Executive Summary and Recommendations

Cabinet Member Report

Date: June 2011

Subject: 291 Harrow Road, 1-2 Elmfield Way and the adjoining land London W9 - Draft Planning Brief for approval to be published as a draft Supplementary Planning Document for public participation

Summary

On the 11 May 2011 the Planning Sub-Committee (Planning Briefs and Local Development Framework) considered a draft planning brief for the 291 Harrow Road, 1-2 Elmfield Way and the adjacent land London W9.

It is intended that by following the procedures set out in the Town and Country Planning (Local Development) Regulations 2004 the draft planning brief will eventually become adopted as a Supplementary Planning Document (SPD). The decision to publish SPD’s is an executive decision. The Planning Sub-Committee is therefore unable to formally take the decision to adopt or consult upon a planning brief which is intended to become a SPD, though it may give its views. In accordance with the Sub-Committee’s recommendations the purpose of this report is therefore to request the formal approval of the Cabinet Member for the Built Environment to publish the draft planning brief as a draft SPD for public consultation.

A copy of the draft brief, incorporating minor amendments as recommended by the Sub-Committee, is submitted with this report to the Cabinet Member for the Built Environment for approval.

Recommendation

1. That following the resolution of the 11 May 2011 Planning Sub-Committee (Planning Briefs and Local Development Framework) the Cabinet Member resolves that the draft planning brief attached as appendix 3 be published as a draft Supplementary Planning Document for public participation in accordance with Regulation 17 of the Town and Country Planning (Local Development) (England) Regulations 2004 as amended.

2. That the consultation statement prepared in accordance with Regulation 17 (1) (b) of the Town and Country Planning (Local Development) (England) Regulations 2004 attached as appendix 4 to this report be approved.
City of Westminster

Cabinet Member Report

Report to: Cabinet Member for the Built Environment

Date: June 2011

Classification: For General Release

Title of Report: 291 Harrow Road, 1-2 Elmfield Way and the adjacent land London W9 - Draft Planning Brief for approval to be published as a draft Supplementary Planning Document for public participation

Report of: Strategic Director Built Environment

Wards involved: Westbourne Ward

Policy context:
- City of Westminster Core Strategy adopted (2011)
- City of Westminster Unitary Development Plan (2007)
- The London Plan 2009 (consultation draft replacement) and subsequent revisions.

Financial summary: Costs of consultation can be contained within approved revenue budgets

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1. Background Information

1.1 On the 11 May 2011 the Planning Sub-Committee (Planning Briefs and Local Development Framework) agreed that a draft planning brief for the site at 291 Harrow Road, 1-2 Elmfield way and the adjacent land should be recommended to the Deputy Leader and Cabinet Member for the Built Environment for approval to be published as a draft Supplementary Planning Document (SPD) for public participation. This resolution was made subject to a number of minor amendments requested by the Sub-Committee which have now been made.

1.2 The 11 May 2011 Sub-Committee report and the draft minutes of the meeting are included as appendices 1 and 2. The report sets out the context and background for producing the draft planning brief.

1.3 The draft brief, as put before the sub-committee, has not been included within the appendices of the Sub-Committee report (appendix 1 to this report) as a further draft has been prepared incorporating the changes put forward by the sub-committee. The revised version is attached to this report as appendix 3.

2. Detail

2.1 The Sub-Committee suggested a number of additional amendments to the revised draft brief. These are set out in the draft Sub-Committee minutes attached as appendix 2. The majority of the recommendations have been taken on board in the revised draft planning brief, attached as appendix 3, please see attached appendix 3 with tracked changes made since the date of the Sub-Committee meeting.

2.2 These amendments which have been incorporated in the brief include:

- Changes to paragraphs 3.5.4 & 4.2.11
  These have been reworded to make clear that Policy NWW2 will only be set aside if the preferred options set out in the brief are part of any future proposal. Paragraph 3.5.4 also strengthens the case for setting aside this policy due to the exceptional circumstances of the planning history and existing uses of the site.

