

**Planning Statement
relating to
Proposed Community Centre
at
34 and 36 Canterbury Road (HA1 4PE)
North Harrow Assembly Hall, Station Road (HA2 6AE)
and
Nos. 37 and 39 Gloucester Road (HA1 4PR)
North Harrow, Middlesex**

(Known as North Harrow Community Centre (NHCC) Project)

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on behalf of
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15th July 2010

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1.0 EXECUTIVE SUMMARY

- 1.1 B W Foundation Ltd (BWF Ltd) is a Registered UK Charity.
- 1.2 It is an offshoot of Battlers Well Foundation (BWF); also a registered Charity which was established in 1983.
- 1.3 BWF's membership consists mainly of East African Asian Muslims who entered the UK in the early 1960s/70s. Mostly professionals, they are now permanently resident in the UK and developed BWF to serve the needs of their community in Harrow and surrounding locality.
- 1.4 North Harrow Assembly Hall was purchased from Harrow Council in 1992 and is the centre of their activities.
- 1.5 BWF Ltd always had aspirations to establish a larger and better Community Centre on the site. In mid-2003 they therefore resolved to work with the wider Muslim community and non-Muslim organisations in Harrow and its surroundings in order to develop a landmark project to be of particular attraction to the youth of Harrow whilst providing an outstanding Community Centre for their members' own use but with the ability to serve a wider community.
- 1.6 To that end BWF Ltd appointed a team of consultants to design a state-of-the-art facility to be known as the North Harrow Community Centre (NHCC).
- 1.7 On 7th July 2008, following pre-application meetings with local authority officers, analysis of the public response following exhibitions and consultations, other consultations with various agencies and parties, a planning application for the demolition of all the existing buildings on the site and the erection of a Community Centre comprising a Sports Hall, Gyms, Prayer Hall for up to 200 people, Library, Children's Play Centre, ancillary Café/Restaurant together with 8 no. flats and a 24 bed Nursing Home was submitted to Harrow Council. The proposal included the excavation of basement areas to provide the Sports Hall in the northern part of the site and 42 car parking spaces at the southern end.
- 1.8 Despite discussions and negotiations, the authority refused planning permission to that application at its Planning Committee meeting in July 2009 for the following, summarised, reasons:-
 - “1. The proposal would result in an unsafe development in an area with a high probability of flooding and was likely to result in flood risk elsewhere”.

- “2. The proposal would appear bulky, obtrusive, overbearing and over dominant and would have a detrimental effect on the amenities of neighbouring occupiers”.
- “3. The proposal would represent an overdevelopment of the site to the detriment of neighbouring residential amenity, the free flow and safety of vehicular traffic and pedestrians on the public highway and to the character and appearance of the area”.

1.9 Following that decision, and as a result of further pre-application meetings with officers and other agencies, the current revised scheme has been prepared. This was subject of a Public Exhibition on June 19th 2010 as part of the ongoing public exhibitions and consultation process previously undertaken.

1.10 The amended scheme is much reduced from that which was refused planning permission ie:-

- In order to meet the Environment Agency’s requirements the footprint of the development has been reduced to be the same as the current footprint of the buildings on the site.
- A 3 metre clear ‘buffer zone’ is to be maintained to the Yeading Brook culvert running through the site.
- These amendment not only address the flood risk issue and the requirements of the council’s drainage section but also ensure a greater sensitivity to the local area with an opportunity for providing more public space and green spaces.
- Two separate buildings are now proposed.
- In agreement with the council no residential accommodation is proposed. The development now comprises a Community Centre in the northern building with a Children’s Play Centre in the smaller, southern building at the corner of Gloucester Road.
- The basement excavation for 42 cars has been omitted and, in its place, surface parking for 31 cars, with 29 of those spaces in the position of the present car parking on site, is now proposed.
- Whilst the height, bulk and floorspace of the proposal have all been reduced *the design concept*, which has not been subject of any reason for refusal or criticism by the council, *has been maintained*.

1.11 The revised scheme comprises, in the northern building:-

- Once again, a Sports Hall at basement level providing a five-a-side football pitch capable of being converted into four badminton courts.
- Separate Female and Male Gyms with a small Beauty Salon.
- At ground floor level a Prayer Area capable of accommodating up to 200 people, an ancillary Restaurant/Café for visitors to the Community Centre and a multi-purpose Exhibition space.
- At first floor level a Library and Seminar Room. (With a further Seminar Room in the Basement).
- At second floor level, at the corner of Canterbury Road, there will be ancillary management offices.

1.12 The separate, southern building will be used as a Children's Play Centre to be run as a commercial concern open to all members of the public.

1.13 A feature of this revised scheme is that because of the reduction in the footprint of the building and the provision of the 'buffer zone' to the culvert there is now an extensive open area between the proposed buildings and the adjacent residential properties in Cumberland Road which is going to be laid out as a series of themed gardens; incorporating the external car parking area into the landscaped treatment. Furthermore, a Green Wall is to be introduced on the east elevation of the building facing the rear elevations of those dwellinghouses.

1.14 The Harrow Cultural Strategy 2006-2008: Update was published just before submission of the last application. That document has not been updated and so the following quotation from para 3.2, relating to Cultural issues, remains relevant:-

“The council's first Cultural Strategy was produced (in 2003) by following the DCMS recommended route of developing key strategic aims out of an extensive research and consultation process. The aims chosen were:-

- **Help improve the quality of life by widening opportunities for participation and enjoyment.**
- **Promote the conditions for a culturally inclusive Harrow.**

- **Stimulate the cultural economy and its contribution to making Harrow a vibrant and exciting place.**
- **Promote Harrow's cultural assets – people, buildings, spaces and achievements”.**

1.15 Since submission of the last application Harrow's Sustainable Community Strategy was published in March 2009. One of the six key visions is:-

“Harrow will be known for its diverse community, which we celebrate, and value. There will be better cohesion and a greater focus on communities working together to help themselves and provide support to vulnerable and at risk groups. People will feel safer and be treated with dignity and respect. There will also be a balance between universal and separate services for our different communities”.

- 1.16 This Project will fulfil all of these aims of the Cultural and Sustainable Community Strategies. The redevelopment of the existing out-dated, run down and unattractive buildings on the site with a purpose built Community Centre, with additional sports and community facilities, situated in a sustainable location close to the North Harrow Shopping Centre must be seen as being fully compliant with all National, London Plan and UDP policies.
- 1.17 It is submitted that the accommodation itself will not only be an important asset to the Borough but the Centre will be a landmark building in Harrow.
- 1.18 Once again, the applicants requested a Screening Opinion and the council have confirmed by letter dated 5th July 2010 that it is "of the opinion that the development proposed is not EIA development".
- 1.19 Furthermore, a PPS25 Sequential Test Report was submitted in April and the council have confirmed by letter date 29th June 2010 that they accept its conclusions ie that there are no other reasonably available sites suitable and appropriate for the proposal.
- 1.20 It is considered that this revised scheme has addressed all of the criticisms and concerns raised in the council's refusal of planning permission of July 2009 and Harrow Council is respectfully requested to grant planning permission.

2.0 INTRODUCTION

- 2.1 This Planning Statement accompanies a full planning application made on behalf of B W Foundation Ltd for the development of Nos. 34 and 36 Canterbury Road, the site of the North Harrow Assembly Hall, Station Road and Nos. 37 and 39 Gloucester Road, North Harrow, Middlesex.
- 2.2 The proposal is for the demolition of all the existing buildings and the construction of a new building to be known as the North Harrow Community Centre (the "NHCC") comprising a Sports Hall, Female and Male Gyms with associated Beauty Salon, Prayer Area for up to 200 people, Library and Seminar Rooms, ancillary Café/Restaurant and Children's Play Centre.
- 2.3 The application is accompanied by the following documents:-
- 4 no. copies of **1APP Form** with Certificate B.
 - 1 no. copy of topographical drawings prepared by R G Surveys Ltd.
 - 1 no. set of Mangera Yvars Architects' drawings.
- 2.4 Furthermore, in addition to this revised Planning Statement the application is accompanied by the following revised and updated reports:-
- Design and Access Statement: Mangera Yvars Architects.
 - Flood Risk Assessment: WSP Development & Transportation Ltd, which also incorporates the Drainage Design agreed with London Borough of Harrow
 - Consultation Statement: PPS (Local and Regional) Ltd setting out the continuing Public Consultation Process.
 - Sustainability and Environmental Planning Report: ZEF Ltd.
 - Transport Assessment: Mentor Milestones Ltd.
 - Green Travel Plan (Pre-Construction): Mentor Milestones Ltd.
 - Tree Survey and Arboricultural Implication Assessment: Hayden's Arboricultural Consultants.

- 2.5 The following reports are re-submitted as originally prepared:-
- Ground Investigation Report: Soiltechnics Ltd.
 - Report of Classification of Waste Soils for off-site Disposal: Soiltechnics Ltd.
 - Survey and Maintenance Manual for Culvert: Up and Under Ltd.
 - Habitat and Bat Survey: Middlemarch Environmental Ltd.
- 2.6 The following additional reports are submitted:-
- PPS 25: Sequential Test Evidence Base Report: Icen Projects Ltd .(As stated at para 1.19 the council have recently agreed the contents and conclusions of this report).
 - Flood Evacuation Plan: WSP Development & Transportation Ltd.
 - Culvert Replacement Method Statement: Quensh Consultancy Ltd.
 - Noise Impact Statement: The Equus Partnership.
 - BREEAM Pre-assessment: ZEF Ltd.
 - Lighting Assessment: ZEF Ltd.
 - Compliance with Previous Planning Refusal: Mentor Milestones Ltd
- 2.7 Since this application is submitted within 12 months of the date of refusal of the previous application (24th July 2009) and permission is sought for a development of a similar character, albeit smaller, and is submitted by the same applicant and relates to the same site, an application fee is not required.

3.0 BACKGROUND TO THE APPLICATION

B W Foundation Ltd (“BWF Ltd”)

- 3.1 The applicant is B W Foundation Ltd (“BWF Ltd”); an incorporated company registered at Companies House (Reg. No. 6324340) as well as being a Registered UK Charity (No. 1121549).
- 3.2 B W Foundation Ltd has been specifically set up to carry out this Project.
- 3.3 It is an offshoot of Battlers Well Foundation (BWF) (UK Charity Registration Number No. 328421), which was established in 1983. BWF owns the Assembly Hall site. Its membership consists mainly of East African Asian Muslims who entered the United Kingdom in the early 1960s/70s as students. This group of people, mostly professionals, are now permanently resident in the United Kingdom and developed the organisation essentially to serve the needs of their community in Harrow and surrounding localities. Their activities are held in the prefabricated buildings known as North Harrow Assembly Hall; which were purchased from Harrow Council in 1992.
- 3.4 BWF have always had aspirations to demolish the rather run down and unattractive buildings and to establish a larger Community Centre on the site. In fact, shortly after their purchase in the mid-1990s they considered a project but it was not possible to bring those plans to fruition.
- 3.5 Having been established for a number of years and having reached a certain level of intellectual and, most importantly, financial maturity, BWF has set up BWF Ltd since it is now able to work with the wider Muslim community and non-Muslim organisations in Harrow and its surroundings and aspires to develop a landmark project to be of particular attraction to the youth of Harrow whilst providing an outstanding Community Centre for their members’ own use but with the ability to serve a wider community.
- 3.6 To that end BWF Ltd is proposing to build this state-of-the-art facility which is to be known as the North Harrow Community Centre (the NHCC).
- 3.7 Whilst the new NHCC will continue to fulfil its present functions it will also be open to people of all ethnic and religious backgrounds. Amongst its aims will be the creation of harmonious, interactive and vibrant groups for young people who will develop into committed citizens to serve their community and contribute to the well-being of the community and the Nation.
- 3.8 A measure of the commitment of BWF Ltd as a whole and of certain individuals within BWF itself can be gauged by the fact that the

professional fees incurred in connection with both the previously refused and this scheme have been paid by voluntary contribution.

