

# **PLANNING STATEMENT**

**PERMITTED DEVELOPMENT UNDER PRIOR APPROVAL FOR  
THE CHANGE OF USE FROM CLASS A1 (RETAIL) TO CLASS  
A3 (RESTAURANTS AND CAFES)**

**89 COLHARBOUR LANE  
HAYES  
UB3 3EF**

**Prepared by  
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## 1.0 INTRODUCTION

- 1.1 The purpose of this 'Planning Statement' is to examine the principal issues associated with the proposed change of use under prior approval as stated in the 'General Permitted Development Order' 2015 (as amended), for the ground-floor unit at 89 Coldharbour Lane, to be changed from an A1 (Shops) to an A3 (Restaurants and Cafés).
- 1.2 The unit is currently being occupied by a flooring business, namely 'Jubilee Carpets and Laminate Flooring,' and has been since 2013 – however, due to the dominance of online shopping, retail businesses along Coldharbour Lane have been suffering as a result e.g. the application site's current physical presence within Hayes Town Centre, has seen a sharp drop in profits in recent years, to the extent whereby its annual turnover for the financial year of 2018 to 2019 is negative £37.5K.
- 1.3 The lawful use of the application site's current unit is A1 (Shops) as stated in the Town and Country Planning (Use Classes) Order 1987 (as amended). The applicant is seeking permission for the change of use via permitted development under prior approval for their ground floor A1 retail unit to be changed to an A3 planning class use, for the purpose of operating a halal restaurant.
- 1.4 In respect to point 1.3, therefore, this 'Planning Statement' will provide an assessment of the proposal in accordance with both the relevant national and local planning policies, to demonstrate that the proposed change of use of the current ground-floor's A1 use to an A3 use, is entirely acceptable. As such, therefore, this statement will comprise information on both the site and surrounding area in chapter 2; details of the proposal in chapter 3; an overview of all relevant planning policies in chapter 4; full consideration of the main planning issues in chapter 5; specifics of the ventilation system in chapter 6; and the concluding comments in chapter 7. In summary, this 'Planning Statement' concludes that this permitted development application under prior approval is in full accordance with all relevant planning policies (both national and local), and as such, it is therefore recommended that permission be granted accordingly.
- 1.5 Please note that this 'Planning Statement' forms part of 89 Coldharbour Lane's whole permitted development application that is being carried out under prior approval, and should therefore, be read alongside the following supporting information:
  - Completed Application Forms and Certificates;
  - Full Scheme Drawings; and
  - Extraction Report and Proposed Plans.

## 2.0 SITE AND SURROUNDING AREA

### Site Context

- 2.1 Between the junctions of Hunter's Grove and Minet Drive, on the western-pedestrian side of Coldharbour Lane, is located the application site, No. 89 Coldharbour Lane. As part of the wider London Borough of Hillingdon, the application site, itself, is found in adjacent to a 'Local Distributor Road' within the Townfield ward of the locality, Hayes and Harlington (Hayes West). [Please note that a site location plan has been attached to this application, to provide further information in relation to the application site's immediate surrounding area]
- 2.2 The application site is internally comprised of only the ground floor of the host building, due to a residential use being located on the first floor (as approved under the planning application ref. 17654/APP/2001/15) – the latter's access to which is via a side door, located on the southern side of the host property's front elevation.



Figure 1: Aerial photograph of the application site

- 2.3 The application site is only designated as being next to a 'Local Distributor Road,' which is shown on the Hayes West UDP (saved policies) map; although, not designated on this map, however, it is still nevertheless located within Hayes Town Centre. Furthermore, the application site is not designated as being found within a Conservation Area, neither is it located near nor stated as being either a grade listed or locally listed building.

### Site Surroundings

- 2.4 The surrounding area of the application site predominately consists of retail uses, with either residential and/or commercial uses occupying the first floors of the host property's neighbouring ground-floor retail units.

## **Site Accessibility**

- 2.5 The application site has a PTAL rating of 4, reflecting its good accessibility by various public transport routes, which includes a number of bus routes and rail stations within walking distance.