- Changes to 2.5.7 & 4.4.6
  To strengthen the requirement to replace the multi use games area or similar facility.

- Changes to Foreward, Executive Summary, 3.5.4, 4.2.3, 4.2.10, 4.2.11 and 4.2.19
  Officers have considered the preference for key worker housing and included this in the brief.

- Changes to paragraph 2.5.4
  The Sub-Committee requested that the position regarding the lawful use of the part of the site occupying the adjacent land is reviewed. Officers discussed the planning history and existing uses on the site.
Part of the site has two extant planning consents requiring a hostel provision alongside, one of which was part implemented. The original planning application conditions required 420 beds (105 units) for NHS staff but the buildings built as part of the scheme in Ashgrove and Lockbridge Courts only provide 370 beds (77 units). Therefore as the number of units built was below those identified in the original planning application, officers feel there is still a requirement for affordable housing on this site. This information is now reflected in paragraph 2.5.4 of the brief which makes the position clearer regarding the planning history and hostel use.

- Other editorial changes have been made to the brief including the insertion of new photographs, further proof reading resulting in changes and references added to other Core Strategy Policies throughout the brief.

2.3 In accordance with recommendation (b) of the Sub-Committee, the Strategic Director Built Environment has approved the revisions to the wording of the draft planning brief, as recommended by the Sub-Committee.

2.4 The decision to publish SPD’s is an executive decision. In accordance with the Sub-Committee’s recommendations the purpose of this report is therefore to request the formal approval of the Deputy Leader and Cabinet Member for the Built Environment to publish the revised draft planning brief as a draft SPD for public participation.

2.5 In accordance with the relevant legislation and the City of Westminster’s Statement of Community Involvement following formal approval by the Cabinet Member for the Built Environment, extensive public consultation on the draft planning brief will take place for six weeks.

2.6 Following public participation, it is intended that the draft brief and consultation responses will be reported back to the Sub-Committee and then to the Deputy Leader and Cabinet Member for the Built Environment. Once amended, as appropriate, in response to consultees’ comments, the brief will be recommended for approval to be formally adopted as an SPD. The brief has been prepared to supplement the council’s emerging Local Development Framework and will become a material planning consideration in the determination of planning applications.

2.7 In accordance with Regulation 17 (1) (b) of the Town and Country Planning (Local Development) (England) Regulations 2004 the council is required to prepare a statement setting out the details of any consultation that has taken place in connection with the preparation of a draft Supplementary Planning Document (SPD) including the main issues raised and how they have been addressed in the SPD. Included at Appendix 4 is a draft consultation statement which has been prepared to address these requirements and which describes the initial consultation undertaken on the revised draft planning brief in advance of it being published for formal public participation.
3. **Financial Implications**

3.1 In itself, the draft brief will have no direct financial consequences. When adopted, the brief could have an impact on site values and the planning obligations sought alongside development.

3.2 The brief brings three sites together which should lead to a more comprehensive redevelopment, compared with a separate marketing strategy for each site. This could influence the value of the whole site in terms of its potential for specialist housing, social and community facilities, market and affordable housing. The final design and layout of the scheme will also be a key factor in the eventual valuation of the whole site.

3.3 All work on the draft planning brief can be accommodated within existing resources.

4. **Legal Implications**

4.1 Once responses to public participation on the draft planning brief are considered and any changes resulting from them are incorporated, the amended brief will have increased material weight in determining applications for planning permission. The brief will gain further weight when it is adopted.

5. **Staffing Implications**

5.1 Work required to undertake the consultation exercise can be met by existing staffing levels.

6. **Business Plan Implications**

6.1 There are no business plan implications arising from this brief.

7. **Outstanding Issues**

7.1 None

8. **Consultation**

8.1 The Deputy Leader and Cabinet Member for the Built Environment is asked to formally agree that the draft planning brief be published for public participation purposes. If agreed, consultation will take place with the following:

- Ward Councillors;
- Amenity Societies;
Residents and businesses in the local area and their various representative organisations;
Other Council Departments;
NHS Westminster;
The Department of Health;
Key landholders;
Westbourne Forum;
The general public (via One Stop Services and the council’s website).

