

DELEGATED DECISION

- Please select each of the categories that enables this application to be determined under delegated powers
 - Criteria 1 to 5 or criteria 7 to 9 must be addressed for all categories of application, except for applications for Certificates of Lawfulness, etc.

APPROVAL RECOMMENDED: GENERAL

Select Option

1. No valid planning application objection in the form of a petition of 20 or more signatures, has been received ☐
2. Application complies with all relevant planning policies and is acceptable on planning grounds ☐
3. There is no Committee resolution for the enforcement action ☐
4. There is no effect on listed buildings or their settings ☐
5. The site is not in the Green Belt (but see 11 below) ☐

REFUSAL RECOMMENDED: GENERAL

6. Application is contrary to relevant planning policies/standards ☐
7. No petition of 20 or more signatures has been received ☐
8. Application has not been supported independently by a person/s ☐
9. The site is not in Green Belt (but see 11 below) ☐

RESIDENTIAL DEVELOPMENT

10. Single dwelling or less than 10 dwelling units and/or a site of less than 0.5 ha ☐
11. Householder application in the Green Belt ☐

COMMERCIAL, INDUSTRIAL AND RETAIL DEVELOPMENT

12. Change of use of retail units on site less than 1 ha or with less than 1000 sq m other than a change involving a loss of A1 uses ☐
13. Refusal of change of use from retail class A1 to any other use ☐
14. Change of use of industrial units on site less than 1 ha or with less than 1000sq.m. of floor space other than to a retail use. ☐

CERTIFICATE OF LAWFULNESS

15. Certificate of Lawfulness (for proposed use or Development) ☐
16. Certificate of Lawfulness (for existing use or Development) ☐
17. Certificate of Appropriate Alternative Development ☐

CERTIFICATE OF LAWFULNESS

18. ADVERTISEMENT CONSENT (excluding Hoardings) ☐
19. PRIOR APPROVAL APPLICATION ☐
20. OUT-OF-BOROUGH OBSERVATIONS ☐
21. CIRCULAR 18/84 APPLICATION ☐
22. CORPSEWOOD COVENANT APPLICATION ☐
23. APPROVAL OF DETAILS ☐
24. ANCILLARY PLANNING AGREEMENT (S.106 or S.278) where Heads of Terms have already received Committee approval ☐
25. WORKS TO TREES ☐
26. OTHER (please specify) ☐

The delegation powers schedule has been checked. Director of Residents Services can determine this application.

Case Officer

Signature:

Date:

A delegated decision is appropriate and the recommendation, conditions/reasons for refusal and informatives are satisfactory.

Team Manager:

Signature:

Date:

The decision notice for this application can be issued.

Director / Member of Senior Management Team:

Signature:

Date:

NONE OF THE ABOVE DATES SHOULD BE USED IN THE PS2 RETURNS TO THE ODPM

Item No. **Report of the Head of Planning, Transportation and Regeneration**

Address 105 FIELD END ROAD EASTCOTE PINNER

Development: Installation of rooftop plant equipment to serve ground floor restaurant unit (Retrospective)

LBH Ref Nos: **21404/APP/2020/3281**

Drawing Nos: TPS01-P1
 TPS02-P2
 TPS03-P2
 TPS04-P2
 TPS05-P1
 Noise and Odour Risk Assessment - Oct 2020
 Noise Assessment
 Kitchen Odour Risk Assessment

Date Plans received : 13/10/2020

Date(s) of Amendment(s):

Date Application Valid: 13/10/2020

1. SUMMARY

The proposal involves installation of rooftop plant equipment to serve ground floor restaurant unit (Retrospective)

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

It has not been demonstrated that the design of the rooftop plant equipment to serve the ground floor restaurant unit satisfactorily mitigates noise and odour emissions and that it is not harmful to the residential amenities of neighbours As such the development is contrary to Policies DMTC 4 and DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020), Policy 7.15 of the London Plan (2016) and the National Planning Policy Framework.

2 NON2 Non Standard reason for refusal

The plant equipment, by reason of its siting including its location in front of a first floor residential window, size, scale and design results in an incongruous design feature, which is detrimental to the amenities of adjoining residential occupiers and the wider area, by reason of loss of outlook. As such the development is contrary to Policies DMTC 4 and DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).

INFORMATIVES

1 I59 Councils Local Plan : Part 1 - Strategic Policies

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant Local Plan Part 2 (2020), then London Plan Policies (2016). Hillingdon's Full Council adopted the Hillingdon Local Plan: Part 1 - Strategic Policies on 8 November 2012 and the Hillingdon Local Plan Part 2 on 16 January 2020.