- 3.9 Dr Nizar Merali, a General Practitioner in Harrow and a Trustee of BWF, took a sabbatical year to be Project Leader during the submission of the previous application. Subsequently he has been working part-time in order to continue to devote his time to the Project. In addition, another Trustee, Mr Riyaz Versi has been giving his professional time voluntarily.
- 3.10 This is not to under-estimate or leave unacknowledged the considerable amount of time that other members of the community have contributed to the Project.
- 3.11 In addition, a number of the consultants have contributed some of their professional time at no cost or at reduced fee rates.

Ownership

- 3.12 At the present time BWF Ltd does not own any of the properties but they can readily obtain control over the entire application site.
- 3.13 To explain the ownerships listed in Certificate B:-
- (a) Nos. 34 and 36 Canterbury Road are owned by the Trustees of the Imam Sahe-Bu-Zaman Trust. The majority of the Trustees are members of the BWF community and have agreed to transfer the freeholds to BWF Ltd to carry out this development;
 - (b) As previously stated, the Assembly Hall Site is owned by the BWF; the parent organisation;
 - (c) No. 39 Gloucester Road is owned by Zaamin Investments Ltd and operates as a Children's Nursery. Zaamin have given a written undertaking to sell their property to BWF Ltd; and
 - (d) No. 37 Gloucester Road was privately owned but following the earlier discussions with the London Borough of Harrow it was decided to acquire the property. It is subject to a contract to purchase by Dr Nizar Merali (a Trustee of BWF) with an extended completion period.
- 3.14 The purchase of these additional properties is a further illustration of the commitment of the community to this Project.
- 3.15 This information is verifiable by the applicants' Solicitors: Hunter Peddell Property Law, Albany House, Claremont Lane, Esher, Surrey, KT10 9DA.

- 3.16 BWF Ltd, therefore, will have control over the application site and the development will be carried out in one continuous operation. The present owners have agreed to enter into any Section 106 Agreement required in their capacity as the current owners. In addition, if considered necessary BWF Ltd are willing to be a party to any Section 106 Agreement as the ultimate owner and developer.

Budget

- 3.17 The current anticipated cost of construction is £12m which, together with £4m for land acquisition costs and anticipated total professional fees of £1.5m; making a total of £17.5m.
- 3.18 Whilst BWF Ltd intends to apply for funding from various sources; including Local, Central Government and Europe, it will predominantly rely upon private well-wishers both from its own community, locally and nationally.
- 3.19 Although commercial considerations have to be taken into account it must be remembered that this is a voluntary community project. It is stressed that 'community' means not only the members of BWF but also the wider public of Harrow. In that respect, therefore, there are non-commercial decisions being taken in connection with the scheme and also the pace of its evolution has been somewhat slower than a commercial project by a property developer would have been.
- 3.20 The life cycle and operational costs of the NHCC will be covered by the commercial operation of the building where revenue from the various activities such as the Children's' Play Centre, Sports Hall, Gym and ancillary Restaurant/Café will support ongoing maintenance and running costs.

Pre-Application Meetings and Public Consultation relating to Previous Application.

- 3.21 It is important to remember that this revised application is part of a process which began seven years ago.
- 3.22 It is considered necessary, therefore, to refer to all the discussions and negotiations that BWF have had with regard to this Project since it began to evolve in mid-2003 when they formed a Project Team with a remit to develop a vision for a new Community Centre.
- 3.23 Since then there has been a number of changes to the planning regime; including publication of revised Government advice but more particularly the publication in June 2009 of the Harrow Strategic Flood Risk Assessment which designated the site as falling within a Flood Risk Zone 3b area. This designation has had a profound effect on the content and form of the project.

- 3.24 Returning to the situation in mid-2003 the Project Team had discussions with various parties and consulted their members as to what aspirations they had for a new Centre. In April 2004 a presentation was given at the Assembly Hall for Local Councillors. Investigations by the Project Team continued with visits to various other Community Centres in the UK and in late 2004/early 2005 several architects were interviewed.
- 3.25 The Project continued to evolve with discussions within the Project Team and gained greater momentum in mid-2006 when Local Councillors and representatives of Local Residents Associations were invited to a meeting when the Project was explained to them.
- 3.26 In the course of their investigations the Project Team became aware of the work of Mangera Yvars Architects and it was decided to appoint them to design the project in September 2006.
- 3.27 At the outset the Project was discussed, in principle, with the London Borough of Harrow's then Head of Planning, Mr Graham Jones.
- 3.28 Initially it was proposed to develop only the Assembly Hall site and Nos. 34 and 36 Canterbury Road; which properties were then under the direct control of BWF. However, on the recommendation of Mr Jones the Architects considered incorporating Nos. 37 and 39 Gloucester Road in order to produce a more satisfactory scheme relating better to the North Harrow Shopping Centre.
- 3.29 Conceptual drawings were prepared and subject to a pre-application meeting with officers of the London Borough of Harrow on 22nd March 2007. At that time the project comprised a Community Centre, 22 no. residential flats and a 24 bed Nursing Home.
- 3.30 The local authority officer's reaction to the principle of the scheme was generally favourable but they expressed concerns about the amount of development proposed. In that respect, it is to be noted that in the very first pre-application consultation letter dated 2nd April 2007 it was stated, amongst other things:-
- “The redevelopment of an existing community use and its replacement with a new community facility is considered to be acceptable in principle. “**
- 3.31 A less bulky scheme, omitting at that stage the Nursing Home element, was therefore discussed at a further pre-application meeting at the London Borough of Harrow on 12th April 2007.

3.32 Following this meeting it was decided to reduce the bulk of the building further prior to undertaking a Public Exhibition at the Assembly Hall on Friday 21st and Saturday 22nd September 2007. The scheme subject of that Exhibition comprised:-

- Sports Hall for five-a-side football capable of accommodating 4 no. badminton courts.
- Two Gyms.
- Children's Play Facilities.
- Prayer Room for up to 200 people.
- Library.
- Seminar Rooms.
- Food Court.
- 37 flats of which one was three bedroom, 23 were two bedroom and 13 were one bedroom.
- Basement parking (at one level) for 23 cars in the southern part of the site.

3.33 The results of the Public Consultation were set out in the PPS Report accompanying the previous planning application. As a direct result of the 'feedback' a number of amendments were carried out and the subject of another pre-application meeting with officers of the London Borough of Harrow on 5th November 2007 ie:-

- The bulk of the building was cut back further thus reducing the amount of floorspace in the Community Centre and the number of flats to 30.
- A further basement level of car parking was introduced into the southern block to increase the number of spaces to 45 to address local concerns about potential car parking in the immediately surrounding streets. (Although a Traffic Assessment and Framework Green Travel Plan had already been commissioned from Colin Buchanan & Partners Ltd).

3.34 Members of the public also raised concern about the integration and use of the Community Centre into the wider community. In connection with the previous application it was proposed that these concerns would be addressed within a Section 106 Agreement by the inclusion of a clause that a Management Board would be set up to include a representative of the London Borough of Harrow; although it is to be

stressed that since it has always been the intention for the Project to be available to the wider community Dr Merali has continued to have numerous discussions and meetings with members of other faiths and organisations.

- 3.35 Furthermore, it should be noted, that in order to further reinforce the commitment to the involvement of all members of the community it is proposed that a non-Muslim representative who lives in the surrounding area would also be a member of the Management Board.
- 3.36 After the 5th November 2007 meeting with local planning authority officers there was a further exchange of letters with the Council and more reductions to the bulk of the building were carried out. Contemporaneous correspondence with the Environment Agency resulted in the receipt of a letter in March 2008 when the Agency raised objections to the proposed building over of part of the Culvert.
- 3.37 Bearing in mind the local authority officer's continued expression of concern at the bulk of the building the decision was taken to further reduce the bulk of the building by carrying out the following amendments:-
- (a) Moving the building footprint westwards away from the Culvert;
 - (b) Omitting the residential element in the central section thereby reducing that part of the building by a full floor; and
 - (c) To reduce the bulk of the southern section and changing its proposed use to a 24 bed Nursing Home.
- 3.38 This scheme formed the basis of the formal planning application submitted to the council on 7th July 2008.

Previous Application: 7th July 2008

- 3.39 The description of the development in the previous application was:-

“Demolition of all existing buildings on the site and erection of Community Centre comprising a Sports Hall, Gyms, Prayer Hall for up to 200 people, Library, Children’s Play Centre, ancillary Café/Restaurant together with 8no. flats and a, 24 bed Nursing Home”

- 3.40 As part of the continuing involvement with members of the public an Exhibition of the submitted scheme was arranged on three consecutive Saturdays; 23rd and 30th August and 6th September 2008. The application engendered a considerable amount of interest and debate resulting in several hundreds of letters in support and objection.

- 3.41 Discussions with officers continued. Disappointingly, however, the application was recommended for refusal initially to the Strategic Planning Committee in October 2008. The report contained eight reasons for refusal but one, relating to an alleged lack of children's play space, was subsequently withdrawn.
- 3.42 However, BWF considered that the report was not balanced; especially with regard to a comment (page 79 of the Committee Report) that it was "...not entirely clear from the applicant's statement whether the Community Centre would be available for use by the entire community or whether it would only be for members of the BW Foundation...".
- 3.43 This was considered to be a misinterpretation of the Project and, accordingly, representations were made to officers. BWF also had other concerns relating to the raising of issues not previously mentioned in discussions. The application was, however, retained on the Committee Agenda. At the meeting, on the evening of 2nd October 2008, several hundred supporters of the scheme attended the Civic Centre.
- 3.44 The Minutes of the meeting record that the application was:-
- "DEFERRED to enable the applicant and officers to meet to address the seven reasons for refusal which were all planning based"**.
- "Note: The Committee wished for it to be recorded that the decision to defer the application was unanimous"**.
- 3.45 Following this meeting there were a number of meetings with Councillors and officers but eventually it was considered that the application should be determined.
- 3.46 One reason for this related to the issue of the planning application fee. The Fee Regulations provide that a revised application can be submitted 'free of charge' within one year of the date of submission of a withdrawn application or one year from the date of refusal. The previous application was submitted on 7th July 2008 and so if it had been withdrawn there would not have been sufficient time to submit a properly considered revised application.
- 3.47 The original fee involved was the not inconsiderable sum of £24,745.00. BWF also considered that a refusal of permission would set out the reasons in detail that could be addressed in a re-submission.
- 3.48 The application was therefore re-presented to the Planning Committee at its meeting in July 2009 with a recommendation of refusal. It should be noted that on page 22 of the report it was recorded that:-

“After nine months of negotiations reasons 3 (overlooking to residential properties in Cumberland Road), 6 (failure to demonstrate that the proposal would not have an adverse affect on North Harrow District Centre) and 8 (insufficient waste bin provision for the Nursing Home element) have been largely resolved. Reason 7 (relating to children’s play space) was removed... due to policy clarification from GLA officers on this issue. However key issues remain unresolved and are discussed in detail in this report”.