## **Proposed Scheme**

- 2.6 The proposal involves opening up the ground-floor retail space to create a 91.5m<sup>2</sup> A3 class use restaurant, which will comprise of a kitchen, restaurant seating area, and a unisex toilet. The proposed use would require an extraction system to be installed. However, the external appearance of the building would be largely unchanged, although oven extraction duct would be installed, with a projection of 1-metre above the existing flat roof's eaves to the rear of the host building to allow for the dispersal of any kitchen fumes.

## **Relevant Planning History**

- 2.7 Reference: 17654/B/90/1437  
Location: 89 Coldharbour Lane, Hayes, UB3 3EF  
Proposal: Change of use from A1 (Retail) to A3 (Food & Drink)  
Decision: Approved via appeal (ref. 3572) on 12/07/1991

## **Comments on Relevant Planning History**

- 2.8 The application site did in fact have a prior use as a Class A3 (Food & Drink - Restaurants and Cafes), which the Secretary of State granted the approval for under the planning appeal (ref. 3572) for the application (ref. 17654/B/90/1437). However, it is not clear as to precisely when this site's previously approved A3 use was reverted back to its original A1 use due to prior approval not being required for such a permitted change of use development.

### 3.0 APPLICATION PROPOSAL

- 3.1 This permitted development application is being submitted for the change of use of the ground floor of 89 Coldharbour Lane from class A1 to class A3 under prior approval, to provide a halal restaurant (total 91.5m<sup>2</sup>). Introducing a halal restaurant along this section of Coldharbour Lane will encourage footfall (due to the area's dominant Muslim community), and enhance both the vitality and viability of the area.
- 3.2 It is proposed that the waste of the A3 class use, will be stored to the rear of the site within the gated courtyard of the host building (shown on Fig. 2), with arrangements being made with the Council regarding the frequency of the waste's disposal.



Figure 2: Photograph of the application site's rear elevation

- 3.3 The proposed restaurant's opening hours will be from 8am to 10pm, Monday to Saturday, and from 11am to 7pm on Sunday. The restaurant capacity will be between 30 and 40 people. Customers will principally eat and drink on the site.
- 3.4 Primary cooking will take place on the premises (within the designated kitchen area), and will predominately be Halal and Haram food but may include other such similar types of food.
- 3.5 As part of the proposal, both an extraction vent and a ducting system is being proposed. The kitchen extraction vent is to be located to the rear of the unit. The extraction report submitted with this application (in addition to part 6.0 of this 'Planning Statement') details out how the external plant equipment has been sensitively designed and located to ensure that it will have minimal impact on residential amenity and the local environment.

## 4.0 PLANNING POLICY POSITION

4.1 Paragraph 186 of the NPPF states that LPAs should approach decision taking in a positive way, to foster the delivery of sustainable development.

4.2 As the application site is located within Hayes Town Centre, paragraph 85 of the NPPF states that planning policies should be positive, promote competitive town centre environments and set out policies for both the management and growth of centres over the plan period. In particular, point (A) of paragraph 85, notes that planning authorities should promote competitive centres that provide customer choice and a diverse retail offering, which reflects the individuality of centres.

*“(a) define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters.”*

4.3 Paragraphs 80 and 84 of the NPPF notes that planning should drive and support the sustainable economic development needs of an area, and every effort should be made to identify and then meet the development needs of an area. It is also noted that proposals should encourage the re-use of land that has been previously developed.

*“80. 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. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.”*

And

*“84. The use of previously developed land ... should be encouraged where suitable opportunities exist.”*

4.4 The proposal seeks to provide a much-needed A3 use in this local ‘centre’ location (in an existing building which is to be re-used), strengthening the role of the local centre, and remaining in line with policies at all levels.

### UDP / LDF Designation and London Plan

4.5 The following UDP Policies are considered relevant to this application: -

#### Part 1 Policies:

PT1.BE1 (2012) Built Environment

PT1.E5 (2012) Town and Local Centres

#### Part 2 Policies:

S6 Change of use of shops - safeguarding shopping area amenities

S7 Change of use of shops in parades

OE1 Protection of the character and amenities of surrounding properties

|          |                                                                      |
|----------|----------------------------------------------------------------------|
| OE3      | Buildings/uses likely to cause noise annoyance - mitigation measures |
| AM7      | Consideration of traffic generated by proposed developments          |
| AM14     | New development and car parking standards                            |
| BE13     | New development must harmonise with the existing street scene        |
| SPD-NO   | Noise Supplementary Planning Document, adopted April 2006            |
| LPP 2.15 | (2016) Town Centres                                                  |
| LPP 4.7  | (2016) Retail and town centre development                            |
| LPP 6.13 | (2016) Parking                                                       |
| LPP 7.14 | (2016) Improving air quality                                         |
| LPP 7.15 | (2016) Reducing and managing noise                                   |
| NPPF1    | NPPF - Delivering sustainable development                            |
| NPPF2    | NPPF - Ensuring the vitality of town centres                         |
| GPDO     | General Permitted Development Order 2015 (as amended)                |

