



DESIGN AND ACCESS STATEMENT

TO ACCOMPANY:

Full Planning Application

BY:

Mr Tanvir Gauher

TO:

London Borough of Hillingdon

FOR:

Change of use from A1 retail to B1(c) dental manufacture

AT:

171 North Hyde Road, Hayes, UB3 4NS

CONTENTS

1.0	Proposal	Page 3
2.0	Relevant Site History	Page 4
3.0	Site Location	Page 5
4.0	Application Property	Page 6
5.0	Relevant Planning Policy	Pages 7 to 11
6.0	Principle of the Development	Pages 12 to 13
7.0	Impact on Residential Amenity	Page 14
8.0	Impact on Street Scene	Page 15
9.0	Highway Safety	Pages 15 to 16
10.0	Plan List	Page 16
11.0	Conclusions	Page 16

1.0 PROPOSAL

1.1 This application seeks planning permission for the change of use of from A1 retail to B1(c) dental manufacture to the ground floor of no. 171 North Hyde Road following the relocation of the existing business from the adjacent property no. 169 North Hyde Road.

1.2 To facilitate the development an existing single storey outbuilding within the rear courtyard would be demolished in order to provide an off-road parking space.

1.3 No internal or external alterations are proposed to no. 171 and the proposed unit would not be open to the general public, however, the applicant is willing to install mitigating measures to dividing party walls and ceilings should this be considered necessary to reduce noise levels.

1.4 Operating hours proposed:

- Monday to Friday 08.00hrs to 18.00hrs
- Saturday 08.00hrs to 18.00hrs
- Sunday Closed
- Bank Holidays Closed

1.5 Staff levels:

Two full time employees

One part time motorcycle courier is also employed who is not based at the site and would visit the premises just once per day delivering and collecting mould impressions to and from local dental surgeries. The courier's actual time spent at the site is minimal.

1.6 The business is of a small scale which would utilise the following types of machinery:

- Casting machine
- Porcelain Furnace
- Trimming Machine
- Micromotor
- Dust Collection/Extraction

2.0 RELEVANT SITE HISTORY

- 2.1 The B1(c) dental manufacturing business proposed at no. 171 currently operates from no. 169 North Hyde Road.
- 2.2 Application ref 19868/APP/2014/2282 was initially submitted for the change of use from A2 to B1(c) at no. 169 although was refused with the decision citing two reasons for refusal relating to impact on residential amenities and inadequate servicing and parking provision.
- 2.3 A resubmission under application ref 19868/APP/2015/315 for *“the change of use from Class A2 Financial Services to Class B1 Dental Manufacturing Unit”* included additional details relating to the light industrial use and the council concluded that there would not be an unacceptable impact on neighbouring amenity although concerns regarding parking were upheld.
- 2.4 The current use of no. 169 was established on 23rd November 2015 following appeal reference APP/R5510/W/15/3028149 as Inspector Whelan who assessed the appeal case found the provision of parking acceptable and that it would not adversely affect highway or pedestrian safety and thus did not conflict with policies AM7 and AM14 of the UDP.
- 2.5 Condition 1) which was attached to the appeal decision required a scheme for protecting the living conditions of surrounding residential occupiers from noise. Application reference 19868/APP/2016/698 was duly submitted and approved on 11th April 2016.
- 2.6 However, recently application ref 73108/APP/2019/1413 has been approved on 24th July 2019 for *“Single storey rear extension to existing doctors surgery at 167 and to rear of units 169 and 171, change of use of 169 from dental manufacture (Use Class B1c) to doctors surgery (Use Class D1) and alterations to front elevation”*.
- 2.7 Whilst the recent application for the extension of the doctors surgery and the change of use of no. 169 from B1(c) use to D1 use has not yet been implemented this has resulted in the existing dental manufacturing business seeking to relocate.
- 2.8 No. 171 North Hyde Road provides a very similar layout to no. 169 and thus the applicant considers that the relocation would have minimal impact on the ongoing business or the surrounding commercial units as well as neighbouring residential accommodation.

