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Mr Sean Ernsting
The Planning Inspectorate
Room 3K
Temple Quay House
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16th July 2024

Final Comments - Revised

Dear Mr Ersnting,

APPEAL REF: APP/R5510/W/24/3340769
APPEAL SITE: 14 - 16 STATION ROAD, HAYES, UB3 4BY
APPELLANT: CHONGIE ENTERTAINMENT LTD

Thank you for sending me the LPA's Statement of Case after the deadline. I had previously provided the Appellant's final comments on this Appeal, but please forward this amended version to the Inspector. I understand there is one third-party comment, from a resident of the borough. The Appellant's case for the Appeal has been set out in detail within its submitted Statement of Case. In accordance with Planning Inspectorate (PINS) guidance, this letter does not seek to introduce any new material or put forward any arguments which have not been included within the Appellant's earlier Statement.

The Statement of Case addresses the two reasons for refusal, relating (1) to the impact of the proposed development on the vitality and viability of the Town Centre and Primary Shopping Area, and (2) to the proposal's perceived resultant increase in noise and disturbance. It analyses the proposed development alongside Hillingdon's adopted development plan and national planning policy, as well as decisions taken both locally and by the Planning Inspectorate in cases similar to this one.

It demonstrated that in respect to the first reason above, the most recent use of the Appeal site was a bank (Class E), and that as well as the proposed adult gaming centre, part of the former bank unit will be retained in Class E use and operated as a retail unit. This means there will be no net reduction in the number of Class E units in the primary shopping area. The addition of a sui generis use alongside the retention of a Class E use would not result in an overconcentration of "restricted uses".

In respect to the second reason, the evidence submitted as part of the policy assessment clearly undermines the Council's unqualified assertions that the use of the Appeal site as a part-sui generis and part-Class E use would create noise and disturbance. Users of an AGC do not have access to alcohol; do not arrive or leave in a rowdy manner; and do not congregate in large groups. It appears the Council has not reviewed the submitted Noise Impact Assessment in any detail, nor the detailed observations and assessment by Darrell Butterworth. This is a town centre location, where a mix of both commercial and residential uses is encouraged and expected. A lengthening of operating hours does not automatically mean an increase in noise. This is as set out in the submitted Noise Impact Assessment.

LPA Statement of Case

It is worth commenting on a number of points made in the Council's Statement of Case. The list of bullet points at 2.1 is a good summary of the Appellant's case for the Appeal proposal:

- *Part of the former bank unit will be retained in Class E use and operated as a retail unit. This means there will be no net loss in the number of Class E units in the primary shopping area.*
- *AGCs are an appropriate town centre use which contributes to the vitality and viability of an existing centre.*
- *Darrell Butterworth's extensive observations of Hayes indicate that Hayes benefits from a thriving night-time economy, meanwhile his observations of existing AGC across the country indicate that the majority of patrons enter/leave AGCs on foot and usually alone, and that customers rarely congregate outside.*

It is noted that the Council remains of the view that the proposal would result in an overconcentration of "restricted" uses, and that it disagrees that Hayes has a thriving night-time economy. However, it goes on to state at 2.4 that "many fast food outlets and green grocers do remain open into the early hours of the morning". Hence, it has contradicted itself. Station Road and Coldharbour Lane are both within the defined town centre, and the town centre is read as a whole. It is not appropriate to pick and choose which parts of the centre to focus on. As has been observed by Darrell Butterworth, there is already a night-time economy in Hayes; this doesn't result in noise and disturbance; and the addition of a 24-hour adult gaming centre will merely add to this, not harm it. It cannot be assumed that simply because something is open beyond normal "shopping" hours, it will create more noise. Longer hours do not equal an increase in noise. The Council's bullet points above serve as a useful overview of adult gaming centres. The key one in the case of reason for refusal two being:

"...the majority of patrons enter/leave AGCs on foot and usually alone, and that customers rarely congregate outside."

Despite having ample opportunity to do so, the Council has not produced any evidence to support its reasons for refusal. It could, for example, have undertaken its own assessments, provided evidence of noise complaints or objections to demonstrate its case, or found examples of where an AGC has negatively impacted a centre's vitality

and viability. The Council has not produced any such evidence, suggesting that it could find no support for its Appeal position.

On a simple level, a large, long-vacant former Santander bank adds nothing to the vitality and viability of the town centre. However, an adult gaming centre and a smaller retail unit designed for a florist is likely to bring footfall, activity and expenditure to Hayes.

It has been demonstrated that the Appeal proposal complies with Policies DMTC 2, DMTC 3 and DMTC 4 of the Hillingdon Local Plan - Part Two (2020), and Policy SD6 of the London Plan (2021).

Third Party Representation

One letter has been received in response to the Appeal, from an address in Hayes, around 0.6 miles from the site.

It is unfortunate that the letter states that *"The high street (Station Road) already attracts anti-social behaviour and large groups of people consuming alcohol and drugs"*. There is no evidence to show that AGCs contribute to anti-social behaviour, and indeed the appellant operates a strict entry policy where no-one considered to be under the influence of drugs or alcohol is permitted entry. No alcoholic drinks are served in an AGC. The letter goes on to state that *"...the addition of a 24-hour outlet will encourage this further"* which is simply untrue.

I would refer the Inspector to Appendices 1 to 3 of the Statement of Case which contain evidence and observations from a Licensing and Security Authority Compliance Consultant specialising in gambling licensing matters. The Statement of Case summarises this evidence, noting there is not a link between the presence of adult gaming centres and the actions of street drinker or anti-social behaviour.

In summary, it is not considered that the Council's Officer Report nor the brief Statement of Case has justified the refusal of planning permission. Despite the Council submitting a Statement of Case, the Appellant's Appeal justification, as set out within its earlier Statement of Case is largely unchallenged and should therefore be accepted as the appropriate basis for consideration of this Appeal.

Yours sincerely,



Alexandra Webster
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