



## Planning, Design & Access Statement

Zayani Indian Restaurant

395 Sipson Road

Sipson

UB7 0HU

December 2024

Prepared by

Caldecotte Group

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**Site •**

Zayani, 395 Sipson Road, Sipson, UB7 0HU

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**Report for •**

Wellington Pub Company

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**Document revisions •**

Version	Details	Date
CG/Z1	Application Submission	December 2024

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## 1.0 Introduction

1.1 This Planning Statement has been prepared by Caldecotte Group on behalf of Wellington Pub Company ("the applicant") and accompanies a prior approval application for the change of use of the existing premises known as Zayani ("the application site"). The property is located on Sipson Road and is owned by the applicant. The property was last used as an Indian restaurant.

## 2.0 Property and Surroundings

2.1 The property is a two storey, building with single storey extensions to the side and rear. The building is positioned to the front of a rectangular site measuring 0.26 acres and is located on the eastern side of Sipson Road. A single vehicular access off Sipson Road can be found to the side of the building which serves the application site, and leads to large car park to the rear. The property is arranged over two floors, with the restaurant laid out at ground floor and a residential flat at first floor. The first floor is accessed by an external staircase (there is no internal access or stair). The immediate area is residential in nature.

## 3.0 Planning Policy Considerations

3.1 The property has been in use as an Indian Restaurant named "Zayani" since 2010 when a new lease to operate the premises was signed by Mr Miah and Mr Khan following its closure in 2009. The property been in continuous use as a restaurant until its closure in 2024.

3.2 A selection of documents are enclosed demonstrating the Indian Restaurant use:  
Valuation Office Business Rates Summary showing the property as a restaurant  
CAMRA entry confirming dates of closure and opening as a restaurant  
Photographic evidence <https://www.flickr.com/photos/55935853@N00/9467918922>

3.3 Having regard to the permitted development right (PDR) Class MA – Use Class E to C3 residential, introduced to The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021, the application site falls within Class E(b) "for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises" and would meet all of the following criteria as set out in the legislation, an extract of which can be found below. Paragraphs (a) and (c) of section MA.1 (1) were removed as per the amendments to the order introduced on 5th March 2024.

**Development not permitted**

**MA.1.**—(1) Development is not permitted by Class MA—

**F110**(a) .....

(b) unless the use of the building fell within one or more of the classes specified in sub-paragraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;

**F111**(c) .....

(d) if land covered by, or within the curtilage of, the building—

- (i) is or forms part of a site of special scientific interest;
- (ii) is or forms part of a listed building or land within its curtilage;
- (iii) is or forms part of a scheduled monument or land within its curtilage;
- (iv) is or forms part of a safety hazard area; or
- (v) is or forms part of a military explosives storage area;

(e) if the building is within—

- (i) an area of outstanding natural beauty;
- (ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981;
- (iii) the Broads;
- (iv) a National Park; or
- (v) a World Heritage Site;

(f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or

(g) before 1 August 2022, if—

- (i) the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and
- (ii) the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.

(2) The classes mentioned in sub-paragraph (1)(b) are the following classes of the Use Classes Order—

(a) the following classes of the Schedule as it had effect before 1st September 2020—

- (i) Class A1 (shops);
- (ii) Class A2 (financial and professional services);
- (iii) Class A3 (food and drink);
- (iv) Class B1 (business);
- (v) Class D1(a) (non-residential institutions – medical or health services);
- (vi) Class D1(b) (non-residential institutions – crèche, day nursery or day centre);
- (vii) Class D2(e) (assembly and leisure – indoor and outdoor sports), other than use as an indoor swimming pool or skating rink;

(b) on or after 1st September 2020, Class E (commercial, business and service) of Schedule 2.

## Conditions

**MA.2.—(1)** Development under Class MA is permitted subject to the following conditions.

(2) Before beginning development under Class MA, 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) transport impacts of the development, particularly to ensure safe site access;
- (b) contamination risks in relation to the building;
- (c) flooding risks in relation to the building;
- (d) impacts of noise from commercial premises on the intended occupiers of the development;
- (e) where—
  - (i) the building is located in a conservation area, and
  - (ii) the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area;
- (f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;
- (g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses; **F112** ...
- (h) where the development involves the loss of services provided by—
  - (i) a registered nursery, or
  - (ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006, the impact on the local provision of the type of services lost **[F113]**; and
- (i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building]

(3) An application for prior approval for development under Class MA may not be made before 1 August 2021.