3.0 SITE LOCATION

- 3.1 The application site, no. 171 North Hyde Road, is located to the southern side of North Hyde Road at the junction with Roseville Road to the east.
- 3.2 The site currently comprises an A1 retail unit to the ground floor that forms part of a terrace of commercial units with residential accommodation to the upper floors. The surrounding area is predominantly residential in character, however, the site is not within a conservation area and the property is not a listed building.



Aerial views of the application site and surrounding area

4.0 APPLICATION PROPERTY

- 4.1 The application relates to the ground floor unit of no. 171 North Hyde Road that is currently in A1 retail class use and previously operated as 'Ali Carpets' which ceased trading in 2016.



No. 171 North Hyde Road (Ali's Carpets)

- 4.2 The application site also includes part of the enclosed yard to the rear of the property which currently contains a detached outbuilding.



No. 171 North Hyde Road (Ali's Carpets)

5.0 RELEVANT PLANNING POLICY

- 5.1 The following paragraphs provide a brief summary of the relevant local and national planning policies. The paragraphs are in a hierarchical order relative to the importance of national and local planning policy.

National Planning Policy Framework (NPPF)

- 5.2 The National Planning Policy Framework set out the Government's planning policies for England and how these are expected to be applied. The following sections and paragraphs make reference to the parts of the NPPF which are directly relevant to this application.

Presumption in Favour of Sustainable Development

- 5.3 Paragraph 11 of the NPPF sets out that plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

- a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;
- b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Decision-making

- 5.4 Paragraph 38 states that local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Building a strong, competitive economy

- 5.5 Paragraph 80 that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Achieving well-designed places

- 5.6 Section 12 of the NPPF refers to design, with paragraph 124 describing how the Government attaches great importance to the design of the built environment, stating that *“Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*
- 5.7 Paragraph 127 states that planning policies and decisions should ensure that developments:
 - a) *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
 - b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
 - c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
 - d) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*

- e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

5.8 Paragraph 130 states:

“where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development”.

The London Plan

- 5.9 The council embraces the sentiments of the London Plan which sets a clear context for considering development needs at local level. Chapter 4 and policy 6.3 are considered relevant.

Chapter Four: London’s Economy

- 5.10 The mayor will work with partners to promote and enable the continued development of a strong, sustainable and increasingly diverse economy across all parts of London, ensuring the availability of sufficient and suitable workspaces in terms of type, size and cost, supporting infrastructure and suitable environments for larger employers and small and medium sized enterprises, including the voluntary and community sectors.

Policy 6.3: Assessing effects of development on transport capacity

- 5.11 Development proposals should ensure that impacts on transport capacity and the transport network, at both a corridor and local level, are fully assessed. Development should not adversely affect safety on the transport network.

Hillingdon Local Plan: Part 2 – Saved UDP Policies (November 2012)

- 5.12 The UDP was Hillingdon's long term development strategy. Since its adoption, in 1998, the strategic policies have been replaced by the Local Plan Part 1 - strategic policies 2012. The remaining UDP policies have been saved and are being replaced by the emerging Local Plan Part 2 documents. Policies AM7, AM14, BE13, BE19, BE24, OE1, OE3, OE5, S6, S7 are considered relevant.

Policy AM7: Consideration of traffic generated by proposed developments

- 5.13 The local planning authority will consider whether the traffic generated by proposed developments is acceptable in terms of the capacity and functions of existing and

committed principal roads only, and will wholly discount any potential which local distributor and access roads may have for carrying through traffic.

Policy AM14: New Development and car parking standards

- 5.14 New development will only be permitted where it is in accordance with the council's adopted car parking standards as set out in annex 1.

Policy BE13: New development must harmonise with the existing street scene

- 5.15 Development will not be permitted if the layout and appearance fail to harmonise with the existing street scene or other features of the area which the local planning authority considers it desirable to retain or enhance.