3.49 The Committee resolved to refuse planning permission for the following reasons:-

- “1. The proposed development, by reason of failing to address all of the requirements of the Exception Test of Planning Policy Statement 25 (PPS25), would result in an unsafe development in an area with a high probability of flooding and is likely to result in flood risk elsewhere contrary to PPS25, Policy 4A.12 of the London Plan 2008 and Policy EP11 of the Harrow Unitary Development Plan 2004”.**
- “2. The proposed development, by reason of excessive bulk, massing and footprint, would appear unduly bulky, obtrusive, overbearing and over dominant and would have a detrimental effect on the amenities of neighbouring occupiers at Numbers 49, 51, 53 and 55 Cumberland Road and Number 38 Canterbury Road contrary to Policies 4B.1 of the London Plan 2008, D4 and D5 of the Harrow Unitary Development Plan 2004, Supplementary Planning Guidance: Designing New Developments (March 2003) and Supplementary Planning Guidance: Extensions a Householder’s Guide (March 2008)”.**
- “3. The proposed development by reason of excessive site coverage by buildings, hard-surfaced areas and increase in on-street parking with associated disturbance and general activity, lack of Green Space and loss of trees, would be an over-intensive use, and amount to an overdevelopment of the site to the detriment of neighbouring residential amenity, the free flow and safety of vehicular traffic and pedestrians on the public highway and to the character and appearance of the**

area, contrary to Policies 4B.1 of the London Plan 2008, D4, D5, D9, D10, T6, T13 and EP25 of the Harrow Unitary Development Plan 2004, Supplementary Planning Guidance: Designing New Development (March 2003) and Supplementary Planning Guidance: Extensions a Householder's Guide (March 2008)".

3.50 In addition the following Informative was attached:-

"The applicant is advised that any new or revised planning application for a similar development proposal for this site will need to be accompanied by a Sequential Test demonstrating compliance with Policies SEN2 and EN5 of the Harrow Unitary Development Plan 2004".

3.51 It has been agreed that the latter issue can be addressed in this Planning Statement; especially since the opinion of the council's policy section was that the proposal would have no adverse affect on the viability of the North Harrow Shopping Centre. Furthermore, at the Committee meeting in October 2008 a petition signed by a number of traders supporting the scheme was handed in. (See Section 15.0).

3.52 What is significant is that the design of the Project was **not** a reason for refusal. In that respect the following quotation is made from the previous Committee Report:-

"On its own merits the design of the proposed building represents high quality contemporary architecture incorporating sustainable concepts and Islamic influences in its overall approach. The result is a futuristic, sleek looking modern building. It is considered that this design approach would be quite different to any other development in the locality, but the development is considered to be appropriate in this setting".

3.53 BWF are encouraged by that stance since it has always been their intention to build a landmark state-of-the-art Community Centre.

3.54 Having stated that both councilors and officers continued to have concerns about the size of the proposed development but BWF consider and trust that this further much reduced revised proposal, which has been subject to more pre-application meetings, has overcome any remaining concerns.

Pre-Application Meetings and Public Consultation regarding Revised and Current Application

3.55 The proposal has been subject of four pre-application advice meetings with authority officers ie:-

- 8th February 2010.
- 25th February 2010
- 13th May 2010.
- 4th June 2010.

3.56 In the intervening periods and following the last meeting there have been further consultations.

3.57 This revised proposal differs from the refused scheme in the following ways:-

- In order to overcome the objections of the Environment Agency the footprint of the new building is to be the same as the present buildings ie 978 sqm as opposed to the previously proposed footprint of 1,673 sqm.
- In order to comply with Harrow's Drainage Sections requirements the new development has been set back to give a 3m clearance to the Yeading Brook culvert to enable its future maintenance and facilitate its rebuilding in the future should that be necessary.
- There is now, therefore, an increased open area between the proposed development and the adjacent residential properties to the east in Cumberland Road which is going to be laid out as a series of themed gardens incorporating 29 landscaped parking spaces in the position of the existing parking area.
- The council have agreed that because of the Flood Risk constraints and the social gain to the community brought about by the proposal that there is no requirement for replacement residential accommodation.
- The Community Centre element has been reduced to 5132 sqm (gross) as opposed to the previous proposed total of 7828 sqm (gross).

- Furthermore, the council's concern about a continual facade to Station Road has been overcome by splitting the proposal into two and thereby also forming a gap in the built form directly behind Nos 49-55 (odd) Cumberland Road.

3.58 Since this proposal is an evolution from the previously refused application and, indeed, a much reduced proposal it was considered that a full public consultation exhibition was not required. However, 12,000 leaflets were distributed to local residents and an Exhibition of the revised proposal was held on Saturday 19th June 2010. The feedback from that is dealt with in PPS's Report.

4.0 SITE AND LOCATION DESCRIPTION

- 4.1 North Harrow was developed in the inter-war years with the majority of the residential development comprising typical semi-detached properties.
- 4.2 The application site is close to the northern edge of the North Harrow Shopping Centre; designated as a District Centre in the London Plan. It has an area of 0.35 ha and is comprised of:-
- Nos. 34 and 36 Canterbury Road; a pair of semi-detached dwellinghouses, with an attached single storey residential annex known as No. 36A.
 - Nos. 37 and 39 Gloucester Road; again a pair of semi-detached dwellinghouses but with No. 39 having been extended and used as a Nursery.
 - The central part of the site is occupied by the North Harrow Assembly Hall which is a series of Second World War single storey prefabricated buildings having a total gross area of approximately 400 sqm.
 - To the south of the buildings is a crossover to Station Road which provides access to an open area used for car parking purposes which can accommodate approximately 27 no. cars but randomly parked and blocking each other. Properly marked out it is estimated that about 14 cars could be parked in the area.
- 4.3 Directly opposite is a petrol filling station with commercial and industrial buildings beyond. To the south of them, extending to the traffic light junction with Pinner Road, was the site of a former Bowling Alley and Supermarket which has been developed by Genesis Housing Association by the erection of a three to six storey building to provide a replacement Supermarket (but still vacant), 112 flats and a community facility together with basement parking provision of 56 spaces for residents (ie 50% for the residential element)) and 20 no. spaces for the Supermarket ie making a total of 76 no. spaces.
- 4.4 On the eastern, application, side of Station Road, southwards towards the shopping centre, Nos. 42 and 44 Gloucester Road were used for many years as St. Andrews Private School but have been converted and extended and are now used as a Nursery. There is then a rear access road to shopping and commercial properties in the Shopping Parade fronting Pinner Road.

- 4.5 The application site has a gentle slope downwards of approximately 0.5m from the southern to the northern boundaries. It is situated within a flood risk area with the Yeading Brook in a concrete culvert running along its eastern boundary.
- 4.6 The western frontage is to Station Road which is designated as a 'Borough Distributor Road' on the UDP Proposals Map. The northern and southern boundaries front Canterbury Road and Gloucester Road respectively whilst the eastern boundary is formed by the flank boundary of No. 38 Canterbury Road and then the rear boundaries of Nos. 45-55 (odd) Cumberland Road.
- 4.7 There are a number of trees along the eastern boundary outwith the application site. Haydens' Arboricultural Report established that they will not be adversely affected by the proposal. A number of trees within the development site will be felled but these are not the subject of Tree Preservation Orders and are not of significance.

5.0 PLANNING HISTORY

- 5.1 The 1935 edition of the Ordnance Survey shows that the site was formerly part of a site fronting Canterbury Road since the section of Station Road between the junctions of Gloucester Road and Canterbury Road did not exist at that time.
- 5.2 The 1935 map also shows the Yeading Brook prior to it being culverted.
- 5.3 It is not known when the present section of Station Road was constructed but it must have been immediately prior to the Second World War; when the Brook was also culverted. Discussions with long-time residents at the Public Exhibition elicited that the buildings were erected during the Second World War and used as a British Restaurant and by the Home Guard. They were subsequently used for community purposes by the council.
- 5.4 The post-war planning history of the Assembly Hall site on the Council's file is as follows:-
- (a) On 19th June 1969 outline planning permission was granted for the construction of a garage, petrol filling station, car wash, showroom with ancillary offices and two flats over (Ref. No. LBH/4295). That planning permission was granted by the London Borough of Harrow to itself. However, on 2nd August 1973 the permission was revoked;
 - (b) Subsequently Watneys, the Brewers, submitted an application for the construction of a Community Hall and Public House with two residential units above and associated car parking. (Ref. No. LBH/21979). That was refused planning permission on 9th September 1982;
 - (c) However, an outline application for a Community Hall with associated car parking was approved on 13th January 1983. (Ref. No. LBH/22536). This permission was not implemented and thus expired;
 - (d) In September 1994, a couple of years after the site was purchased by BWF, they submitted an application for the demolition of the rear building and the erection of a prefabricated day nursery building but that was withdrawn in March 1995 without a decision being taken; and
 - (e) Finally, on 14th January 1998 planning permission was granted for the retention of the 1.8 metre high chain link fence running along the site frontage to Station Road. (Ref. No. WEST/711/97). Subsequently details of landscaping were approved.

- 5.5 The relevant planning history of No. 39 Gloucester Road is that it was used and extended over the years as an annex to St. Andrews Private School (at Nos. 42 and 44 opposite) but on 25th February 1997 permission was granted for a single storey covered enclosure at the side and rear to provide play space in connection with its use as a Nursery. (Ref. No. WEST/790/96/FUL). The property, therefore, has unrestricted use as a Nursery School and presently accommodates 32 no. children on a daily basis.
- 5.6 It is not considered that the planning histories of the other properties are particularly relevant; although permission was granted in 2007 for the erection of extensions to No. 37 Gloucester Road.
- 5.7 Since their purchase by BWF in 1992 the huts have been used and continue to be used for a variety of community purposes falling within Class D1 of the Use Classes Order 1987; including:-
- Prayers every Friday midday; currently attended by up to 500 people on occasion. The present situation being due to the construction of the Harrow Central Mosque with the NHCC prayer facilities being used in place of the formal Mosque.
 - 8.00 pm – 10.30 pm every Friday. Prayers followed by a lecture/talk on any subject by a guest speaker e.g. scholars, MPs, Councillors, on one occasion the President of Iraq and on another the President of Bosnia. Attendance at these events varies but is on average between 150-250 people depending on the attraction of the speaker.
 - Prayer meetings every evening starting at 8.00 pm for approximately 30-45 minutes. Attendance varies between 20-50 people.
 - Prayer meetings at midday on Saturdays and Sundays. Attendance varies between 20-50 people.
 - At weekends, classes for GCSE and A-Level students lasting for approximately three hours. (On average three/four classes attended by approximately 40/50 students).
 - Every Sunday a course about understanding the Koran from 0800 to 0930 attended by 50-100 men and women.
 - Every Sunday a variety of subjects are taught to children between the ages of 3-16 ie Islamic history, culture and Arabic as a language which are not taught in the mainstream Schools. These last for about two and a half hours from 1000 to 1230.

- Mother and Toddler Groups meet two mornings a week. Approximate attendance 15-20 mothers.
- During the weekdays, various Exercise and Yoga Classes for women.
- Tutorial and other educational meetings at all times of the week.
- Social functions; including occasional weddings of members of the community.
- The Hall is used as the Local Polling Station.

5.8 It is to be emphasised that all meetings and sessions are always conducted in English because BWF has always believed that to serve Harrow citizens from various ethnic backgrounds the medium of communication at the centre will always be English; a language that is a common denominator to all.

5.9 The centre is open every day; certainly by late morning but on most days earlier. Evening prayers often develop into social evenings when, occasionally, table tennis tables are put out for youths. Usually, the centre closes by 10.30 pm but sometimes, especially on a Friday, that can be later; including going on into the early morning.

5.10 The Centre is, therefore, extensively used for regular daily and weekly purposes but there are also other important dates within the Islamic calendar which are itemised in detail in the Transport Assessment prepared by Mentor Milestones Ltd.

5.11 There are, in addition, some social functions including weddings. Again, details of these events are set out in the Transport Assessment and on some occasions a marquee has been erected in the car parking area when it is estimated that attendance has ranged from between 800-1,000 people.