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located towards the Northern end of Eastcote Town Centre and is on the East side of Field End Road. It comprises a ground floor restaurant with residential over. Rear access to the flats is via staircases leading through service yards accessed from an un-gated service road. There are a variety of single-storey rear extensions.

The site lies within the Secondary Shopping Area of the Eastcote Town Centre. The surrounding shopping frontage has a mix of A-class uses, including two existing takeaways, with existing advertisements on each unit.

It is not in a conservation area but sits opposite a listed public house.

3.2 Proposed Scheme

The proposal involves installation and retention of rooftop plant equipment to serve ground floor restaurant unit

3.3 Relevant Planning History

21404/APP/2017/3589 105 Field End Road Eastcote Pinner

Single storey rear extension and alterations to shopfront

Decision: 02-01-2018 Approved

21404/APP/2018/3693 105 Field End Road Eastcote Pinner

Single storey rear extension, installation of new shopfront and alterations to rear elevation

Decision: 03-01-2019 Approved

21404/APP/2018/3767 105 Field End Road Eastcote Pinner

Non-material amendment to planning permission Ref: 21404/APP/2017/3589 (Single storey rear extension and alterations to shopfront) involving the enlargement of the rear extension, change to the shopfront with updated glazing bar positions and the removal of a rear window and outbuilding

Decision: 05-12-2018 Refused

21404/APP/2019/3035 105 Field End Road Eastcote Pinner

Variation of Conditions 2 (Approved Plans) of planning permission ref: 21404/APP/2018/3693 dated 03/01/2019 (Single storey rear extension, installation of new shopfront and alterations to rear elevation) to allow installation of plant equipment above the roof of the extension

Decision: 03-02-2020 WD

21404/APP/2020/2018 105 Field End Road Eastcote Pinner

Installation of rooftop plant equipment to serve ground floor restaurant unit

Decision: 07-10-2020 Refused

21404/APP/2020/49 105 Field End Road Eastcote Pinner

Erection of storage shed at the rear of restaurant unit (Retrospective)

Decision: 10-03-2020 Approved

21404/F/80/0599 105 Field End Road Eastcote Pinner
Change in conditions on 21404/771378(P)

Decision: 07-07-1980 Approved

21404/G/80/1294 105 Field End Road Eastcote Pinner
Householder dev. (small extension,garage etc) (P)

Decision: 06-11-1980 Approved

21404/J/94/1546 105 Field End Road Eastcote Pinner
Variation of condition 2 of planning permission ref. 21404C/77/1378 dated 03/03/78 (change of use to a restaurant) to allow hours of operation on any Monday between 1200 - 2300 hours

Decision: 09-12-1994 Approved

Comment on Planning History

21404/APP/2017/3589 - single storey rear extension and alterations to shopfront (Approved)

21404/APP/2018/3767 - The proposal was an application for a non Material Amendment to Planning Permission reference: 21404/APP/2017/3589 to provide an updated internal layout with re-positioned kitchen and sanitary facilities and the inclusion of an internal fire escape route leading to the rear of the building, together with updated glazing bar positions, enlargement to rear extension and the removal of a rear window and outbuilding

The proposal was considered to make material changes to the approved scheme through amendment of the rear extension and the glazing bar positions of the proposed shopfront which resulted in a materially different appearance viewed from the street. As such, it was considered that the proposal could not be considered as a non-material amendment.

21404/APP/2019/3035 - Variation of Conditions 2 (Approved Plans) of planning permission ref: 21404/APP/2018/3693 dated 03/01/2019 (Single storey rear extension, installation of new shopfront and alterations to rear elevation) to allow installation of plant equipment above the roof of the extension. Withdrawn

21404/APP/2020/49 - Erection of storage shed at the rear of restaurant unit (Retrospective) Approved

21404/APP/2020/2018 - Installation of rooftop plant equipment to serve ground floor restaurant unit - Refused 7/10/2020 for the following reasons

1. It has not been demonstrated that the design of the rooftop plant equipment to serve the ground floor restaurant unit satisfactorily mitigates noise and smell emissions and that it is not harmful to the residential amenities of neighbours As such the development is contrary to Policies DMTC 4 and DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020), Policy 7.15 of the London Plan (2016) and the National Planning Policy Framework.

2. It is considered that the design of the development extending over a first floor window of the existing building and therefore resulting in an incongruous design feature is harmful to the visual amenities of residential occupiers and the wider area. As such the development is contrary to Policies DMTC 4 and DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).