Policy BE19: New development must improve or complement the character of the area

- 5.16 The local planning authority will seek to ensure that new development within residential areas complements or improves the amenity and character of the area.

Policy BE24: Requires new development to ensure adequate levels of privacy to neighbours

- 5.17 The design of new buildings should protect the privacy of the occupiers and their neighbours.

Policy OE1: Protection of the character and amenities of surrounding properties and the local area

- 5.18 Planning permission will not normally be granted for uses and associated structures which are, or are likely to become, detrimental to the character or amenities of surrounding properties or the area generally, because of:

- (i) the siting or appearance;
- (ii) the storage or display of vehicles, goods, equipment or other merchandise;
- (iii) traffic generation and congestion;
- (iv) noise and vibration or the emission of dust, smell or other pollutants,

Unless sufficient measures are taken to mitigate the environmental impact of the development and ensure that it remains acceptable.

Policy OE3: Buildings or uses likely to noise – mitigation measures

- 5.19 Buildings or uses which have the potential to cause noise annoyance will only be permitted if the impact is mitigated within acceptable levels by engineering, lay-out or administrative measures.

Policy OE5: Siting of noise sensitive developments

- 5.20 Proposals for the siting of noise sensitive developments such as family housing, schools or certain forms of commercial activity where the occupiers may suffer from noise or vibration will not be permitted in areas which are, or are expected to become, subject to unacceptable levels of noise or vibration. Where development is acceptable in principle, it will still be necessary to establish that the proposed building or use can be sited, designed, insulated or otherwise protected from external noise or vibration sources to appropriate national and local standards. Account will be taken of any changes likely to occur in noise levels within a 10-15 year period following the date of submission of any application for planning permission.

Policy S6: Change of use of shops – safeguarding the amenities of shopping areas

- 5.21 to safeguard the amenities of shopping areas, the local planning authority will grant permission for changes of use of class a1 shops if:
- (i) The proposal will not be detrimental to visual amenity where the premises form part of a statutory or locally listed building or are located within a conservation area;
 - (ii) A frontage of a design appropriate to the surrounding area is maintained or provided (the local planning authority may impose conditions to ensure retention or installation of an appropriate frontage); and
 - (iii) The proposed use is compatible with neighbouring uses and will not cause unacceptable loss of amenity to nearby residential properties by reason of disturbance, noise, smell, fumes, parking or traffic related problems;
 - (iv) Has no harmful effect on road safety and does not worsen traffic congestion or disrupt bus operations.
- 5.22 The local authority may impose conditions covering restrictions on uses, opening hours, sound proofing, ducting, car parking, or other matters necessary to make the development acceptable.

Policy S7: Change of use of shops in parades

- 5.23 The local planning authority will only grant permission to change the use of shops in parades from class a1 if:-
- (i) The parade retains sufficient essential shop uses to provide a range and choice of shops appropriate to the size of the parade and to its function in the borough shopping hierarchy;
 - (ii) The surrounding residential area is not deficient in essential shop uses; and
 - (iii) The proposal accords with policy s6.

6.0 PRINCIPLE OF THE DEVELOPMENT

- 6.1 The NPPF states in paragraph 80 that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 6.2 The London Plan seeks to promote and enable the continued development of a strong, sustainable and increasingly diverse economy across all parts of London, ensuring the availability of sufficient and suitable workspaces in terms of type, size and cost, support infrastructure and suitable environments for larger employers and small and medium sized enterprises.
- 6.3 Saved UDP policy S6 seeks to safeguard the amenities of shopping areas and states that the LPA will grant permission for changes of use of class A1 shops if the proposal is compatible with neighbouring uses and will not cause unacceptable loss of amenity to nearby residential properties by reason of disturbance, noise, smell, fumes, parking or traffic related problems.
- 6.4 Saved UDP policy S7 further states that the LPA will only grant permission to change the use of shops in parades from class A1 if:-
- (i) The parade retains sufficient essential shop uses to provide a range and choice of shops appropriate to the size of the parade and to its function in the borough shopping hierarchy;
 - (ii) The surrounding residential area is not deficient in essential shop uses; and
 - (iv) The proposal accords with policy s6.
- 6.5 Given the above policy requirements the applicant considers that the proposed change of use from A1 retail to B1(c) dental manufacture would be entirely acceptable.
- 6.6 Application ref 19868/APP/2015/315 and subsequent appeal ref APP/R5510/W/15/3028149 which related to the change of use of adjoining property no. 169 from A2 use to B1(c) use highlighted that the proposal due to its modest scale and light industrial use would be compatible with neighbouring uses and would not cause loss of amenity by reason of disturbance, noise, smell and fumes.
- 6.7 Consequently, as the existing business which operates at no. 169 is seeking to relocate into no. 171 the scale and thus the mode of operating would not alter and as