5.12 The running of the present Centre is overseen by an Executive Committee of nine men and women; including representatives from the Youth Group. The Committee run and organise the premises and events depending entirely on volunteer labour from community members. However, there are two paid part-time individuals; one that deals with administrative and financial matters ie dealing with the accounts and the Charity Commission whilst the other could be described as a 'Caretaker' who sees to the maintenance, cleaning and hiring of the hall and premises. Both are members of the Community.

6.0 PROPOSAL

6.1 The proposal, the subject of this application now comprises two separate buildings. The northern building will have a total gross area of approximately 4500 sqm whilst the southern building will be 650 sqm.

6.2 The proposed uses of the northern building are:-

- A Sports Hall at Basement -2 level providing a Five-a-Side Football Pitch designed following consultation with Sport England so that it can also be used as 4 no. Badminton Courts. This element of the proposal has remained basically unchanged.
- The provision of separate Female and Male Gyms at Basement level -1 and -2 respectively; together with a small Beauty Salon level -1. Again, relatively unchanged.
- At ground floor level a Prayer Area capable of accommodating up to 200 people.
- An open area for all-purpose use at ground floor level described as Exhibition Space on the drawings together with a Restaurant/Café ancillary to the Community Centre ie not open to the general public. (Whilst the idea of a restaurant/café proved to be popular in the earlier public consultation stage it was always proposed that it would be an integral part of the Community Centre use. However, as previously stated, this popularity is encouraging because its existence will hopefully encourage people to visit and use the NHCC as a whole).
- A library at first floor level in the northern portion of the building with direct access to a terrace overlooking Station Road together with a Seminar Room at the southern end of the first floor and a further Seminar Room at Basement level -1I. Whilst this accommodation is primarily to continue the educational use of the present buildings it will be available to all members of the public.
- Parking for 29 no. cars in the position of the present parking area with 12 being situated under the building and the remainder being incorporated into the landscape detailing. 2no further parking spaces are to be provided in a service area accessed from Canterbury Road.
- Provision has been made throughout the development for motor cycle and cycle parking.

6.3 The Children's' Play Centre (referred to as a 'Topsy Turvy' establishment - which is a franchise name) will have accommodation on three floors and be run as a commercial concern open to members of the public. In that respect:-

- It is not a Nursery in the ordinary sense of the word. It is a Play Centre for children aged between 2-10 years.
- Parents will be charged between £5.00 and £7.00 per child for a two hour play session.
- The children will be placed into groups of 2-4, 4-7 and 8-10 years old and supervised by an assistant as well as their parents.
- At the same time parents will be able to have a coffee or snack in the first floor ancillary Servery.
- Entrance will be 'on demand' ie on a pay on entry on a first come first served basis.
- The maximum number of children allowed in at any given time will be in the region of 30.
- It is anticipated the Centre would have two full time staff.

6.4 The anticipated staffing for the Community Centre is:-

- One full-time Centre Manager who would look after security.
- Full-time Receptionist/Admin Assistant.
- Two further Assistants to be employed to staff the Sports Hall and Gym and the kitchen area facilities.

6.5 Furthermore, it is emphasised that the high level of volunteer work by members of the community will continue.

6.6 Proposed opening times for the Centre are:-

- Mondays – Thursdays (inc): 8.00 am to 11.00 pm.
- Fridays and Saturdays: 8.00 am to 12.00 midnight.
- Sundays: 8.00 am to 10.00 pm.
- However, the Gym facilities would be available earlier at 6.00 am on Mondays – Saturdays.

- 6.7 The effect on transport infrastructure is dealt with by the Transport Assessment prepared by Mentor Milestones but from a planning point of view the activities that could have an effect on the immediate vicinity are:-
- Continued but increased general activity at the Centre.
 - The continuing use of the Prayer Area on Friday middays.
 - Occasional wedding services and other larger events.
- 6.8 It is difficult to anticipate the level of activity that will be generated by the Project but, being larger than the existing facilities increased activity is going to be encouraged because BWF Ltd want the Project to be a success. In addition to the existing activities outlined in para 5.7 there will be those:-
- Associated with the Sports Hall and Gyms.
 - Associated with the Children's Play Centre.
 - Associated with increased use of the improved Library and Seminar Rooms.
- 6.9 However, in all the above it must be remembered that the existing buildings have been used now for 18 years by the BWF Community.
- 6.10 With regard to Friday prayer meetings, at the present time the attendance is in the region of 500 people because it is being used whilst Harrow Central Mosque is being developed. However, it is anticipated that attendance will reduce to its original average of, at most, 75 persons once the Mosque is completed. At other times during the week it is anticipated that the number of people using the Prayer Hall would be between 30-40.
- 6.11 As previously stated there have been occasional weddings but it is acknowledged that, with the improved facilities, the frequency might increase. It is difficult to be precise about the number of people that have attended past events but a marquee has always been erected in the present parking area and in invitations guests were directed to either come by public transport or park in the Pinner Road Public Car Park. Notwithstanding the fact that no records were kept it is estimated that upwards of 1,000 people have attended these events in the past. For the proposed development, it is envisaged that the number of attendees to a wedding service will be kept to a maximum of 600 people, as the development is not designed to cater for more than this amount. BWF will vet and manage these events to ensure the least amount of car travel and restrictions would be in place with traffic management provided at all times. These matters are referred to in the Green Travel Plan (Pre-Construction).

- 6.12 One important point to bear in mind with all these activities is that, being a Muslim organisation, no alcoholic drink of any kind will be permitted on the premises in connection with any function – even to an outside body. BWF Ltd would be prepared to accept a planning condition to this effect or a restriction in any Section 106 Agreement.
- 6.13 With regard to the Children’s Play Centre it must be remembered that No. 39 Gloucester Road is used as a Children’s Nursery for 32 children. Whilst the new Children’s Play Centre is not a direct replacement for that Nursery the anticipated activity would probably be about the same.
- 6.14 So far as activities associated with the Library and Seminar Rooms are concerned these, it is considered, would be low key and not give rise to much increased activity.
- 6.15 The Centre will be run very much along the same lines as at present with a Management Board very much reliant upon voluntary work by members of the community. As has been previously stated, BWF Ltd would be prepared to include a clause in any Section 106 Agreement requiring there to be a specified representative/co-opted member from the London Borough of Harrow and, furthermore, a non-Muslim representative who lives in the surrounding streets.

7.0 TECHNICAL REPORTS ACCOMPANYING APPLICATION

7.1 The Project Team is now comprised of:-

- Mentor Milestones Ltd: Project Managers and Transport Consultants.
- Mangera Yvars Architects.
- Hunter Peddell Property Law: Solicitors.
- Zero Energy First Ltd ZEF Ltd): Environmental Engineers.
- Adams Kara Taylor: Structural Engineers.
- Icen Projects Ltd: PPS 25 Sequential Test Consultants.
- WSP Development and Transportation: Flood Risk Consultants.
- PPS (Local and Regional Ltd): Public Relations Consultants.
- Howard J Green FRICS: Planning Consultant.

7.2 As stated in paragraph 2.5 the following reports are re-submitted as originally prepared:-

- **Ground Investigation Report carried out by Soiltechnics Ltd** concluded that whilst some elevated concentration of contaminants were found on the site they could be satisfactorily capped. It would also be expected that appropriate conditions for remediation would be imposed on any planning permission. The **Report of Classification of Waste Soils for off-site Disposal** concluded that any contaminated soil removed in excavations should be disposed of in accordance with regulations.
- **Culvert Survey and Maintenance Schedule** was prepared after consultation with Harrow's Drainage Engineers. The report and those discussions concluded that the Culvert is in generally good condition but does require some repair. It is to be stressed, however, that those repairs can be carried out internally ie without the need to open up the culvert.
- **Habitat and Bat Survey** by Middlemarch Environmental Ltd. The Habitat Survey found no evidence of any species of importance or significance on the site. It concluded that the Project would not adversely impact on any Nature Conservation Sites and that there were no habitats of National, Regional or County level importance affected. It made some

recommendations to ameliorate the effects that any development obviously would have on the site and these will be taken into account where possible.

7.3 **Mangera Yvars Architects** have prepared a revised **Design and Access Statement**. There are then a number of other revised reports which deal with various issues relating to the development of the site ie:-

- **Consultation Statement prepared by PPS (Local and Regional) Ltd** outlines the ongoing public consultation in respect of the development and analyses the responses.
- **PPS25 Sequential Test Evidence Base report carried out by Icen Projects Ltd** was submitted in April and the council have confirmed by letter date 29th June 2010 that they accept the conclusions of the report ie that there are no other reasonably available sites that could be suitable and appropriate for the proposed development.
- **PPS25 Flood Risk Assessment** carried out by WSP Development & Transportation Ltd addresses the flood risk and drainage objections within the last planning application and now broadly meets the requirements of the London Borough of Harrow and the Environment Agency.
- **Sustainability and Environmental Planning Report prepared by Zef Ltd.** From the very beginning the concept has been that the development should be highly sustainable. The development incorporates a considerable number of energy saving and sustainability proposals. Key features will include heat pumps (ground and air source), Photovoltaics (PV) and the option for either solar hot water or Combined Heat and Power (CHP) system.
- **Traffic Statement and Green Travel Plan prepared by Mentor Milestones Ltd** analyses the likely traffic generation associated with the Project and outlines a Green Travel Plan to be operated in connection with the use of the NHCC; which provisions, it is anticipated, would be the subject of a Section 106 Agreement.
- **Tree Survey and Arboricultural Implication Assessment carried out by Haydens Arboricultural Consultants** original report established that because of the presence of the Culvert running along the eastern side of the site boundary that none of the trees in adjacent gardens would be adversely affected by the Project. Haydens were re-consulted but because the proposed buildings have been set further away from the eastern boundary they advised that less cutting back of overhanging branched may be required. They previously advised that none of the

limited number of trees on the site itself were of any significance and are not, in any case, the subject of a Tree Preservation Order. However, they concluded that one street tree in Canterbury Road would be adversely affected by the basement construction and thus it is suggested that any Section 106 Agreement makes provision for its replacement.

7.4 The following additional reports are submitted:-

- PPS 25: Sequential Test Evidence Base Report: Icen Projects Ltd .(As stated at para 1.19 the council have recently agreed the contents and conclusions of this report).
- Flood Evacuation Plan: WSP Development & Transportation Ltd.
- Culvert Replacement Method Statement: Quensh Consultancy Ltd.
- Noise Impact Statement: The Equus Partnership.
- BREEAM Pre-assessment: ZEF Ltd.
- Lighting Assessment: ZEF Ltd.

8.0 ENVIRONMENTAL IMPACT ASSESSMENT

- 8.1 On 11th June 2010 Milestone Mentors Ltd requested a Screening Opinion. On 5th July 2010 Mr Frank Stocks, Senior Professional: Development Management, replied stating:-

“The development proposed is considered to fall within the description at paragraph 10 (b) of Schedule 2 of the above Regulations (Infrastructure Projects: Urban Development Projects) but has a site area of only 0.35 ha and therefore does not exceed the relevant threshold applicable to Schedule 2 development; namely an area of 0.5 ha”.

“The development is within a Category 3b Flood Zone, but is not acknowledged as an “...environmentally sensitive area...”. Any future planning application would also be supported by a full Flood Risk Assessment”.

“Having regard to the character of the site and surrounding area, the intensity of the current lawful uses, the form and built quality of existing properties on the site and in the vicinity, and the nature and scale of the proposed development, the local planning authority does not consider that the proposal would have a significant effect on the environment”.

“Accordingly, the local planning authority is of the opinion that the development proposed is not EIA development”.