4. Advertisement and Site Notice

4.1 Advertisement Expiry Date:- Not applicable

4.2 Site Notice Expiry Date:- Not applicable

6. Local Plan Designation and London Plan

The following Local Plan Policies are considered relevant to the application:-

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

DMHB 11 Design of New Development

DMTC 1 Town Centre Development

DMTC 2 Primary and Secondary Shopping Areas

DMTC 4 Amenity and Town Centre Uses

LPP 7.15 (2016) Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes.

In addition: Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The Development Plan for the London Borough of Hillingdon currently consists of the following documents:

The Local Plan: Part 1 - Strategic Policies (2012)

The Local Plan: Part 2 - Development Management Policies (2020)

The Local Plan: Part 2 - Site Allocations and Designations (2020)

West London Waste Plan (2015)

The London Plan - Consolidated With Alterations (2016)

The National Planning Policy Framework (NPPF) (2019) is also a material consideration in planning decisions, as well as relevant supplementary planning documents and guidance.

Emerging Planning Policies

Paragraph 48 of the National Planning Policy Framework (NPPF) 2019 states that 'Local Planning Authorities may give weight to relevant policies in emerging plans according to:

(a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

(b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

(c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Draft London Plan (Intend to Publish Version, December 2019)

The GLA consulted upon a draft new London Plan between December 2017 and March 2018 with the intention of replacing the previous versions

of the existing London Plan. The Plan was subject to examination hearings from February to May 2019, and a Consolidated Draft Plan with amendments was published in July 2019. The Panel of Inspectors appointed by the Secretary of State issued their report and recommendations to the Mayor on 8th October.

The Mayor has considered the Inspectors' recommendations and, on the 19th December 2019, issued to the Secretary of State his intention to publish the London Plan along with a statement of reasons for any of the Inspectors' recommendations that the Mayor does not wish to accept.

Limited weight should be attached to draft London Plan policies that have not been accepted by the Mayor or that have only been accepted in part/with significant amendments. Greater weight may be attached to policies that were subject to the Inspector's recommendations and have since been accepted by the Mayor through the 'Intend to Publish' version of the Plan. The weight will then increase as unresolved issues are overcome through the completion of the outstanding statutory process. Greater weight may also be attached to policies, which have been found acceptable by the Panel (either expressly or by no comment being made).

Policy DMTC 2 of the Local Plan: Part 2 - Development Management Policies (2020) states-

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.

B) In secondary shopping areas, the Council will support the ground floor use of premises for retail; financial and professional activities; restaurants, cafes, pubs and bars; launderettes and other coin operated dry cleaners; community service offices, including doctor's surgeries provided that:

- i) a minimum of 50% of the frontage is retained in retail use; and
- ii) the uses specified in policy DMTC4 are limited to a maximum of 15% of the frontage;
- iii) 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.

C) The Council will give consideration to the provision of community facilities within secondary frontages where it can be demonstrated that theses will be open to members of the public and would support the vitality and viability of the centre.

D) Outside of defined primary and secondary areas, proposals for a change of use from A1 retail will be permitted, provided the change does not result in the loss of an essential local service.

Policy DMTC 4: Amenity and Town Centre Uses

Proposals for restaurants and hot food takeaways, drinking

establishments, betting shops, night clubs, casinos, amusement centres, minicab offices and other similar uses will only be supported provided that they:

- i) would not result in adverse cumulative impacts due to an unacceptable concentration of such uses in one area;
- ii) would not cause unacceptable disturbance or loss of amenity to nearby properties by reason of noise, odour, emissions, safety and security, refuse, parking or traffic congestion; and iii) would not detrimentally affect the character or function of an area by virtue of the proposed use or visual impact.

Paragraph 3.23 states

Unlike shops and many other services, restaurants and takeaways have limited opening hours and they can create problems of noise, odours, litter and on street parking. Saturating an area with these uses can impact on local amenity as well as on the broader vitality of a shopping frontage.

3.24 Planning permissions for restaurant and takeaway proposals may need planning conditions to secure acceptable hours of operation, adequate ventilation and filtration equipment which also avoid adverse impacts on visual amenity and to ensure that adequate arrangements are made for the storage and disposal of refuse.

3.25 Ducting and ventilation equipment can cause noise and nuisance (from noise, odours and emissions) to neighbours and when inappropriately or retrospectively placed, can impact on the visual amenity of the street frontage, the building or surrounding area. This is of particular relevance for Listed Buildings and Conservation Areas.

3.26 Proposals for Use Classes A3/A5 requiring ventilation or ducting equipment should include the details of this as part of the planning application to ensure that the Council can assess the acceptability of the proposals. As a guide, exterior ducting should be placed so as not to impact on the streetscape or amenity of the area and consideration is required as to the impacts on any adjoining residential uses.