a result would not lead to any unacceptable impacts on amenity thus conforming with the aims of saved UDP policy S6.

6.8 In regard to saved UDP policy S7 the applicant considers that the parade would still retain sufficient essential shop uses to provide a range and choice of shops appropriate to the size of the parade. Furthermore, as no. 171 has been vacant for the past three years it has not been providing an A1 service to the community.

6.9 The existing parade contains 19 units which are currently identified as follows:

- | | | |
|---------------|---|----------|
| • A1 use | - | 11 units |
| • A2 use | - | 1 unit |
| • A2/B1 use | - | 1 unit |
| • A3/A5 use | - | 1 unit |
| • A5 use | - | 1 unit |
| • B1(c) use | - | 1 unit |
| • D1 use | - | 1 unit |
| • Sui Generis | - | 2 units |

6.10 The existing A1 uses comprise tyre sales, travel agents, hairdressers, butchers, off-licence and grocery store, plumbing and electrical supplies, newsagents, a bakery, a food and hair products store as well as the vacant unit at no. 171 which previously operated as a carpet sales store.

6.11 Additional uses in the parade consist of a doctors' surgery, a bookmakers, a driving school, beauty salon, offices, hot food takeaway and restaurant as well as the existing dental manufacturing business at no. 171.

6.12 As stated, the existing carpet store ceased trading in 2016 and despite marketing the applicant has been unable to secure a tenant during this period. Therefore, in order to maintain the vitality and viability of the parade the applicant considers that a balance should be struck between retaining facilities which could meet a valuable community need and avoiding long vacancies in difficult to let units which could lead to vandalism and decay and worsen conditions for other occupiers.

6.13 There are clearly a variety of uses within the parade which are capable of serving local shopping needs and more than 50% of the units would be retained in retail use. Therefore, given the above information it is asserted that the change of use of the application property from vacant A1 retail unit to B1(c) use would improve the local environment and maintain the overall viability of the shopping parade.

6.14 Given the above points, the proposed change of use is considered acceptable in principle subject to the scheme adhering with other relevant national, regional and local planning policy.

7.0 IMPACT ON RESIDENTIAL AMENITY

- 7.1 Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 7.2 Saved UDP policy OE1 seeks to protect the amenities of surrounding properties by resisting development which could lead to noise and vibration or the emission of dust, smell or other pollutants.
- 7.3 Saved UDP policy OE3 states that uses which have the potential to cause noise annoyance will only be permitted if the impact is mitigated within acceptable levels by engineering, layout or administrative measures.
- 7.4 As previously described the B1(c) dental manufacture use is already operating from no. 169 and therefore, the council have already established that the light industrial unit does not result in any unacceptable impacts on neighbouring amenity, however, due to the outcome of a recent planning application relating to nos. 167, 169 and 171 North Hyde Road the existing business is seeking to relocate to the retail unit at no. 171.
- 7.5 The business practices currently operating at no. 169 would not alter following the potential relocation to no. 171 and the scale of the business would not increase.
- 7.6 The company would operate during the same hours, employ the same level of staff and accept and provide deliveries in the same manner via motorbike courier.
- 7.7 A noise assessment accompanies this application which contains details of the machinery to be utilised which are identical to those currently used at no. 169 as well as mitigating measures should these be considered necessary.
- 7.8 Given the above information it is emphasised that the proposed change of use would not lead to any unacceptable impacts on neighbouring amenity and, as such, the proposal adheres with the aims of the NPPF as well as the requirements of saved policy OE1.
- 7.9 However, if the council consider that additional mitigation measures are required through the introduction of soundproofing the applicant would be willing to accept a condition of approval in this regard to ensure the change of use also adhered with the requirements of saved UDP policy OE3.