9.0 POLICY BACKGROUND

- 9.1 Being comprised of elements of Community and Sporting Facilities there are a considerable number of National, London Plan and saved Harrow UDP policies relevant to the Project .
- 9.2 The following Sections analyse the revised proposal against those policies. The majority were referred to in the original Planning Statement but a few additional ones were referred to in the council's Committee Report.
- 9.3 The overall conclusion remains that the development, in principle, is in accordance with all guidance and policies and, indeed, has much support from them. Furthermore, the substantial amendments carried out to the scheme have overcome the previous reasons for refusal.

10.0 GOVERNMENT ADVICE

PPS1: Delivering Sustainable Development

10.1 PPS1 states, amongst other things:-

“14. The Government is committed to developing strong, vibrant and sustainable communities and to promoting community cohesion in both urban and rural areas. This means meeting the diverse needs of all people in existing and future communities, promoting personal well-being, social cohesion and inclusion and creating equal opportunities for all citizens”.

“15. Regeneration of the built environment alone cannot deal with poverty, inequality and social exclusion. Those issues can only be addressed through the better integration of all strategies and programmes, partnership working and effective community involvement”.

10.2 The proposal complies with this fundamental aim of Government advice and, furthermore, BWF Ltd is a charitable organisation providing this facility at no cost to the local community.

10.3 Para 13 (vi) of PPS1 refers to community involvement being:-

“...an essential element in delivering sustainable development and creating sustainable and safe communities....”.

10.4 Whilst this refers to local planning authorities ensuring that communities have an input into the planning system BWF Ltd have carried out public consultations and exhibitions throughout the evolution of the proposal.

PPG17: Planning for Open Space Sport and Recreation

10.5 Virtually the entire contents of the introductory paragraph to **PPG17** support the Project ie:-

“... sport and recreation all underpin people’s quality of life. Well designed and implemented planning policies for open space, sport and recreation are therefore fundamental to delivering broader Government objectives. These include:-

- **Supporting an Urban Renaissance – Local networks of high quality and well managed...**

sports and recreational facilities help create urban environments that are attractive, clean and safe.

- **Promotion of Social Inclusion and Community Cohesion – well planned... good quality sports and recreational facilities can play a major part in improving people’s sense of well-being in the place they live. As a focal point for community activities, they can bring together members of deprived communities and provide opportunities for people for social interaction.**
- **Health and Well Being... sports and recreational facilities have a vital role to play in promoting healthy living and preventing illness, and in the social development of children of all ages through play, sporting activities and interaction with others.**
- **Promoting More Sustainable Development – By ensuring that... sports and recreational facilities (particularly in urban areas) are easily accessible by walking and cycling and that more heavily used or intensive sports and recreational facilities are planned for locations well served by Public Transport”.**

10.6 In respect of this last paragraph, the public consultation reported an encouragingly high number of people that would be prepared to walk and cycle to the facility and in that respect it was previously agreed with the authority’s Traffic Engineers that the site has a PTAL 3.

10.7 Para 20 of PPG17 lays down some ‘General Principles’ that authorities should take into account when identifying where to locate new sporting or recreational facilities. By reference to the various sub-paragraphs it will be seen that this Project complies with them all:-

- **(i) Promote accessibility by walking, cycling and public transport, and ensure that facilities are accessible for people with disabilities.**

The Project will be fully accessible to persons with disabilities. It is close to North Harrow Shopping Centre, the underground and local buses. Full provision will be made for cycle parking within the development to meet the aspirations of people prepared to cycle to the facility.

- **(ii) Locate more intensive recreational uses in sites where they can contribute to Town Centre vitality and viability.**

Being close to the North Harrow Shopping Centre this Project will make a positive contribution to the vitality and viability of the Town Centre. (Also refer to Section 15.0 relating to the PPS4 Sequential Test and UDP Policies SEM2 and EM5 subject of the Informative on the refusal of permission).

- **(iii) Avoid any significant loss of amenity for residents, neighbouring uses or biodiversity.**

The investigation and report prepared by Middlemarch Environmental Ltd has shown that the latter issue does not arise. Furthermore, this revised proposal has been much reduced in size to take account of the amenities of the adjoining properties in Canterbury and Cumberland Roads.

- **(iv) Improve the quality of the public realm through good design.**

This Project will be a landmark building in Harrow.

- **(vi) Add to and enhance the range and quality of existing facilities.**

Not only does the Project comply with this principle but it will meet a specific need in Harrow. Reference to the Executive Summary of the council's PPG17 Compliance Assessment Report (prepared by Strategic Leisure Ltd) includes the following statements:-

“1.0. The objective of the study is to identify local needs for provision... of current facilities”.

“7.0. Typology Findings.

- **There is a need for additional local sport and leisure facilities.**
- **There is a need for a further 3 sports halls. Each sports hall is equivalent in size to four badminton court”.**

Precisely what is being proposed in this Project.

Furthermore, in Section 8.0 of the Executive Summary entitled 'Community Centres/Hall – Boroughwide' it was stated:-

“The Indoor Sports Facilities Assessment revealed that there are key facility deficiencies (quantitative). This places ‘pressure’ on Community Centres to provide for formal sport.

There are currently few community halls in the Borough which are suitable for formal sport given their scale and size but they do have potential to house less formal activities”.

The recommendations relating to Community Centres/Halls included:-

“8.2(q). Address the need for additional Youth Centre provision in the Borough”.

Again, precisely what is being proposed in this Project.

“8.2 (t). Work with all providers of Community Centre/Hall facilities to ensure good quality facilities together with a co-ordinated approach to activity programming and activity provision”.

- **(viii) Carefully consider security and personal safety, especially for children.**

Aspects of security have been taken into account following the attendance of a Police representative at the very first pre-application meetings and his attendance at a site meeting recently. The security of children will be uppermost bearing in mind that a Children's' Play Centre is proposed and the sports facilities are to be provided primarily for the youth of the area.

Whilst, again, it is stressed that the Centre will be open to all, for security reasons it is anticipated that some form of controlled access system with different levels of control for the various building occupants will have to be introduced.

- **(viii) Meet the regeneration needs of areas, using brownfield in preference to greenfield sites.**

The Project fully complies with this principle.

- **(x) Assess the impact of new facilities on social inclusion.**

It is important to remember that this is not only a provision of some new facilities but it is a rebuild of an existing Community Centre which plays an important part in the local Muslim community. However, as consistently emphasised by BWF Ltd, the whole concept of the Project is to involve the wider community. This aspect of the Project has received a favourable response from the public consultation process and in discussions with local authority Councillors and local authority officers.

10.8 PPG17 then goes on to apply those general principles in respect of specific types of facilities. In that respect para 23 relates to 'Local Facilities' and states, amongst other things:-

- **“Local authorities should ensure that provision is made for local sports and recreational facilities (either through an increase in the number of facilities or for improvements to existing facilities) where planning permission is granted for new developments (especially housing)”.**

10.9 Finally, para 20(ii) of PPG17 mentions the positive role that projects such as this can make to the vitality and viability of a Town Centre.

PPS4: Planning for Sustainable Economic Growth

10.10 PPS4 was published in December 2009 and replaced, amongst other advice, PPS6: Planning for Town Centres.

10.11 At para 4 it is stated, amongst other things that:-

“4. For the purposes of the policies in this PPS, economic development includes development within the B Use Classes, public and community uses and main town centre uses...”.

10.12 At para 7 it is stated, amongst other things, that:-

“7. The main uses to which the town centre policies in this PPS apply are:-

2. Leisure, entertainment facilities, and the more intensive sport and recreation uses...”.

10.13 Although the definition of 'sport and recreation' uses includes health and fitness centres it is questioned whether the NHCC Project could properly be described as a "more intensive" form of development; especially since it includes the rebuilding of an existing community centre.

10.14 Under the heading 'The Government's Objectives for Prosperous Economies' it is stated, amongst other things, that:-

"10. To help achieve sustainable economic growth, the Government's objectives for planning are:-

- **Promote the vitality and viability of town and other centres as important places for communities. To do this the Government wants:-**

- **New economic growth and development of main town centre uses to be focused in existing town centres, with the aim of offering a wide range of services to communities in an attractive and safe environment and remedying deficiencies in provision in areas with poor access to facilities".**

10.15 Although the NHCC site is not within the defined North Harrow Shopping Centre it is right at the very edge and is an existing community resource. In that respect Policy EC3.1 of the PPS states, amongst other things, that:-

"EC3.1 ...local planning authorities should:-

- (a) **Set flexible policies for their centres, which are able to respond to changing economic circumstances and encourage, where appropriate, high density development accessible by public transport, walking and cycling..."**

10.16 Policy EC5.2 has relevance having regard to the site's edge-of-centre location when it states, amongst other things, that:-

"EC5.2. Sites for main town centre uses should be identified through a sequential approach to site selection. Under the sequential approach, local planning authorities should identify sites that are suitable, available and viable in the following order:-

- (a) **Locations in appropriate existing town centres where sites or buildings for conversion are, or are likely to become, available within the plan period;**

(b) Edge-of-centre locations, with preference to sites that are or will be well-connected to the centre.

10.17 The PPS4 Sequential Approach (and UDP Policies SEM2 and EM5) are dealt with in Section 15.0 where the conclusion is that the provision of this Community Project must be seen as a positive contribution to the North Harrow Shopping Centre.

PPS25: Development and Flood Risk

10.18 A Sequential Test and Flood Risk Assessment have been undertaken. In that respect:-

- As previously stated the council have accepted the **Sequential Test** Base Report prepared by **Iceni Projects Ltd.**
- The Flood Risk Assessment undertaken by WSP Developments & Transportation Ltd concludes the following:-
 - The revised development use is deemed suitable for the flood zone classification.
 - The Sustainable Drainage Strategy provides significant betterment over and above the existing development in terms of surface water discharge to the Yeading Brook and has been met with London Borough of Harrow approval.
 - In the absence of raising Finished Floor Levels a suitable water exclusion strategy consisting of flood doors and shutters is proposed and has been met with Environment Agency approval in principle.
 - Safe refuge can be provided in the event of safe escape routes in the event of the site becoming inundated with flood waters.
 - The proposed development footprint is no greater than the existing on site arrangement in accordance with Environment Agency requirements.
 - The building footprints do not encroach into the agreed 3m Yeading Brook Culvert Easement Zone; thus providing betterment over the existing on-site arrangement and meeting London Borough of Harrow requirements.
 - The building will be designed to withstand hydrostatic and dynamic forces associated with flood waters.
 - The development is deemed sustainable in terms of flood risk.

PPS23: Planning and Pollution Control

- 10.19 A Soil Investigation Report was commissioned from Soiltechnics Ltd. This found some elevated concentrations of contaminants but the recommendation was that they could be satisfactorily capped.
- 10.20 No problem with gas contamination was identified and, as far as waste classification for disposal is concerned, the made ground is classified as non-hazardous and the other soils are classified as inert.
- 10.21 It would be expected that appropriate conditions for remediation would be imposed on any planning permission.