- 4.6 This permitted development change of use application (i.e. from Class A1 to Class A3) is being made under prior approval as stated in Schedule 1 Part 3 Class C of the GPDO 2015 (as amended):

*Class C – retail, betting office or payday loan shop or casino to restaurant or cafe*

#### **Permitted development**

##### **C. Development consisting of –**

##### *(a) A change of use of a building from a use –*

- (i) falling within Class A1 (shops) or Class A2 (financial and professional services) of the Schedule to the Use Classes Order,*
- (ii) as a betting office or pay day loan shop, or*
- (iii) as a casino,*

*to a use falling within Class A3 (restaurants and cafes) of the Schedule to the Use Classes Order, and*

##### *(b) building or other operations for the provision of facilities for –*

- (i) ventilation and extraction (including provision of an external flue), and*
- (ii) the storage of rubbish,*

*reasonably necessary to use the building for a use falling within Class A3 (restaurants and cafes) of that Schedule.*

#### **Development not permitted**

##### **C.1 Development is not permitted by Class C if –**

- (a) the cumulative floor space of the existing building changing its use under Class C exceeds 150 square metres;*
- (b) the development (together with any previous development under Class C) would result in more than 150 square metres of floor space in the building having changed use under Class C;*
- (c) the land or the site on which the building is located is or forms part of –*

- (i) a site of special scientific interest;*
- (ii) a safety hazard area; or*
- (iii) a military explosives storage area;*
- (d) the site is, or contains, a scheduled monument; or*
- (e) land or building is a listed building or within the curtilage of a listed building.*

### **Conditions**

**C.2** *(1) Where the development proposed is development under Class C (a) together with development under Class C (b), development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to –*

- (a) noise impacts of the development,*
- (b) odour impacts of the development,*
- (c) impacts of storage and handling of waste in relation to the development,*
- (d) impacts of the hours of opening of the development,*
- (e) transport and highways impacts of the development,*
- (f) whether it is undesirable for the building to change to a use falling within Class A3 (restaurants and cafes) of the Schedule to the Use Classes Order because of the impact of the change of use –*

- (i) on adequate provision of services of the sort that may be provided by a building falling within Class A1 (shops) or, as the case may be, Class A2 (financial and professional services) of that Schedule, but only where there is a reasonable prospect of the building being used to provide such services, or*

- (ii) where the building is located in a key shopping area, on the sustainability of that shopping area, and*

- (g) the siting, design or external appearance of the facilities to be provided under Class C (b), and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.*

*(2) Where the development proposed is development under Class C (a) only, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the items referred to in sub-paragraphs (1)(a) to (f) and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.*

*(3) Development under Class C is permitted subject to the condition that development under Class C (a), and under Class C (b), if any, must begin within a period of 3 years starting with the prior approval date.*

## The Principle of the Development

- 5.1 Paragraph 23 of the National Planning Policy Framework (NPPF) stresses both the requirement and importance of promoting competitive town centres that provide customer choice as well as a diverse retail offering; in addition to also reflecting the individuality of town centres.

In respect of the proposed A3 use, it is considered that this is compatible with the town centre environment, where there are a number of similar facilities – albeit, notably less than the dominant A1 uses, which are present within Hayes Town Centre. As such, it is not considered that the proposal would result in either a coalescence or over-concentration of A3 uses, which would detract from both the viability and vitality of Hayes Town Centre.

In light of the above, therefore, it is considered that the proposal would fully comply with Policy E5 of the Hillingdon Local Plan: Part One - Strategic Policies (2012) and the Local Plan Policies S6 and S7, as well as the London Plan Policies 4.7 and 4.8.

