

PLANNING STATEMENT
CHANGE OF USE FROM A1 TO A2 (RETROSPECTIVE)

26 COLDHARBOUR LANE, HAYES
MIDDLESEX, UB3 3EW

ON BEHALF OF SEQUENCE (UK) LTD

SEPTEMBER 2017

Carter Jonas

incorporating Kemp & Kemp

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1.0 INTRODUCTION

- 1.1 This Planning Statement has been prepared in support of a planning application submitted by Sequence (UK) Ltd for the change of use of the ground floor of 26 Coldharbour Lane, Hayes, from Class A1 (retail) to Class A2 (financial and professional services).
- 1.2 In addition to this Statement, the application should be read alongside the other supporting plans as listed below:
- Site Location Plan
 - Existing and Proposed Floorplans
 - Photographs
- 1.3 The Statement draws on current Government Policies contained in the National Planning Policy Framework (NPPF) and Government Guidance contained within the National Planning Practice Guidance (NPPG), together with the 'saved' policies of the Unitary Development Plan, The Hillingdon Local Plan: Part 1 – Strategic Policies (November 2012) ; The London Plan (March 2015).
- 1.4 The Hillingdon Local Plan: Part 2 – Site Allocations & Designations and Development Management Policies are due to be submitted for examination in September 2017.

2.0 THE SITE AND RELEVANT HISTORY

- 2.1 The site comprises a ground floor of 26 Coldharbour Lane on the junction of Mount Road. The site is centrally located within Hayes Town Centre, surrounding land uses include a range of retail units, restaurants and cafes, pharmacies and beauty salons.
- 2.2 As identified within the emerging Local Plan Part 2, the site lies within the Hayes Town Centre Boundary and the Primary Shopping Area. The Environment Agency Flood Risk Map confirms that the site lies within flood zone 1 (lowest probability of flooding).
- 2.3 According to the Council's online text based search engine, the following planning history is related to the site:

LPA Ref	Proposal	Decision
72611/APP/2017/2331	Use of ground floor as a shop (Class A1) (Application for a Certificate of Lawful Development for an Existing Use)	Refused 27.06.17
72611/ADV/2017/60	Installation of 2 internally illuminated fascia signs, 1 externally illuminated hoarding	Refused 22.05.17

	sign and 1 internally illuminated hanging sign	
72611/APP/2017/632	Use of the ground floor as a shop (Use class A1) (Application for a Certificate of Lawful Development for an Existing Use)	Refused 22.02.17

3.0 THE PROPOSAL

- 3.1 The proposal seeks permission for the change of use of the ground floor unit from a Shop (Class A1) to an Estate Agents (Class A2).

4.0 PLANNING POLICY FRAMEWORK

- 4.1 The legislative framework for consideration of this application is provided by the Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004.

- 4.2 Section 38 (6) of the 2004 Act states that:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

- 4.3 Section 70(2) of the Town and Country Planning Act 1990 states also that in the determination of applications:

"The Authority shall have regard to the provisions of a development plan, so far as material to the application, and to any other material consideration."

- 4.4 The Development Plan for the area comprises the saved policies of the Unitary Development Plan, The Hillingdon Local Plan: Part 1 – Strategic Policies (November 2012); The London Plan (March 2015).

- 4.5 The Hillingdon Local Plan: Part 2 – Site Allocations & Designations and Development Management Policies are due to be submitted for examination in September 2017.

- 4.6 Relevant local policies are considered below, but first consideration is first given to national guidance as set out in the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG) which are powerful material considerations.

National Planning Policy Framework (NPPF)

4.7 The NPPF was published on 27th March 2012, replacing the Government's The NPPF establishes the Government's overriding planning policy.

4.8 The NPPF establishes a presumption in favour of sustainable development and recognises at paragraph 14 that, *"At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking."*

4.9 Paragraph 14 also states that:

"For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and*
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
 - 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; or*
 - Specific policies in this Framework indicate development should be restricted."*

4.10 Paragraph 17 sets out the Government's Core Planning Principles. Among these Core Principles, bullet point 3 states that planning should:

"proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth."