PPG13: Transport

- 10.22 From the outset it has been acknowledged that the effective management of potential traffic generation is an important aspect of this Project. The potential effect of parking on adjacent streets has been one of the main and ongoing issues raised in the public consultation.
- 10.23 Colin Buchanan, Transport Planners were appointed to carry out a Transport Assessment (as referred to in para 23 of PPG13) and also to produce a Framework Green Travel Plan. That role has been taken over by Mentor Milestones Ltd who have worked on the basis of Buchanan's data (augmented with new data) and have continued to liaise with the council's Transport Engineers
- 10.24 The Project complies with the 'objectives' of PPG13 in that it is proposing a use within an accessible location and particularly:-

“4. The objectives of (PPG13) are to integrate planning and transport at National, Regional, Strategic and local level to:-

- **Promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling; and**
- **Reduce the need to travel, especially by car”.**

“6. In order to deliver the objectives of this guidance, when... considering planning applications, local authorities should:-

- **Actively manage the pattern or urban growth to make the fullest use of public transport and focus major generators of travel demand in city, town and district centres and near to major public transport interchanges.**

- **Locate day to day facilities which need to be near their clients in local centres so that they are accessible by walking and cycling.**
- **Ensure that development comprising jobs, shopping, leisure and services offers a realistic choice of access by public transport, walking and cycling, recognising that this may be.....**

10.25 In respect of those aims:-

- This is not only the provision of new facilities but the replacement of an important existing Community Centre – obviously close to its existing users.
- The public consultation indicated a high proportion of people that would be willing to walk or cycle to the Project.
- Being close to the North Harrow Shopping Centre it is not an isolated use. Visitors will have readily to hand the transport facilities of the centre and all other facilities.
- The good accessibility and sustainability of this location is highlighted by a statement in Annex 4: Parking Standards of the London Plan (February 2008). At para 22, when referring to stadia and other large-scale schemes it is stated that they should be located where a PTAL3 or above is achieved. Whilst this Project is not a large scale development of that nature, as PTAL3 is achieved that statement indicates the Project is ideally situated in transport terms. That paragraph of the London Plan goes on to state that in such areas:-

“22. ...Parking provision should be significantly lower than the national maximum standards to reflect the higher levels of public transport access within London”.

PPS22: Renewable Energy

10.26 From the outset one of the fundamental briefs was that the Project should be sustainable. Accordingly ZEF (UK) Ltd were appointed at an early stage and a considerable amount of thought and effort has been put into the sustainability of the project.

- A BREEAM Assessment is being carried out with the target of achieving ‘Very Good’.

- Renewable energy systems include heat pumps (ground and air source), Photovoltaics (PV) and the option for solar hot water.
- Option for Combined Heat and Power (CHP) system for hot water generation (the option is CHP or solar hot water).
- Efficiency measures to reduce building energy requirements.
- Low water fittings and dual flush WCs to minimise potable water consumption.

10.27 This aspect of the proposal received positive feedback from the public consultation.

PPG24: Planning and Noise

10.28 Para 2 of PPG24 states that the impact of noise can be a material consideration in the determination of a planning application. In all of the pre-application meetings in connection with the first planning application no request was made for a Noise Assessment Report. However the lack of one was a matter of criticism in the Committee Report.

10.29 Consequently The Equus Partnership was commissioned to carry out surveys and prepare a Noise Impact Statement. Their conclusions are that any noise impact from the proposed development can be satisfactorily controlled in line with national and local planning policy guidance and other relevant noise related guidance.

PPS1: Design

10.30 This synopsis of Government advice concludes by referring back to PPS1 and the matter of design. The following quotations are made:-

“33. Good design ensures attractive, useable, durable and adaptable places and is a key element in achieving sustainable development. Good design is indivisible from good planning”.

“35. High quality and inclusive design should be the aim of all those involved in the development process. High quality and inclusive design should create well-mixed and integrated developments which avoid segregation and have well-planned public places that bring people together and provide opportunities for physical activity and recreation....”.

10.31 Whilst the Architects have prepared a Design and Access Statement it is submitted that this building will be a landmark building of the highest architectural quality. Indeed, its design was not criticised in any of the previous reasons for refusal.

11.0 LONDON PLAN: FEBRUARY 2008

11.1 The London Plan was originally published on 10th February 2004 but it was Consolidated with Alterations in February 2008. It encompasses strategies for London-wide issues such as the economy, transport, housing and leisure.

11.2 Below are summaries of what are considered to be the appropriate London Plan policies. It is considered that this Project complies with all of these policies:-

- **Policy 2A.9: The Suburbs. Supporting Sustainable Communities**, encourages more efficient use of land in areas around town centres that have good access by public transport and on foot to the Town Centre. (Also see later reference to the Mayor's Outer London Commission: Pre-Publication Report: May 2010).
- **Policy 3A.17: Addressing the Needs of London's Diverse Population** states that DPD should identify the needs of the diverse groups in authorities' areas. Whilst this Project will undoubtedly continue to play an important role in providing facilities for community members the intention is that it now becomes available to all residents.
- **Policy 3A.18: Protection and Enhancement of Social Infrastructure and Community Facilities** states that DPDs should assess the need for social infrastructure and community facilities in the area and ensure that they are capable of being met wherever possible. These needs include children's recreational facilities, as well as libraries, sports and leisure facilities, community halls, meeting rooms, places of worship. The policy seeks to ensure that such appropriate facilities are provided within easy reach by walking and public transport for the population that use them.
- **Policy 3A.26: Community Strategies** states that Boroughs should take into account the various issues for inclusion in DPDs including:-
 - Ensuring communities have access to a full range of social infrastructure and community facilities.
 - Ensuring communities benefit from development including through Section 106 Agreement.
- **Section 3C: Connecting London: Improving Travel in London** encourages development in sustainable locations such as this.

- **Policy 3C.1: Integrating Transport and Development.** Encourages patterns and forms of development to reduce the need to travel, especially by car and generally to support development in sustainable locations.
- **Policy 3C.23: Parking Strategy** seeks to ensure that on-site car parking at new developments is the minimum necessary and that there is no over-provision that could undermine the use of more sustainable non-car modes.
- **Policy 3D.4: Development and Promotion of Arts and Culture** states the Mayor will work with strategic partners within the framework of the Mayor's Cultural Strategy to promote London's cultural and arts facilities as visitor attractions and foster their contribution to both local regeneration and London's global economic offer. Whilst this Project is an improvement of an existing, established and successful Community Centre it must have the general support of this policy.
- **Policy 3D.6: The Olympic and Paralympics Games and Sports Facilities.** Whilst the emphasis of this policy is on the legacy of the 2012 games it does state that Boroughs should identify sites for a range of sports facilities to meet local needs. Justification paragraph 3.289 states that a sequential approach should be applied to proposals for sports stadia (not actually what is being proposed here) but it then goes on to acknowledge that "...the availability of sufficiently large Town Centre sites is likely to be limited". This is an acknowledgement (backed up by statements in the UDP) that sites for uses such as this are hard to find; especially in such sustainable locations with a PTAL3 and on the edge of a District Centre.
- **Policy 4A.1: Tackling Climate Change** requires developments to make the fullest contribution to the mitigation of an adoption to climate change and to minimise emissions of carbon dioxide. Developments are to be assessed according to the following hierarchy; using less energy, supplying energy efficiently, and using renewable energy.
- **Policy 4A.2: Mitigating Climate Change.** Goals have been set to achieve minimum carbon dioxide emissions targets for London as set against a 1990 base. This includes a 15% reduction by 2010.
- **Policy 4A.3: Sustainable Design and Construction.** Future developments should meet the highest standards of sustainable design and construction. This includes measures to reduce emissions that contribute to climate change, effective use of water, design in accordance with Policy 4A.1, managing flood risk, and conserving and enhancing the natural environment.

- **Policy 4A.4: Energy Assessment** of energy demands and carbon dioxide emissions demonstrating the expected savings from the energy efficiency and renewable energy measures incorporated in the development. This includes feasibility of CHP and community heating.
- **Policy 4A.5: Provision of Heating and Cooling Networks.** New developments should be designed to connect to local heating and cooling networks.
- **Policy 4A.7: Renewable Energy.** Developments should achieve a reduction in carbon dioxide emissions of 20% from the use of on site renewables, unless it can be demonstrated that this will not be feasible. This can include the use of heat pumps, photovoltaics & solar water heating.
- **Policy 4A.12: Flooding** states that Boroughs should carry out Strategy Flood Assessments to identify locations suitable for development and those required for Flood Risk Management. In that respect the council published in June 2009 the Harrow Strategic Flood Risk Assessment which designated the site as falling within a Flood Risk Zone 3b.
- **Policy 4A.13: Flood Risk Management** seeks to manage the existing risk of flooding and the future risk and consequences of flooding as a result of climate change.
- **Policy 4A.14: Sustainable Drainage.** Surface water runoff should be managed as close to its source as possible in line with the following hierarchy: Store rainwater for later use, use infiltration techniques, attenuate rainwater for gradual release into a watercourse, discharge directly into a watercourse, discharge directly into a surface water drain, discharge directly into a combined sewer.
- **Policy 4A.18: Water and Sewerage Infrastructure** is readily available and applications to the relevant Utility Companies will be made after the grant of planning permission in the normal way.
- **Policy 48.20: Reducing Noise and Enhancing Soundscapes** states that the Mayor and Boroughs should aim to reduce noise by minimising the existing and potential adverse impacts of noise on, from, within, or in the vicinity of, development proposals.
- **Policy 4A.21: Waste Strategic Policy and Targets** was an additional policy referred to by the council. It was not mentioned in the original Planning Statement because it was considered to be more of a strategic policy regarding waste management facilities. However, the architects have had discussion with the

appropriate officers of the council and the provision for refuse disposal has been designed in accordance with the comments received.

- **Policy 4B1: Design Principles for a Compact City** includes a series of principles which should be used in assessing planning applications.
- **Policy 4B2: Promoting World Class Architecture and Design** encourages contemporary and integrated designs for the built environment.
- **Policy 4B.5: Creating an Inclusive Environment** requires all future development to meet the highest standards of accessibility and inclusion.
- At para 5.159 of Section 5F dealing with West London it is stated that enhancements to the London Underground will include "...major increases in capacity on the many lines that serve the sub-region...". These include the Metropolitan Line which serves North Harrow.

12.0 THE MAYOR'S OUTER LONDON COMMISSION: PRE-PUBLICATION REPORT: MAY 2010

12.1 In the Executive Summary it is stated:-

“The Mayor set up the Outer London Commission to:-

“Identify the extent to which Outer London has unrealised potential to contribute to London’s economic success, identify the factors which are holding it back and recommend policies and proposals for the future development of Outer London to the Mayor for inclusion in the London Plan and other GLA groups strategies and guidance. These should include (amongst other things):-

- **The links between housing, retail, office based and other types of employment and development in Outer London.**
- **Links between economic success and improving quality of life in Outer London and ways of managing these effectively.**
- **Infrastructure and other supporting investment required to support economic growth in Outer London.**
- **Methods of funding such infrastructure and investment”.**

12.2 At para 6 of the Executive Summary it is stated, amongst other things that:-

“From the outset it was clear that Outer London’s potential to contribute to the wider economy could not be measured simply in terms of the number of jobs there. ...Other factors were also crucial...”.

12.3 In para 34 it concluded amongst other things that:-

“There is considerable potential growth in the spectrum of leisure activities including arts and culture, tourism and local leisure activities. These both make Outer London an attractive, ‘liveable’ place for Londoners....”.

- 12.4 It is considered that this Project will provide a sports facility and Community Centre, again it is emphasised at no cost to the public, which can only have a positive affect on North Harrow Shopping Centre all in accordance with the Mayor of London's emerging strategy for suburbs.

13.0 CONSULTATION DRAFT LONDON PLAN: OCTOBER 2009

- 13.1 The Consultation Draft London Plan was published in October 2009.
- 13.2 The Examination in Public opened on 28th June 2010 and so its policies are some way off from publication in their final form. However, the council have referred to Climate Change **Policy 5.2: Minimising Carbon Dioxide Emissions** and **Policy 5.3: Sustainable Design and Construction** in its latest pre-application letters.
- 13.3 Notwithstanding that the Plan is still in draft form these new policies have been taken into account in the revised Sustainability and Environmental Planning Report prepared by Zef Ltd. See Section 2.1.5 of their report.