## Impact on both the Character and Appearance of the Area

- 5.2 The visual impact of the proposal would be minimal, as no significant external alterations will be made to the building. The main alteration would be the upper stack of the extractor flue, which would emerge at the rear of the ground-floor rooftop at both a height and projection of only 1-metre from the eaves. The stack would be partially-visually obscured from the south by the existing high gate, which sections off the application site's rear court yard from the adjacent-narrow walkway. As from other vantage points within the surrounding streets, the visual impact of the stack would be negligible due to its modest height as well as it's positioning to the rear corner of the host building – the latter of which is concealed by other neighbouring buildings' roofs.

As such, therefore, it considered that it would neither detract from the visual qualities of the host building nor the wider street scene, and would thus in turn, accord with Policy BE13 of the Local Plan and Policy 7.4 of the London Plan.

## Impact on Neighbouring Properties

- 5.3 The extraction equipment is largely concealed within the building itself, with the only significant external feature being the discharge stack of the flue, which would emerge at roof top height above the rear of the ground-floor roof at a height of only 1-metre above it. The stack is tucked away at the rear corner of the host building, and would not be within close proximity to any neighbouring windows or external amenity space; thereby, preventing any adverse impact. In addition, the modest external proportions of the stack would prevent it from appearing as being overbearing towards any neighbouring residents.

It is therefore considered that the proposal would be in accordance with Policies BE 20 and BE 21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (2012) and Policy 7.6 of the London Plan (2016).

On another note, it is not considered that the proposed use of the unit itself would be disruptive to nearby residents as it is within the wider town centre, where there is already both an established and accepted level of activity associated with the amount of commercial services on offer. Controlled parking spaces (which form part of the wider provision for the overall retail space) are available along Coldharbour Lane and at Pump Lane Car Park – the latter of which is only a short 7-minute walk from the application site.

In relation to deliveries, no vehicle larger than 7.5 tonnes would be used to service the A3 use, and it is not considered that it would generate delivery traffic akin to that of a larger scale food retail use due to its relative small size in area.

The proposed use of a 91.5m<sup>2</sup> ground-floor retail space as an A3 planning class use would involve the installation of extraction mechanisms that have the potential to produce noise and odour emissions. However, this application includes details of the extraction system and mitigation measures to be used to limit both noise and odour emissions. Additionally, the proposed extractor system incorporates noise reduction measures that will prevent unacceptable disturbance to neighbouring residents.

In respect to the above raised points, therefore, it is considered that the proposal satisfies Policies OE1, OE3 and S6 of the Local Plan as well as Policies 7.14 and 7.15 of the London Plan.

#### Impact on Traffic, Car/Cycle Parking, Pedestrian Safety

- 5.4 It is not considered that the proposal would generate a material increase in traffic above that which would be anticipated for the approved A1 use. Given the relative small size of the proposed A3 unit, it is not considered that it would require regular servicing by large HGV's. As such, therefore, it is considered that the proposal is in full accordance with the Local Plan Policy AM7.

Furthermore, as noted above, controlled on-street car parking spaces, which are present along Coldharbour Lane, in addition to a nearby public car park, would provide adequate parking space for the A3 use. Therefore, it is considered that the proposal satisfies the requirements of both the Local Plan Policy AM14 and the London Plan Policy 6.13.

#### Disabled Access

- 5.5 The proposed A3 use would be at ground-floor level, and would include a step-free access from the street.