(4) The provisions of paragraph W (prior approval) of this Part apply in relation to an application under this paragraph **[F114]** as if—

- (a) for paragraph (e) of sub-paragraph (2) there were substituted—
  - "(e) where—
    - (i) sub-paragraph (6) requires the Environment Agency to be consulted, a site-specific flood risk assessment;
    - (ii) sub-paragraph (6A) requires the Health and Safety Executive to be consulted, a statement about the fire safety design principles, concepts and standards that have been applied to the development,";
- (b) in the introductory words in sub-paragraph (5), for "and highways impacts of the development" there were substituted "impacts of the development, particularly to ensure safe site access";
- (c) after sub-paragraph (6) there were inserted—

"(6A) Where the application relates to prior approval as to fire safety impacts, on receipt of the application, the local planning authority must consult the Health and Safety Executive.";
- (d) in sub-paragraph (7) for "(5) and (6)" there were substituted "(5), (6) and (6A)"]

(5) Development must be completed within a period of 3 years starting with the prior approval date.

(6) Any building permitted to be used as a dwellinghouse by virtue of Class MA is to remain in use as a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse.]

3.4 Taking each point in turn, the following paragraph notes how each of the criteria under paragraph MA.1 is met.

b) The building must have been in Use Class E use for a continuous period of at least 2 years prior to the date of the application for prior approval.

Met – The property has been in use as Class E(b) Sale of food and drink which is mostly consumed on the premises (formerly Class A3 Restaurant) for approximately 14 years.

d) The building (or land on which it sits) cannot form part of a site of special scientific interest, a listed building or its curtilage, a scheduled monument or its curtilage, a safety hazard area, a military explosives area.

Met – The site is not located within one of these areas according to the Hillingdon Council's policies map which accompany the Council's Local Plan Part 2.

e) The building cannot be within an area of outstanding natural beauty (AONB), an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981, the Broads, a National Park or a World Heritage Site.

Met – The site is not located within one of these areas according to the Hillingdon Council's policies map which accompany the Council's Local Plan Part 2.

Other mapping services such as those provided by Historic England and DEFRA (magic map) have been used to determine whether the site falls within an area subject to any of the other designations referred. The site is not subject to any of the other designations.

f) Not applicable – the site is not occupied under an agricultural tenancy

g) Not applicable – the proposed development does not have a description as falling within Class O.

There are no Article 4 directions removing the permitted development rights as set out in the legislation above. The Council does have an Article 4 Direction removing Class MA permitted development rights, however this is relevant to sites located within the following areas:

Local Parades

Local Centres

Primary and Secondary Shopping Areas in Minor Town Centres

Primary and Secondary Shopping Areas in District Town Centres

Primary and Secondary Shopping Areas in Metropolitan Town Centres

Locally Significant Industrial Sites

Strategic Industrial Locations

Hayes Opportunity Area

Locally Significant Employment Locations

Officer and Hotel Growth Locations

Each area above is defined and shown in a set of maps. The application site does not fall within any of these areas.