14.0 LONDON BOROUGH OF HARROW UDP: ADOPTED JULY 2004

14.1 The following 'saved' Harrow UDP Policies have relevance to this Project.

14.2 **Strategic Policy S1: The Form of Development and Pattern of Land Use** states:-

S1. THE COUNCIL SEEKS TO SECURE A FORM AND PATTERN OF DEVELOPMENT IN THE BOROUGH THAT ACCORDS WITH THE PRINCIPLES OF SUSTAINABLE DEVELOPMENT AND ACHIEVES THE FOLLOWING:-

- A) DEVELOPMENT THAT REDUCES THE NEED TO TRAVEL AND FACILITIATES AND ENCOURAGES TRAVEL BY MORE SUSTAINABLE MODES;**
- B) FULL AND EFFECTIVE USE OF LAND AND BUILDINGS;**
- C) CONSERVATION AND ENHANCEMENT OF NATURAL RESOURCES;**
- D) DEVELOPMENT THAT MINIMISES WASTE AND REDUCES POLLUTION; AND**
- E) INCREASES SOCIAL INCLUSION.**

14.3 In respect of those criteria:-

- A) The Green Travel Plan will be implemented for this community use which will continue to meet the existing local needs of the BWF community. Furthermore, the public consultation indicated a high percentage of people prepared to walk and cycle to this sustainable location;
- B) It is considered that this Project strikes the right balance between protecting the amenity of the area and adjacent properties whilst making full and effective use of the land;
- C/D) Do not really apply but a Habitat and Bat Survey was undertaken which established that there were no habitats of importance affected.
- E) One of the prime aims of this Project is to increase social inclusion.

14.4 **Strategic Policy SR2: Arts, Cultural, Entertainment, Tourist and Recreational Activities** states:-

SR2 PROVISION AND IMPROVEMENT OF ARTS, CULTURAL ENTERTAINMENT, TOURIST AND RECREATIONAL FACILITIES WILL BE ENCOURAGED. FACILITIES PROPOSED SHOULD BE:-

- A) ACCESSIBLE TO ALL;**
- B) ACCEPTABLE IN TERMS OF THEIR ENVIRONMENTAL IMPACT, ON RESIDENTIAL AMENITY, WILDLIFE, AND TRAVEL TO AND FROM THOSE FACILITIES; AND**
- C) LOCATED ACCORDING TO THE FOLLOWING CRITERIA:-**
 - 1) HIGH INTENSITY ACTIVITIES SHOULD BE LOCATED IN TOWN CENTRES OR OTHER AREAS OF GOOD PUBLIC TRANSPORT ACCESSIBILITY.**
 - 2) LOW INTENSITY ACTIVITIES OR ACTIVITIES THAT REQUIRE LARGE AREAS OF OPEN LAND BUT FEW BUILDINGS, SUCH AS GOLF COURSES, SPORTS PITCHES AND RIDING STABLES, MAY BE LOCATED WITHIN THE GREEN BELT AND METROPOLITAN OPEN LAND, PROVIDED THESE DO NOT CONFLICT WITH GREEN BELT AND METROPOLITAN OPEN LAND AIMS.**
 - 3) FOR OTHER TYPES OF ACTIVITY (THOSE NOT COVERED BY THE ABOVE) PREFERENCE WILL BE GIVEN TO LOCATIONS EASILY REACHED BY PUBLIC TRANSPORT, K WALKING OR CYCLING.**

14.5 In respect of the relevant criteria in that policy:-

- A) Whilst the architects will deal with the matter of accessibility in the Design and Access Statement the building will, of course, be accessible to all;
- B) Reference to the environmental impact on adjacent residential amenity will be made later on in connection with Policy C10;

C) It is considered that it is in an area "...easily reached by public transport, walking or cycling".

14.6 In that respect a statement in the justification paragraphs to **Policy SEM2: Hierarchy of Town Centres** is considered relevant when it is stated at para 2.101 that:-

"...the competitiveness of District and Local Centres, especially those without the benefit of a major superstore, has been declining in recent years. In order to ensure their continued health, the plan's policies reflect Government Policy in PPG6 by allowing other uses appropriate to town centres, particularly at their periphery. This will help to increase the numbers of people visiting those centres and ensure the continued viability and vitality of remaining retail units".

14.7 Whilst this development is not actually within the designated Town Centre it is close to it and it is considered that this development will provide a boost to North Harrow Shopping Centre. (See also Section 15.0 relating to the PPS4 Sequential Test and UDP Policies SEM2 and EM5 and reference to the Outer London Commission Report).

14.8 **Policy C2: Provision of Social and Community Facilities** states:-

"C2. THE COUNCIL WILL ENCOURAGE THE RETENTION OF EXISTING COMMUNITY FACILITIES AND SEEK THE PROVISION OF NEW ONES, PARTICULARLY IN AREAS IDENTIFIED TO BE IN NEED OF SUCH FACILITIES OR FACILITIES REQUIRED TO MEET THE NEEDS OF PARTICULAR COMMUNITIES".

14.9 In connection with that policy it is stated at justification paragraph 9.13, amongst other things, that:-

"There is a general shortage of suitable land and buildings for health, social and community uses in the Borough. In view of this the Council encourages their retention and the provision of new facilities in order to meet identified needs".

14.10 Clearly the Project has the support of that policy as well as the following Policy C10.

14.11 **Policy C10: Community Buildings and Places of Worship** states:-

“C10. THE COUNCIL WILL SEEK TO MAINTAIN AND RETAIN EXISTING PREMISES USED BY COMMUNITY OR RELIGIOUS GROUPS IN THE BOROUGH. IN CONSIDERING PROPOSALS FOR NEW FACILITIES; THE COUNCIL WILL ENSURE THAT THE PROPOSED DEVELOPMENT:-

- (A) IS LOCATED IN THE CATCHMENT POPULATION IT SERVES;**
- (B) IS ACCESSIBLE AND WELL SERVED BY A RANGE OF TRANSPORT OPTIONS INCLUDING PUBLIC TRANSPORT;**
- (C) HAS NO SIGNIFICANT ADVERSE IMPACT ON NEIGHBOURING PROPERTIES AND DOES NOT DETRACT FROM THE VISUAL AMENITY OF THE AREA; AND**
- (D) PROVIDES APPROPRIATE LEVELS OF CAR PARKING AND WOULD NOT HAVE AN ADVERSE EFFECT ON HIGHWAY SAFETY”.**

14.12 In connection with this policy the justification paragraphs state, amongst other things:-

“Although many community buildings, meeting rooms, Churches and religious buildings exist in the Borough, the demand for more premises is very high. Many community groups and voluntary bodies, particularly ethnic minority groups, lack suitable premises for social, cultural and religious activities”.

“There is a shortage of premises and sites large enough to accommodate new meeting halls, places of worship and community centres in the Borough”.

14.13 It is self evident that this Project has the full support of all the strategic and particular UDP policies relating to social and community facilities. With regard to the environmental criteria of Policy C10 the following comments are made:-

- C) The Sustainability and Environmental Planning Report prepared by ZEF Ltd analyses solar access, sunlight and daylight issues in Section 4 Solar Access, Sunlight and Daylight Study. The conclusion of that Section is that:-

“...the proposed development will still retain good daylighting and sunlight levels to the surrounding residential properties”.

and within their Executive Summary they state:-

“The solar access and study reports on the simulation carried out to determine the effect of the proposed development on surrounding buildings and spaces. Results show that solar access to surrounding spaces, sunlight to surrounding buildings and right to light for neighbouring buildings are all satisfactory according to BRE Guidelines”.

- C) Furthermore the size and form of the proposal has been reduced so that there is no adverse impact on the amenities of residents at 49-55 Cumberland Road. (See also reference to Policy EP25: Noise below).
- D) Mentor Milestone Ltd’s Transport Assessment establishes that the level of car parking proposed is appropriate and the Project would not have an adverse effect on highway safety.

14.14 **Policy EP25: Noise** states amongst other things that:-

“EP25. ...THE COUNCIL WILL TAKE INTO ACCOUNT NOISE AND VIBRATION LEVELS LIKELY TO RESULT FROM A PROPOSAL AND WILL REQUIRE NOISE, VIBRATION AND DISTURBANCE TO BE MINIMISED...”.

14.15 Explanatory paragraph 3.87 states amongst other things that:-

“So that people and sensitive environments are not subjected to excessive noise levels from new development or changes of use, noise generating development will not be permitted in noise-sensitive areas, unless developers can demonstrate that it would not have an adverse impact on neighbouring land uses... Developers will be expected to ensure that noise arising from their proposal, including noise generated by people and vehicles arriving and leaving the premises, does not cause excessive disturbance to adjacent land uses”.

14.16 The Equus Partnership Noise Assessment has established the proposal will not give rise to unacceptable noise intrusion to immediate residents or the area generally.

14.17 **Policy C11: Ethnic Communities** states:-

“C11 THE COUNCIL WILL ENDEAVOUR TO ADDRESS THE DIVERSE PLANNING REQUIREMENTS OF ETHNIC COMMUNITIES IN THE BOROUGH”.

14.18 In that respect justification paragraph 9.46 states:-

“As the Borough's ethnic diversity increases, the pressure for greater recognition of cultural diversity is likely to lead to additional demand for a variety of community facilities and greater awareness of the aspiration of community groups which might have land use implications. It is therefore important to ensure that the Plan adequately serves the need of Harrow population, by taking into account the specific needs of ethnic communities”.

14.19 For all the reasons previously set out the Project will be fully compliant with **Policy C16: Access to Buildings and Public Spaces** and **Policy C17: Access to Leisure, Recreation, Community and Retail Facilities**.

14.20 Former UDP Policy R9: Indoor Sports Facilities was deleted by the Secretary of State on 28th September 2007. It would seem that London Plan Policy 3D.6 is now relevant (see earlier).

14.21 However, **UDP Policy R11: Protecting Arts, Culture, Entertainment and Leisure Facilities** states:-

“R11 THE COUNCIL WILL RESIST THE LOSS OF ARTS, CULTURAL, ENTERTAINMENT OR LEISURE FACILITIES THROUGH REDEVELOPMENT OR CHANGE OF USE IN SUSTAINABLE LOCATIONS OR AREAS IDENTIFIED TO BE DIFFERENT UNLESS AN APPROPRIATE REPLACEMENT FACILITY IS OFFERED”

14.22 The justification paragraph to this policy is significant in that it states:-

“Identifying new sites for arts, culture, entertainment and leisure facilities to cater for community needs in the future may lead to development pressures on open land for sufficient land and recreational open space. These pressures may be in out-of-town locations which are inaccessible, inconvenient and unsustainable. For this reason, the Council will require any existing redundant sites to be retained for replacement with other similar recreational functions”.

14.23 **Policy R13: Leisure Facilities** was not previously referred to because it was considered it related more to the encouragement of dual and multi-purpose use of existing facilities. However, the council referred to it as a relevant policy in the Committee Report and, indeed, some of the justification statements do support the proposal.

14.24 Para 8.46 confirms that projects such as the NHCC:-

“...are scarce and opportunities for new development limited...” and “...it is important therefore that the best possible land use is made of new and existing facilities...” and “...one way of doing this is to ensure new premises ...are capable of dual and multi-purpose use”.

14.25 Not only does the justification paragraph confirm again how scarce and valuable sports facilities are in the Borough but it is emphasised that the Sports Hall has been designed so as to be capable of use both for five-a-side football and as 4 no. badminton courts.

14.26 Redevelopment of the existing Community Centre, with additional sports facilities, in this sustainable PTAL3 location close to the North Harrow Shopping Centre must be fully compliant with all the UDP and London Plan policies relating to the provision of Community Centre uses and indoor sporting facilities.

