, to limit the extent of the permission in some cases (such as D1) and to control hours of use. For those uses that involve larger units, or wish to open earlier or later, a planning application allowing the LPA to consider the specific circumstances would be required. Given the mix of building types /designs, proposals for physical alterations to the building including shopfronts and extensions will also still require planning permission.

If the Draft Local Development Order were to be approved subject to the consultation response the proposed changes to permitted development rights for uses identified within the LDO (as set out in Appendix A) and the area map, (Appendix C) will support the objectives set out in the regeneration plan for North Harrow.

Legal Comments

The Council has powers under section 61A(2) of the Town and Country Planning Act 1990 to make local development orders ("LDO) granting planning permission for the classes of development specified in the order.

When making an LDO, the Council is required to carry out a consultation exercise on the LDO for a minimum four week period and take any representations received into account before submitting the LDO to the Secretary of State.

Financial Implications

The cost of the consultation process for the Draft Local Development Order will be funded as part of the project cost for works and actions proposed in the Outer London Fund Round One submission award. There is no impact on the budget.

Implication for the loss of planning fee revenue. An investigation of the planning history for Harrow District Shopping Centre has revealed that 65 planning applications were submitted between January 2006 and November 2011. Of the 65 planning applications submitted approximately a third were for types of development that would still require the submission of a planning application. Given that only 65 planning applications were submitted in nearly a five year period it is considered that the impact on planning fee revenue will be minimal.

Performance Issues

If the Draft Local Development Order were to be approved subject to the consultation response' it is believed that the implementation of the Local Development Order will Support, our local shopping centres and businesses.

Performance indicators will be

- the percentage of shop frontage
- the number of empty units

Success will be measured by a decrease in the number of empty shop units.

Environmental Impact

An environmental impact assessment of the proposals is not considered necessary. The Town and Country Planning (EIA) Regulations 1999 as amended contains indicative thresholds for the purposes of screening planning applications.

Given the size of units in North Harrow affected by the proposed Local Development Order and the conditions limiting the terms of uses permitted, it is not considered that the proposals warrant an EIA.

Risk Management Implications

There is a risk that the Draft Local Development Order may not be considered as the preferred option for revitalising North Harrow as a shopping destination.

Equalities implications

As part of the consultation process for the Draft Local Development Order key equality groups will be included as part of the public consultation process. The consultation Draft of the LDO will be subject to an Equality Impact Assessment screening which will be included in the documentation made available for consultation.

Corporate Priorities

The regeneration of North Harrow District Shopping Centre will make a contribution to the Borough's corporate priorities by supporting our town centre, local shopping centres and businesses

- Supporting our town centre, our local shopping centres and businesses.

Section 3 - Statutory Officer Clearance

Name: Jennifer Hydari	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 25 November 2011		
Name: Abiodun Kolawole	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 25 November 2011		

Section 4 – Performance Officer Clearance

Name: Martin Randall	<input checked="" type="checkbox"/>	on behalf of the Divisional Director Partnership, Development and Performance
Date: 25 November 2011		

Section 5 – Environmental Impact Officer Clearance

Name: Andrew Baker	<input checked="" type="checkbox"/>	on behalf of the Divisional Director (Environmental Services)
Date: 7 December 2011		

Section 6 - Contact Details and Background Papers

Contact: Andrew Clements Local Development Officer , 6535

Background Papers: London Borough of Harrow Outer London
Fund Round One Submission July 2011

**Call-In Waived by the
Chairman of Overview
and Scrutiny
Committee**

NOT APPLICABLE

[Call-in applies]