**Figure 1:** Extract from the Policy Map (site indicated in red)

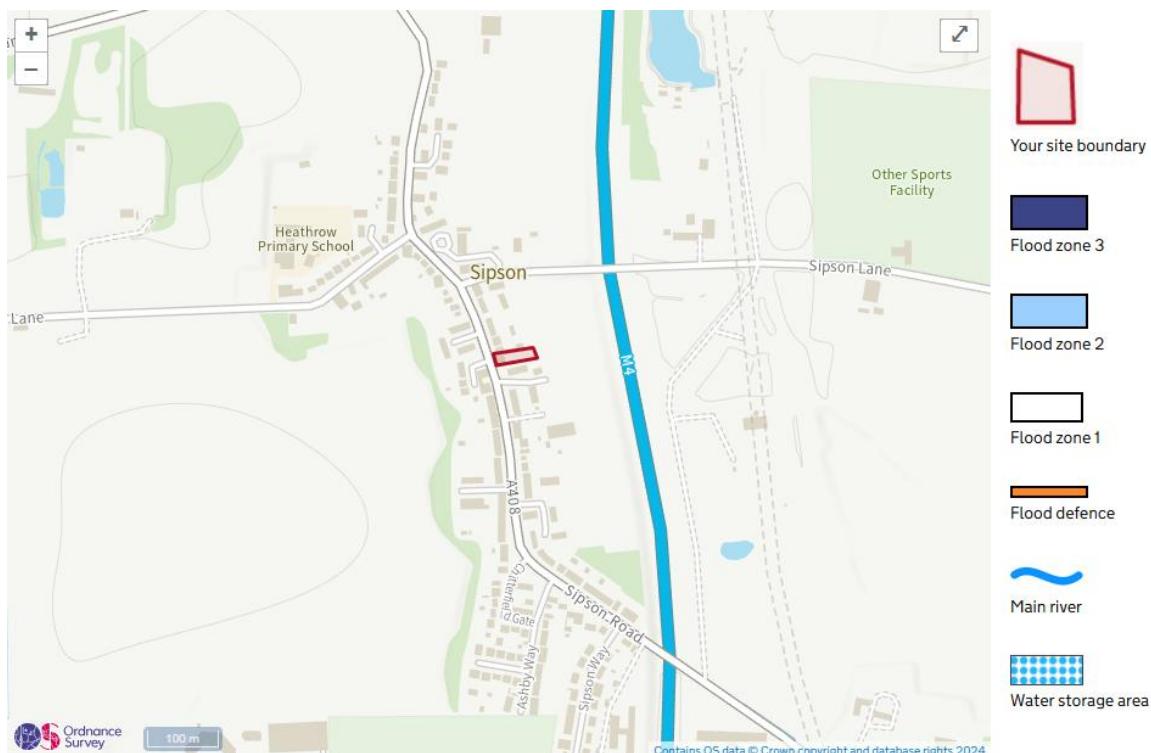


**Figure 2:** Extract from Historic England's Mapping Service. The property is not noted as being statutory listed and does not fall within the curtilage of a listed building, nor does it a scheduled monument or within a monument's curtilage.



**Figure 3:** Extract from Appendix 1 - Whole Borough Map of Areas to be Covered by Hillingdon's Class MA Article 4 Direction (site indicated in the blue).

- 3.5 On that basis, the principle of conversion into a single residential dwelling should be acceptable under this permitted development right using the prior approval process.
- 3.6 We recognise that under paragraph MA.2 of the legislation, there are number of conditions which also need to be considered, namely:
  - (a) transport impacts of the development, particularly to ensure safe site access;
  - (b) contamination risks in relation to the building;
  - (c) flooding risks in relation to the building;
  - (d) impacts of noise from commercial premises on the intended occupiers of the development;
  - (e) where—
    - (i) the building is located in a conservation area, and
    - (ii) the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area;
  - (f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;
  - (g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses;
  - (h) where the development involves the loss of services provided by—
    - (i) a registered nursery, or
    - (ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006, the impact on the local provision of the type of services lost.
  - (i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.
- 3.7 Each point from the criteria above will be addressed in turn.
- 3.8 In respect of transport and parking (part a), the traffic generation from three residential dwellings would be significantly less than that of a commercial premises. The parking requirements would be substantially less than the existing use. Given the change in use from the commercial to residential, we do not consider this to have any bearing or impact upon highway safety. The existing car park would be utilised and accommodate the required parking spaces as set out in Appendix C of the Hillingdon Local Plan Part 2 as well as space for cycle and refuse storage.
- 3.9 The proposals comprise a conversion of the existing building and therefore, no ground would be broken. As a result, we do not consider contamination to be relevant as there is no new build component (part b).
- 3.10 The site is in a Flood Zone 1 and the proposed use would make use of existing drainage infrastructure (part c).



**Figure 3: Extract of the Flood Map**

- 3.11 In terms of part (d), there are no adjoining or nearby commercial uses which would result in an impact on the amenity of future occupiers as a result of noise. Residential dwellings are located to either side of the property (north and south). If anything, the change of use is likely to improve the amenity of nearby properties as these are residential and so the change of use would be more compatible with the surrounding land uses.
- 3.12 The site is not located within a conservation area according to the policy maps (part e).
- 3.13 The proposed architectural drawings show the general internal arrangement of the proposed dwelling and the floor plans and elevations show that all habitable rooms would all have windows allowing for sufficient sunlight and daylight into the property (part f). A sunlight/daylight assessment has been carried out to demonstrate sufficient sunlight and daylight levels.
- 3.14 Having regard to part (g), the property is not located within such an area where such uses are present.
- 3.15 The development does not involve the loss of any of the services noted (part h).
- 3.16 The proposal is for three dwellings within a two storey building and therefore does not meet the fire risk condition (part i).
- 3.17 The proposed dwellings each meet or exceed the gross internal areas for 1 and 2 bedroom dwellings as set out in the Technical housing standards – nationally described space standards.

Unit No.	No. Bedrooms	Minimum GIA sqm as set out in standards	Proposed GIA sqm
A	1	50	53.2
B	1	50	55.8
C	2	70	70.3

**Figure 4:** Table showing Gross Internal Areas

3.18 No external alterations are required to facilitate the proposed development.

## 4.0 Conclusion

4.1 We consider that the proposed conversion would complement the existing residential development along Sipson Road and believe this to be a good opportunity to ensure that the property can be converted into residential use with minimal alterations. It is expected that the proposals would maintain the external character and appearance of the property.

4.2 This statement sets out how the proposed development complies with “Class MA – commercial, business and service uses to dwellinghouses” in The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021\* amended in 2024, which provides a permitted development right to allow the change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order.