

REPORT FOR: CABINET

Date of Meeting:	8 March 2012
Subject:	Draft Local Development Order Public Consultation Response
Key Decision:	Yes
Responsible Officer:	Stephen Kelly, Divisional Director of 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 - Consultation Leaflet Appendix E - Consultation Area Map Appendix F- Consultation Responses

Section 1 – Summary and Recommendations

This report seeks to inform Cabinet of the outcome of the public consultation exercise carried out on the Draft Local Development Order for North Harrow District Shopping Centre (the LDO). Authority is also being sought to submit the LDO to the Secretary of State.

Recommendations:

- That the LDO annexed at Appendix A be submitted to the Secretary of State for consideration.
- That, subject to no adverse comments being received from the Secretary of State, the Portfolio Holder for Planning, Development and Enterprise be authorised to adopt the LDO for a period of three years.

Reason: (For recommendation)

To enable the implementation of the Local Development Order in North Harrow District Shopping Centre to support the regeneration of this important District Shopping Centre in line with the Corporate Priorities of supporting our town 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.

To support the work of the newly created North Harrow partnership the Council has engaged with residents and businesses to create a Local Development Order (LDO). The aim of the Local Development Order is to encourage businesses to relocate to North Harrow in the knowledge that the process for obtaining consent for uses will be much less risky and more certain.

Options considered

Option 1 Do Nothing

The Council could take a cautious approach and drop the proposal for the Local Development Order and maintain the existing primary and secondary frontage designations which only allows for limited changes of use away from A1 (shops). Whilst it is important to maintain a key retail role for parts of North Harrow it is considered that certain parts of the District Shopping Centre require a greater degree of flexibility in terms of potential uses.

Given the level of support for the principle of the LDO it is considered appropriate to implement the order.

Option 2 Extend the extent of the Local Development Order

The consultation questionnaire, sought views in respect of the extent of the LDO. From the responses received there is limited support to expand the extent of the order, (see Consultation Responses Schedule).

Given the potential risks associated with extending the LDO at this stage, the limited level of support for this option and the scope to expand the extent of the order in the future, following appropriate monitoring of the impact, it is considered that Option 2 should not be followed at this time.

Option 3 Adopt the Local Development Order as set out in the Appendix A

Given the level of support for the principle of the LDO it is considered appropriate to implement the order. It is recommended that the Council adopt the LDO as set out in Appendix A

Consultation

At its meeting of 15th December 2011, Cabinet approved a Draft Local Development Order and its accompanying Statement of Reasons for consultation.

The Statutory Public consultation for the Local Development Order started on the 19th January and ran until the 24th February. The consultation was disseminated through a variety of different means including the display of site notices on street throughout the North Harrow District Shopping Centre, a press notice in the Harrow Observer. Approximately 2,000 Revitalising North Harrow leaflets were delivered to households and businesses in the North Harrow Area. Hard copies of the Local Development Order and associated documents were also available to view in the North Harrow and Civic Libraries as well as the Civic main reception. Details of the Local Development Order and associated documents were also available on the council's website along with a North Harrow Local Development Order Survey Questionnaire

Responses to date

To date (23 /2/ 2012) are 35 consultation responses have been received. The consultation included a questionnaire, which sought responses to specific questions (Appendix F). The responses received support the principle of the LDO albeit that there appears to be some confusion around the extent of hot food uses permitted by the order from some respondents. Amongst a wide range of comments on the vitality of the centre, and the need for other measures to address the current decline, few respondents sought to amend the terms of the order. Those who did have suggested that the area covered by the order be extended to incorporate the entire centre. The response of those who completed the questionnaire is summarised below. Detailed comments are included in Appendix F.

Questions	Yes	No
Q1 Do you support the principle of introducing a Local Development Order within North Harrow	35	0
Q2 Do you support the defined area of the Local Development Order	31	4
Q3 Do you support the proposed changes of uses to be allowed within the area of the Local Development Order for North Harrow District Shopping Centre	32	3
Other Comments		
Q4 Do you have any other comments on the Local Development Order for North Harrow District Shopping Centre	24	11

Summary of Other Comments

Other comments received relating to North Harrow District Shopping Centre related to:

- The limited choice of shopping in North Harrow
- The lack of Banks or Buildings Societies within North Harrow
- Problems associated with parking enforcement, parking charges and advertisement of parking concessions
- The lack of progress in getting the former Safeways site occupied
- Concern about number the number of existing Take-aways and Hot food Outlets in North Harrow

- Concerns about the quality of the street environment, litter, lost street trees, poor quality shopfronts
- Concerns about the under-used local cycle network on the pavement.
- Concerns about the lack of adequate pedestrian crossing facilities at the Station Road and Pinner Road junction

Comment on the consultation responses

The LDO aims to stimulate and revitalise the shopping centre. Based upon the responses, it is considered that the aspirations and scope of the LDO will compliment the aspirations expressed through the consultation and that the Order should be progressed. It is considered 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.

The proposed uses in the Local Development Order are not considered 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

There was a limited appetite for extending the LDO to the entire centre, albeit that this suggestion arose from engagement with elected members. The original rationale for identification of the extent of the LDO, was based upon areas of observed vacancy or those perceived to be on the periphery of the town centre. Officers are also concerned that the “hope value” created within the primary retail area arising from the new flexibilities might impact upon rents and, rather than reverse the loss of retail units in the town centre, might lead to increasing “churn” in the occupancy. Advice from the Councils commercial property team suggests that whilst retail may be the highest value use, the balance is marginal and the freedoms to change uses may have an impact on hope value.

There is scope to review the impact of the order. In the event that the monitoring process suggests that expanding the order to encompass the primary retail area is desirable, this option can be considered further in the future. Given the risks above, officers therefore consider that for the time being, the area covered by the order is not extended.

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.

Before adopting the LDO, the Council is required to submit a copy of the LDO to the Secretary of State. The Secretary of State may direct the Council to modify the LDO.

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 promote the Corporate Priority of Supporting Town Centre, our local shopping centres and businesses.

Performance indicators will be

- the percentage of occupied shop units
- 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.

The Environmental Impact Assessment Screening Opinion has been undertaken and is available for viewing by the general public on the Councils Local Development Order website.

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

Was an Equality Impact Assessment carried out? Yes

No adverse impact on any equality groups has been identified.

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: 24 February 2012		
Name: Abiodun Kolawole	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 27 February 2012		

Section 4 – Performance Officer Clearance

Name: Martin Randall	<input checked="" type="checkbox"/>	on behalf of the Divisional Director Partnership, Development and Performance
Date: 27 February 2012		

Section 5 – Environmental Impact Officer Clearance

Name: Andrew Baker



on behalf of the
Divisional Director
(Environmental
Services)

Date: 27 February 2012

Section 6 - Contact Details and Background Papers

Contact: Andrew Clements Local Development Officer
Ext: 6535

Background Papers:

Draft Local Development Order
Cabinet Committee Report 15th December 2011
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]