8.2 Following public participation it is intended that the draft brief will become formally adopted as a Supplementary Planning Document (SPD). The brief will become a material planning consideration in the determination of planning applications for this site.

8.3 The council has a statutory duty to consult on the preparation of an SPD for a period of between 4 to 6 weeks. The purpose of the public participation is to allow comments to be expressed about the development principles that should be established for the site and to ascertain stakeholder and public views on the draft document. Following public participation, where appropriate the SPD will be revised to take account of the comments received.

8.4 By following the above procedures the consultation on the draft planning briefs will conform with the council’s Statement of Community Involvement (2007) and the Town and Country Planning (Local Development) Regulations 2004 (as amended). This is in line with the statutory requirements for producing an SPD and is in accordance with the council’s duty as a Local Planning Authority in considering the development principles for the site.


9.1 Under Section 17 of the Act, a Local Authority has a duty “to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all it reasonably can to prevent, crime and disorder in its area”.

9.2 It is considered that the proposed consultation process will afford the council a useful opportunity to work with those with an interest in the land and designers to ensure that opportunities for crime given by the built environment are minimised.

10. Health and Safety Issues

10.1 None

11.1 The provision of specialist housing will meet the needs of people with learning and physical disabilities (particularly those with Autistic Spectrum Disorder) in Westminster. If the development options in this brief are delivered, the development will meet the aims of Article 8 of the Act, by providing homes for people to enjoy their private lives.

12. Conclusions and Reasons for the Proposed Decisions

12.1 Consultation on the draft brief will allow the council to ensure that the brief is factually correct in association with stakeholders, and keep local people informed of progress. It will also give all consultees the chance to comment and influence the council’s approach to planning this site.

If you have any queries about this report or wish to inspect one of the background papers please contact Helena Merriott on 020 7641 2860, fax 020 7641 3050, email hmerriott@westminster.gov.uk.

APPENDICES

Appendix 1 – Report to the 11 May 2011 Planning Sub Committee (Planning Briefs and Local Development Framework) (Item 1)

Appendix 2 – Draft Minutes from the 11 May 2011 Planning Sub Committee (Planning Briefs and Local Development Framework)


BACKGROUND PAPERS

None
For completion by Cabinet Member for the Built Environment

- Declaration of Interest

I have no interest to declare in respect of this report

Signed ........................................ Date........................................
NAME: Councillor Robert Davis DL, Deputy Leader and Cabinet Member for the
Built Environment

I have to declare an interest

State nature of interest .................................................................

.................................................................

Signed ........................................ Date........................................
NAME: Councillor Robert Davis DL, Deputy Leader and Cabinet Member for the
Built Environment

(N.B: If you have an interest you should seek advice as to whether it is
appropriate to make a decision in relation to this matter.)

For the reasons set out above, I agree the recommendation(s) in the report
entitled:

291 Harrow Road, 1-2 Elmfield Way, and the adjacent land - Draft Planning
Brief for approval to be published as a draft Supplementary Planning
Document for public consultation

Signed .................................................................
Deputy Leader and Cabinet Member for the Built Environment.

Date .................................................................

If you have any additional comments which you would want actioned in
connection with your decision you should discuss this with the report author and
then set out your comment below before the report and this pro-forma is
returned to the Secretariat for processing.

Additional comment: .................................................................

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NOTE: If you do not wish to approve the recommendations, or wish to make an alternative decision, it is important that you consult the report author, the Head of Legal Services, the Director of Finance and, if there are staffing implications, the Director of Human Resources (or their representatives) so that (1) you can be made aware of any further relevant considerations that you should take into account before making the decision and (2) your reasons for the decision can be properly identified and recorded, as required by law.

Note to Cabinet Member: The decision will now be published and copied to the Members of the relevant Policy & Scrutiny Committee and may not be implemented until five working days have elapsed from publication to allow the Overview and Scrutiny Committee to decide whether it wishes to call it in.