14.27 The relevant saved UDP Housing policy relating to this development is **H11: Presumption Against the Loss of Residential Land and Buildings**. That states:-

“H11 THE COUNCIL WILL NORMALLY REFUSE PROPOSED CHANGES OF USE RESULTING IN THE LOSS OF LAND AND/OR BUILDINGS FROM RESIDENTIAL TO NON-RESIDENTIAL”.

14.28 Whilst this Project will involve the demolition of 3 no. dwellinghouses and 1 no. residential annex without replacement Justification paragraph 6.63 states:-

“6.63. The council recognises and accepts that there may be exceptional circumstances where appropriate community uses... would be allowed to locate within residential units or on land allocated for housing. The onus will be upon the developer to prove that there is a need and that the facility cannot reasonably be accommodated elsewhere”.

14.29 The site is located within a Flood Risk Zone 3b and the Environment Agency have opposed the provision of any residential development in the project. Indeed, that was the subject of previous reason for refusal 1. Most importantly, however, the council have acknowledged that the project will bring substantial community benefits such as to represent “exceptional circumstances” under the terms of Policy H11.

14.30 Within Chapter 3: **ENVIRONMENTAL PROTECTION AND OPEN SPACE** there are other UDP policies which are dealt with in other consultants’ reports. A synopsis is:-

- **Policy EP11: Development within Flood Plains** is addressed by the WSP Report.
- **Policy EP12: Control of Surface Water Run-off** is addressed in the ZEF Report.
- **Policy EP13: Culverting and Deculverting.** The Project has been the subject of discussions with Harrow’s Drainage Engineers. It is not proposed to de-culvert the Yeading Brook.
- **Policy EP15: Water Conservation** is dealt with in the ZEF Report.
- **Policy EP16: Waste Management: Disposal and Recycling Facilities** is dealt with in the Architect’s Design and Access Statement.
- **Policy EP20: Use of Previously Developed Land.** The Project is in full compliance with this policy.
- **Policy EP22: Contaminated Land.** This issue has been satisfactorily dealt with by the report prepared by Soiltechnics. Contamination is not a problem here and suitable conditions could be imposed on any planning permission.

14.31 The following policies in **CHAPTER 4: DESIGN AND THE BUILT ENVIRONMENT** are addressed in the Architect’s Design and Access Statement. A synopsis of the relevant policies is:-

- **Policy D4: The Standard of Design and Layout** states that the authority will expect a high standard of design and layout in all development proposals.
- The concept of the themed gardens and the design of the Agora Piazza fronting Station Road are explained in the Design and Access Statement in the context of **Policy D9: Streetside Greenness and Forecourt Greenery, Policy 29: Street Furniture** and **Policy 30: Art and Design.**

- **Policy D10: Trees and New Development.** The Arboricultural Assessment established that:-
 - Because of the presence of the Culvert none of the trees in adjacent gardens to the east would be adversely affected by the development.
 - There were a couple of trees within the site which would have to be felled but these were not of any particular merit.
 - The proposal would, however, be likely to have an adverse effect on one street tree in Canterbury Road. Accordingly, the offer will be made within a Section 106 Agreement to pay for a replacement tree in a similar location.

14.32 The policies within **CHAPTER 5: TRANSPORT** are addressed in the Transport assessment and Green Travel Plan prepared by Mentor Milestones Ltd. A synopsis of the relevant policies is:-

- **Policy T6: The Transport Impact of Development Proposals.** The Transport Assessment has been prepared together with a Green Travel Plan.
- **Policy T9: Walking** and **Policy T10: Cycling.** The Green Travel Plan will encourage both these modes of travel.
- **Policy T11: Cycle and Motorcycle Parking in Public Places.** Provision is made within the development.
- **Policy T13: Parking Standards.** The parking requirement is assessed in the Transport Assessment.
- **Policy T15: Servicing of New Developments.** Again dealt with in the Transport Assessment.

14.33 The final UDP Policy considered relevant is **I3: Planning Obligations and Legal Agreements.** That states, amongst other things:-

“I3. THE COUNCIL MAY SEEK TO SECURE PLANNING BENEFITS BY MEANS OF A PLANNING OBLIGATION IN CONNECTION WITH A DEVELOPMENT PROPOSAL....”.

14.34 In the previous Planning Statement it was stated that BWF Ltd would be prepared to give consideration to the inclusion of the following clauses within a Section 106 Agreement should the local planning authority consider them necessary:-

- (a) To the effect that the proposed development will be undertaken in one phase (para 3.16);
- (b) Requiring the setting up of a Management Board which will include local authority and local resident representation (3.34, 3.35 and 6.15);
- (c) Implementation of a Green Travel Plan (7.3, 14.3 (A) and 14.32);
- (d) Provision for the replacement of a street tree in Canterbury Road (7.3);
- (e) Confirming that no alcoholic drinks will be allowed on the premises at any time (6.12); and
- (f) Provision for the reintroduction of kerbs where there will be redundant crossovers at 34 Canterbury Road and 37 Gloucester Road; although a condition requiring their reinstatement prior to the occupation of the Centre could be sufficient.

14.35 All the above is re-affirmed but it has subsequently occurred to BWF that the production of a Facility Management Plan might be appropriate to incorporate items (c) and (e) above and which could also include how arrangements for such events as wedding functions could be managed – as referred to in para 11.30 in the Transport Assessment.

15.0 PPS4 SEQUENTIAL APPROACH AND UDP POLICIES SEM2 AND EM5

15.1 When permission was refused the following informative was attached to the decision:-

“The applicant is advised that any new or revised planning application for a similar development proposal for this site will need to be accompanied by a Sequential Test demonstrating compliance with Policies SEM2 and EM5 of the Harrow Unitary Development Plan 2003”.

15.2 It has subsequently been agreed that this issue can be dealt with in this Planning Statement.

15.3 UDP Policy SEM2 is:-

“SEM2. Hierarchy of Town Centres.

A TOWN CENTRE HIERARCHY HAS BEEN ADOPTED COMPRISING HARROW METROPOLITAN CENTRE, DISTRICT CENTRES, LOCAL CENTRES, LOCAL PARADES AND SHOPS. THE COUNCIL WILL PROMOTE AND SUSTAIN THE HEALTH OF TOWN CENTRES AND LOCAL PARADES. PROPOSALS WHICH PREJUDICE THEIR VITALITY AND VIABILITY WILL BE RESISTED.

15.4 UDP Policy EM5 states:-

“EM5. New Large Scale Retail and Leisure and Other Development

PROPOSALS FOR NEW RETAIL, LEISURE DEVELOPMENT AND OTHER LARGE SCALE USES ATTRACTING CONSIDERABLE NUMBERS OF PEOPLE, OR MAJOR EXTENSIONS TO EXISTING DEVELOPMENTS. SHOULD BE LOCATED IN METROPOLITAN AND DISTRICT CENTRES. APPLICATION FOR PLANNING PERMISSION WILL BE CONSIDERED IN ACCORDANCE WITH A SEQUENTIAL APPROACH. THE ORDER OF PREFERENCE FOR THE LOCATION OF DEVELOPMENT SHOULD BE AS FOLLOWS:-

A) SITES IN METROPOLITAN AND DISTRICT CENTRES;

B) AN EDGE-OF-CENTRE OR LOCAL CENTRE;

IN CONSIDERING PROPOSALS TO DEVELOP EDGE-OF-CENTRE OR OUT OF CENTRE LOCATIONS, THE DEVELOPER MUST DEMONSTRATE THAT:-

A) THERE IS A NEED FOR THE DEVELOPMENT AND ALL OTHER SEQUENTIAL PREFERABLE OPTIONS ARE INAPPROPRIATE; AND

B) THE VITALITY AND VIABILITY OF EXISTING CENTRES WOULD NOT BE COMPROMISED”.

15.5 When the decision was issued PPS6 was still in force. However, that was superceded by PPS4 in December 2009. The relevant part of that new Government advice (referred to at paras 10.10-10.17) is Policy EC5.2 which states, amongst other things, that:-

“EC5.2. Sites for main town centre uses should be identified through a sequential approach to site selection. Under the sequential approach, local planning authorities should identify sites that are suitable, available and viable in the following order:-

(a) Locations in appropriate existing town centres where sites or buildings for conversion are, or are likely to become, available within the plan period;

(b) Edge-of-centre locations, with preference to sites that are or will be well-connected to the centre.

15.6 At the time of the consideration of the previous application the council's policy section comments included the following statement (in e-mail of 10th October 2008):-

“...There are few if any sites in North Harrow that are suitable and available for this form and scale of development and the proposed uses are unlikely to have an adverse impact on the centre's core retail function....”.

15.7 Furthermore, as previously stated, the council have confirmed by letter dated 29th June 2010 that they accept the conclusions of the PPS25 Sequential Test Report ie that there are no other reasonably available sites that could be suitable and appropriate for the proposal within the Borough.

15.8 Turning then to assess whether the Project would have any adverse impact on North Harrow Shopping Centre the following comments are made:-

- The site could not, it is submitted, be very much closer to being an edge-of-centre location because the nearest point of the site to North Harrow Shopping Centre designation is 20m diagonally opposite in Station Road. (The Genesis development being within the designated area).
- The site is, therefore, well-located to the Centre and all its facilities; including public transport links.
- BWF have consistently stated that the proposed café/restaurant will be an ancillary facility purely for those accessing the NHCC. It will not be a commercial facility and will not be advertised externally. Consequently it will have no impact on the functioning of the existing shopping centre.
- Likewise the Beauty Salon will be an adjunct to the Gymnasium use. Furthermore, it will only comprise some 20 sqm and could not in any way be taken to threaten the viability of the Shopping Centre.
- The Project replaces an existing Community Centre which has existed for 18 years on this site and has, therefore, established links within the North Harrow area; including to the Shopping Centre and residents.

15.9 In conclusion:-

- The proposal replaces an existing Community Centre for which there is a dedicated community base built up over 18 years.
- The authority accept that the proposal cannot be accommodated elsewhere.
- There will be no impact upon the existing Shopping Centre; indeed, it is submitted that it will have a beneficial effect.

15.10 The PPS4 sequential approach has, therefore, been applied and it is considered that the proposal passes that test.

16.0 HARROW LOCAL DEVELOPMENT FRAMEWORK

16.1 As previously stated BWF have taken an active role in the emerging LDF and have submitted representations to both Core Strategy Preferred Options Consultations in July 2008 and January 2010.

16.2 The gist of their representations have been:-

- BWF endorses the council's aim to foster cultural diversity by ensuring that everyone has the opportunity to access community and social facilities.
- Policies should, therefore, ensure that the diverse cultural needs of the community should be taken into account to maximise social cohesion.
- The council should therefore support schemes for new cultural facilities in sustainable locations where they fulfil those aims.

16.3 The representations to the LDF concluded by submitting that the NHCC site is sustainably located and its redevelopment will bring substantial community benefits to the area.

17.0 CONCLUSION

- 17.1 BWF have established a successful Community Centre for their members since acquiring the Assembly Hall site from the council in 1992.
- 17.2 They have always had aspirations to provide a better and improved Community Centre not only for their own members but also for the entire community. Discussions concerning this scheme commenced in earnest in 2003 and have evolved into this Project for a state-of-the-art building with, it is submitted, outstanding architectural merit.
- 17.3 This redevelopment of the existing Community Centre, with additional sports facilities in a sustainable location close to the North Harrow Shopping Centre must be fully compliant with all National, London Plan and UDP policies.
- 17.4 Since the refusal of permission in July last year BWF and its Project Team have worked tirelessly with officers of Harrow Council to overcome the previous reasons for refusal. This, it is confident, it has achieved and the Council is respectfully requested to grant permission to this Project which will not only be an important asset to the Borough but will be an outstanding landmark building.

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