## **6.0 Extraction System Details**

- 6.1 A commercial extractor system, which is odour controlled, with a carbon-filtration unit, is proposed for the restaurant's extraction system. This ventilation system would comprise of a 2.5 metre stainless-steel canopy/'splash back' with baffled filters, which will cover the cooking area to prevent the system's noise exceeding 5dB more than the background noise.
- 6.2 In relation to the proposed extractor for the disposal of any kitchen fumes, a zinc-coated steel duct extractor system (which is fan-assisted and contains a silencer) will be installed internally. Furthermore, this will incorporate an axial fan, which will directly discharge any kitchen fumes out on to the courtyard at the side of the rear end of the host building, terminating at 1-metre above the eaves of its rear flat roof.
- 6.3 All work will be carried out in accordance with all the latest relevant British (or Irish regulations where applicable) and European Standards, statutory Regulation and Bylaws together with the following publications:
- CIBSE Codes and guides to current practice;
  - Water Authority ByLaws;
  - HVCA – DW143 Practical Guide to Ductwork Leakage Testing;
  - HVCA DW144 Specification for Sheet Metal Ductwork;
  - HVCA DW172 Guide to Good Practice for Kitchen Ventilation Systems;
  - HVCA – RUAG70 Guide to Good Practice Refrigeration;
  - Gas Safety (Installation and Use) Regulations 1998; and
  - Building Regulations.
- 6.4 All plant, ducts, pipe cables etc. shall be adequately protected against accidental damage corrosion as well as the external environment, and shall be capable of safe de-contamination and removal in the future without disturbing other services. Pipes and ducts shall be adequately sized, kept as short as practicable, leak-proof with a minimum number of joints and have provision for routine maintenance. All facilities shall be designed to prevent either the ingress and/or the egress of rodents, vermin, and insects.
- 6.5 A HVAC contractor shall supply the client with system design drawings, prior to manufacture and installation. For projects in England and Wales, the HVAC contractor shall also demonstrate compliance with Building Regulations Approved documents L2A & L2B, which will include:
- (a) Provision of details of the efficiency and controls of heating, cooling and ventilation systems in accordance with Non-Domestic Heating, Cooling and Ventilation Compliance Guide (2006).
  - (b) Provision of commissioning certificates, including all air leakage tests on the ductwork.
- 6.6 Fire/smoke dampers shall be installed in all fire compartment walls to meet Building Control requirements.
- 6.7 The HVAC contractor shall ensure that externally the ductwork conforms to the supplied drawings in terms of its route, height and termination. These drawings will have formed part of our Planning Approval and must not be deviated from without express permission from the Project Manager.

- 6.8 Upon completion of the installation, all parts shall be fully tested and approved, including airflows. The contractor shall produce an 'Operating and Maintenance Manual,' which shall contain the details of all equipment supplied, a record drawing of the complete mechanical services installation, and copies of all 'Test Certificates.' It shall also contain a 'Maintenance Schedule' based on the manufacturer's recommendations.

### **Flue Design**

- 6.9 The height and velocity of the final discharge are two important factors. Generally, the greater the flue height, the better the dispersion and dilution of odours. As a result, however, of the existing residential use on the host building's first floor, the discharge of air will be at a maximum height of 1-metre above its ground floor flat-roof ridge.

### **Noise**

- 6.10 Data on the noise produced by the system as a whole will be provided and include the following:
- Sound power levels or sound pressure levels at given distances (the assumptions to this calculation must be clearly stated);
  - An octave band analysis of the noise produced by the system should also be provided, where possible; and
  - Hours of operation of the ventilation system (where this differs from the hours of opening).

### **Maintenance**

- 6.11 A Schedule of Maintenance will be provided including details for:
- Cleaning of washable grease filters – weekly;
  - Frequency of inspection and replacement of all filters (grease filters, pre-filters and carbon filters where proposed) – monthly; and
  - Inspection and servicing of fans – bi-annually

### **Additional notes for guidance**

- 6.12 The air inlets must not permit pests to enter the kitchen. Fly screens are an example of how this can be achieved, and as such, will be implemented for this proposal.

## **7.0 Conclusion**

- 7.1 The proposal is for the change of use of the ground floor class A1 retail unit of 89 Coldharbour Lane to a class A3 use. As discussed, this will involve opening up the ground-floor retail space to create a 91.5m<sup>2</sup> class A3 halal restaurant, which will comprise of a kitchen, restaurant seating area, and a unisex toilet. The proposed use would require an extraction system to be installed. However, the external appearance of the building would be largely unchanged, although oven extraction duct would be installed, with a projection of 1-metre above the existing flat roof's eaves to the rear of the host building to allow for the dispersal of any kitchen fumes.
- 7.2 As that which has already been previously stated within this 'Planning Statement,' the application site did in fact have a prior use as a Class A3 (Food & Drink - Restaurants and Cafes), which the Secretary of State granted the approval for under the planning appeal (ref. 3572) for the application (ref. 17654/B/90/1437).
- 7.3 At the heart of the NPPF, is "presumption in favour of sustainable development." Paragraph 14 states that for decision-taking this means approving development that accords with development plans without delay. As it has therefore been demonstrated that the proposal fully complies with national, regional, and local policy, it is considered that planning permission should in turn be forthcoming.