Policy DMHB 11: Design of New Development

A) All development, including extensions, alterations and new buildings will be required to be designed to the highest standards and, incorporate principles of good design including:

- i) harmonising with the local context by taking into account the surrounding:
 - scale of development, considering the height, mass and bulk of adjacent structures;
 - building plot sizes and widths, plot coverage and established street patterns;
 - building lines and setbacks, rooflines, streetscape rhythm, for example, gaps between structures and other streetscape elements, such as degree of enclosure;
 - architectural composition and quality of detailing;
 - local topography, views both from and to the site; and
 - impact on neighbouring open spaces and their environment.
- ii) ensuring the use of high quality building materials and finishes;
- iii) ensuring that the internal design and layout of development maximises sustainability and is adaptable to different activities;
- iv) protecting features of positive value within and adjacent to the site, including the safeguarding of heritage assets, designated and un-

designated, and their settings; and
 v) landscaping and tree planting to protect and enhance amenity, biodiversity and green infrastructure.
 B) Development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.
 C) Development will be required to ensure that the design safeguards the satisfactory re-development of any adjoining sites which have development potential. In the case of proposals for major development sites, the Council will expect developers to prepare master plans and design codes and to agree these with the Council before developing detailed designs.
 D) Development proposals should make sufficient provision for well designed internal and external storage space for general, recycling and organic waste, with suitable access for collection. External bins should be located and screened to avoid nuisance and adverse visual impacts to occupiers and neighbours.

POLICY 7.15 of the London Plan - Consolidated With Alterations (2016)

REDUCING AND MANAGING NOISE, IMPROVING AND ENHANCING THE ACOUSTIC ENVIRONMENT AND PROMOTING APPROPRIATE SOUNDSCAPES Strategic A The transport, spatial and design policies of this plan will be implemented in order to reduce and manage noise to improve health and quality of life and support the objectives of the Mayor's Ambient Noise Strategy. Planning decisions B Development proposals should seek to manage noise by: a avoiding significant adverse noise impacts on health and quality of life as a result of new development; b mitigating and minimising the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on development or adding unduly to the costs and administrative burdens on existing businesses; c improving and enhancing the acoustic environment and promoting appropriate soundscapes (including Quiet Areas and spaces of relative tranquillity); d separating new noise sensitive development from major noise sources (such as road, rail, air transport and some types of industrial development) through the use of distance, screening or internal layout - in preference to sole reliance on sound insulation; e where it is not possible to achieve separation of noise sensitive development and noise sources, without undue impact on other sustainable development objectives, then any potential adverse effects should be controlled and mitigated through the application of good acoustic design principles; f having particular regard to the impact of aviation noise on noise sensitive development; g promoting new technologies and improved practices to reduce noise at source, and on the transmission path from source to receiver. LDF preparation C Boroughs and others with relevant responsibilities should have policies to: a manage the impact of noise through the spatial distribution of noise making and noise sensitive uses; b identify and nominate new Quiet Areas and protect existing Quiet Areas in line with the procedure in Defra's Noise Action Plan for Agglomerations¹.
 1 <https://consult.defra.gov.uk/comunications/https-consult-defra-gov-uk/environmentalnoise>

7. MAIN PLANNING ISSUES

7.1 Impact on the amenities of the occupiers of neighbouring residential properties

The application is accompanied by a noise assessment which has been assessed by the

Council's experts as shown in the 'Consultation' section above. This concludes that It is not clear where the mitigation in the noise and odour assessment (Nov 2020) has been reflected in the plans (Oct 2020) that are being put forward for approval. The solution appears to be incongruous and it is not clear whether it reflects the mitigation that would solve the original problems. From a design perspective, the solution to one problem appears to create another.

In this regard, the development is not considered to accord with Policy DMHB 11 of the adopted Local Plan.

7.2 Impact on Street Scene

The equipment is located to the rear of the property and does not have any impact on Field End Road. However, it does extend beyond the ground floor and is located in front of a first floor window. This results in a significant and harmful visual intrusion to the adjoining properties and the wider area.

7.3 Traffic Impact / Pedestrian Safety

This proposal does not have any impact on traffic generation or pedestrian safety

7.4 Carparking & Layout

No car parking implications

7.5 Urban Design, Access and Security Considerations

No issues raised

7.6 Other Issues

None

8. Reference Documents

The Local Plan: Part 1 - Strategic Policies (2012)

The Local Plan: Part 2 - Development Management Policies (2020)

The London Plan - Consolidated With Alterations (2016)

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