8.0 IMPACT ON STREET SCENE

- 8.1 Saved UDP policy BE13 states that development will not be permitted if the layout and appearance fail to harmonise with the existing street scene or other features of the area which the local planning authority considers it desirable to retain or enhance.
- 8.2 No alterations are proposed to the front elevation of the unit and consequently, the change of use would not harm the appearance of the host property or the street scene.
- 8.3 Whilst the proposal involves the demolition of an existing outbuilding to the rear of the property this would enable the provision of off-street parking.
- 8.4 In summary, the proposal would have an acceptable impact on the street scene of North Hyde Road and adjoining Roseville Road and would thus adhere with the requirements of saved UDP policy BE13.

9.0 HIGHWAY SAFETY

- 9.1 The NPPF states in paragraph 109 that *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*
- 9.2 Saved UDP policy AM7 states that the LPA will consider whether the traffic generated by proposed developments is acceptable in terms of the capacity and functions whilst policy AM14 states that new development will be permitted where it is in accordance with the council’s adopted car parking standards.
- 9.3 The application site would accommodate parking in the rear courtyard and although the proposed layout plan indicates only one parking space the area could accommodate two vehicles in tandem whilst still having sufficient space for the storage of cycles and waste.
- 9.4 The B1(c) dental manufacturing use does not provide a service to the general public and the existing business has established that the low intensity use does not create a level of vehicular movements in the area that could not be accommodated at the site or upon the adjacent highway.
- 9.5 As described the business employs only two full time employees as well as a part-time motorcycle courier who only visits the site once a day to collect/deliver items and whose vehicle can be accommodated to the front of the premises.

9.6 Larger items and waste would be serviced less frequently to the rear of the property and as a result would not impact upon highway movements upon North Hyde Road or Roseville Road.

9.7 Furthermore, appeal decision ref APP/R5510/W/15/3028149 which had regard to the original change of use at no. 169 states in paragraphs 7 and 8:

“7. The unit is not open to the public and receives one courier daily to the front; large items and waste are serviced less frequently using the rear service lane. I noted that there is unrestricted parking in the surrounding streets, including in front of the parade, and the site is close to numerous bus routes and Hayes and Harlington railway station.

8. I consider that the change of use results in a reduction in visitor parking and a consequential easing of pressure on the parking in the surrounding streets. On the evidence before me, it provides at least one space for parking a car in front of the shop, with space to spare for motorcycle courier parking. Given the size of the unit, it provides sufficient off-street parking for servicing and staff, as well as safe vehicle manoeuvring and access.”

9.8 Consequently, the provision of one car parking space to the rear of the property in addition to space to spare at the front of the property for motorcycle courier parking it is emphasised that the development would accord with the aims of the NPPF as well as the requirements of saved UDP policies AM7 and AM14.

10.0 PLAN LIST

- Existing ground floor layout drawing no. 2123/E201
- Proposed ground floor layout drawing no. 2123/P201
- Site Location Plan drawing no. 2123/L201

11.0 CONCLUSIONS

11.1 The proposed change of use from A1 retail to B1(c) dental manufacture would have an acceptable impact on the character of the area, the residential amenity of neighbouring occupiers as well as traffic and pedestrian safety.

11.2 The NPPF states that decision-makers at every level should seek to approve applications for sustainable development where possible and that applications should be considered in the context of the presumption in favour of sustainable development. The proposed change of use would conform with national, regional and local planning policy and, for the above reason, it is politely requested that the application is approved.