4.11 The NPPF emphasises the importance of supporting economic growth in order to deliver sustainable development. On this basis, Paragraph 19 states that:

"The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system."

- 4.12 Paragraph 21 of the NPPF seeks to ensure that planning policies do not create barriers to investment opportunities and that in drawing up Local Plans, Local Planning Authorities should:

“Support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area. Policies should be flexible enough to accommodate needs not anticipated in the plan to allow a rapid response to changes in economic circumstances.”

- 4.13 Section 2 of the NPPF seeks to ensure the vitality of town centres and at paragraph 23, recognises that when formulating their Local Plans, Local Planning Authorities should:

- *“recognise town centres as the heart of their communities and pursue policies to support their viability and vitality;*
- *define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations”*

National Planning Practice Guidance

- 4.14 In March 2014, the Department for Communities and Local Government (DCLG) published the National Planning Practice Guidance (NPPG). The NPPG is a web based resource providing information on various topic areas. Over 150 documents have been cancelled by the publication of the NPPG including Technical Guidance and Circulars.

- 4.15 There is extensive guidance on a wide range of technical issues such as water quality, air quality, noise and technology. However, these are not considered in detail here.

Unitary Development Plan (saved policies)

- 4.16 The following saved policies are of particular relevance to the subject site:

4.17 ***Policy S6***

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. 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.*

4.18 **Policy S11**

In primary shopping areas, the Local Planning Authority will grant permission for the service uses set out below where it is satisfied that:

- (a) *the remaining retail facilities are adequate to accord with the character and function of the shopping centre and to provide for the needs of modern retailing including consumer interests; and*
- (b) *the proposed use will not result in a separation of class A1 uses or a concentration of non-retail uses which might harm the viability or vitality of the centre. It will regard the following uses as acceptable at ground floor level within the shopping frontages of primary shopping areas, subject to the considerations set out in Policy S6:-*
 - (i) *Class A1 shops;*
 - (ii) *Banks and building societies (but not other class A2 uses);*
 - (iii) *Class A3 food and drink uses.*

The Local Planning Authority may impose conditions on permissions for changes to class A3 uses and to banks and building societies, restricting future changes of use to the uses listed at (i), (ii) and (iii) above.

Emerging Local Plan Part 2 – Development Management Policies

4.19 The following emerging policy is of particular relevance to the subject site:

4.20 **Policy DNTC 2: Primary and Secondary Shopping Areas**

- A) *In primary shopping areas, the Council will support the ground floor use of premises for retail, financial and professional activities and restaurants, cafes, pubs and bars provided that:*
 - i) *A minimum of 70% of the frontage is retained in Use Class A1;*
 - ii) *Use Class A5 hot food takeaways are limited to a maximum of 15% of the frontage;*

- iii) *The proposed use will not result a separation of more than 12 metres between A1 retail uses; and*
- iv) *The proposed use does not result in a concentration of non-retail uses which could be considered to cause harm to the vitality and viability of the town centre*

5.0 PERMITTED DEVELOPMENT

- 5.1 Class D of the General Permitted Development Order (GPDO) 2015 states that:

Permitted Development

Development consisting of a change of use of a building within its curtilage from a use falling within Class A1 (shops) of the Schedule to the Use Classes Order, to use falling within Class A2 (financial and professional services) of that Schedule.

6.0 SUMMARY & CONCLUSIONS

- 6.1 The proposed development involves the retrospective change of use of the ground floor of 26 Coldharbour Lane, Hayes from use class A1 (retail) to use class A2 (professional and financial services).
- 6.2 The proposed use is considered appropriate taking into account the range and mix of current land uses already within close proximity of the application site.
- 6.3 It is considered that the proposal accords with national and local planning policy. Furthermore, the proposal is deemed permitted development in accordance with the General Permitted Development Order 2015. Therefore it is respectfully requested that planning permission is granted.

