

**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 an Option
1.	No valid planning application objection in the form of a petition of 20 or more signatures, has been received	<input type="checkbox"/>
2.	Application complies with all relevant planning policies and is acceptable on planning grounds	<input type="checkbox"/>
3.	There is no Committee resolution for the enforcement action	<input type="checkbox"/>
4.	There is no effect on listed buildings or their settings	<input type="checkbox"/>
5.	The site is not in the Green Belt (but see 11 below)	<input type="checkbox"/>
REFUSAL RECOMMENDED: GENERAL		
6.	Application is contrary to relevant planning policies/standards	<input type="checkbox"/>
7.	No petition of 20 or more signatures has been received	<input type="checkbox"/>
8.	Application has not been supported independently by a person/s	<input type="checkbox"/>
9.	The site is not in Green Belt (but see 11 below)	<input type="checkbox"/>
RESIDENTIAL DEVELOPMENT		
10.	Single dwelling or less than 10 dwelling units and/or a site of less than 0.5 ha	<input type="checkbox"/>
11.	Householder application in the Green Belt	<input type="checkbox"/>
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	<input type="checkbox"/>
13.	Refusal of change of use from retail class A1 to any other use	<input type="checkbox"/>
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.	<input type="checkbox"/>
CERTIFICATE OF LAWFULNESS		
15.	Certificate of Lawfulness (for proposed use or Development)	<input type="checkbox"/>
16.	Certificate of Lawfulness (for existing use or Development)	<input type="checkbox"/>
17.	Certificate of Appropriate Alternative Development	<input type="checkbox"/>
CERTIFICATE OF LAWFULNESS		
18.	ADVERTISMENT CONSENT (excluding Hoardings)	<input type="checkbox"/>
19.	PRIOR APPROVAL APPLICATION	<input type="checkbox"/>
20.	OUT-OF-BOROUGH OBSERVATIONS	<input type="checkbox"/>
21.	CIRCULAR 18/84 APPLICATION	<input type="checkbox"/>
22.	CORPSEWOOD COVENANT APPLICATION	<input type="checkbox"/>
23.	APPROVAL OF DETAILS	<input type="checkbox"/>
24.	ANCILLARY PLANNING AGREEMENT (S.106 or S.278) where the Heads of Terms have already received Committee approval	<input type="checkbox"/>
25.	WORKS TO TREES	<input type="checkbox"/>
26.	OTHER (please specify)	<input type="checkbox"/>

The delegation powers schedule has been changed. Interim Director of Planning, Regeneration & Public Realm can determine this application

Case Officer:

Signature:

Date:

A delegated decision is appropriate and the recommendation, conditions/reasons for refusal and informative's 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 DETAILS SHOULD BE USED IN THE PS2 RETURNS ODPM

**Item No.**                      **Report of the Interim Director of Planning, Regeneration & Public Realm**

**Address:**                      113B FIELD END ROAD EASTCOTE PINNER

**Development:**                Variation of Conditions 2 (Approved plans) and 4 (Air extraction system noise and odour) of planning permission ref. 23509/APP/2020/3074 dated 27-11-2020 (Single storey rear extension link between restaurant and existing outbuilding to be used as a function room associated with the restaurant) to revise plans to include kitchen extraction units and extractor system details.

**LBH Ref Nos:**                **23509/APP/2023/743**

**Drawing Nos:**                2020/39 -011  
    2020/39 -012  
    Acoustic Fan Jackets Type AFJ  
    Acoustica CP10 - M10 Silencer.  
    Katercarb Activated Carbon Filter Units  
    2020/39 -03b  
    High Pressure Axial Fans  
    Attenuators  
    OC Innovations RY5000  
    Roof hood.  
    Cased Axial JM Aerofoil.

**Date Plans received:**        13-03-23                              **Date(s) of Amendments(s):**

**Date Application valid**        13-03-23

## 1. SUMMARY

Planning permission has already been granted for an infill extension to link the existing restaurant and outbuilding under the ref: 23509/APP/2020/3074. The principle of extending the floor space and kitchen facilities associated with the restaurant use has already been established as part of previous approved permission.

It is considered that the extraction unit and flue would not be harmful to the amenities of residential occupiers above the unit or other nearby units or unacceptably harm visual amenity.

## 2. RECOMMENDATION

**APPROVAL subject to the following:**

1. HO1 Time Limit

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**REASON**

To comply with Section 91 of the Town and Country Planning Act 1990.

**2. HO2 Accordance with approved**

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 2020/39 -03b, 2020/39 -12 Rev A, 2020/39 -011, Acoustic Fan Jackets Type AFJ, Acoustica CP10 - M10 Silencer, Activated Carbon Filter Units, Cased Axial JM Aerofoil, DEFRA Guidance, Extract Termination Image, High Pressure Axial Fans, Internal or External Roof mounted Cylindrical Silencers, OC Innovations OC1 OC2 Units, OC Innovations- RY5000, OC2 TEST, Odour Control, Ozone Dispersion and roof hood.

**REASON**

To ensure the development complies with the provisions of the Hillingdon Local Plan Part 1 (2012) and Part 2 (2020), and the London Plan (2021).

**3. HO4 Materials**

The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building and shall thereafter be retained as such.

**REASON**

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building in accordance with Policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020)

**4. COM20 Air extraction system noise and odour**

The air extraction system shall be implemented and maintained in full compliance with the approved measures for the lifetime of the development.

**REASON**

To safeguard the amenity of the occupants of surrounding properties in accordance with policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020)

**5. NONSC Non Standard Condition**

The bi-folding windows on the south elevation of the former outbuilding shall be non-opening for so long as the development remains in existence.

**REASON**

To prevent noise and disturbance to adjoining properties in accordance with policy DMTC 4 of the Hillingdon Local Plan Part 2 (2020)

**6. NONSC Non Standard Condition**

The extension hereby approved shall only be used in conjunction with the authorised use of the ground floor commercial unit and shall not be used separately or for any other purpose.

## REASON

To avoid any future fragmentation of the curtilage or the creation of a separate business use, so as to protect the amenity of adjoining residential properties and to allow consideration of traffic, highway and parking issues in accordance with policies DMHD 11, DMT 2 and DMT 6 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 (2021). 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.

### 2. I15 Control of Environmental Nuisance from Construction Work

Nuisance from demolition and construction works is subject to control under The Control of Pollution Act 1974, the Clean Air Acts and other related legislation. In particular, you should ensure that the following are complied with:-

A. Demolition and construction works which are audible at the site boundary shall only be carried out between the hours of 08.00 and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank or Public Holidays.

B. All noise generated during such works shall be controlled in compliance with British Standard Code of Practice BS 5228:2009.

C. Dust emissions shall be controlled in compliance with the Mayor of London's Best Practice Guidance' The Control of dust and emissions from construction and demolition.

D. No bonfires that create dark smoke or nuisance to local residents.

You are advised to consult the Council's Environmental Protection Unit ([www.hillingdon.gov.uk/noise](http://www.hillingdon.gov.uk/noise) Tel. 01895 250155) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

### 3. I2 Encroachment

You are advised that if any part of the development hereby permitted encroaches by either its roof, walls, eaves, gutters, or foundations, then a new planning application may have to be submitted. The validity of this planning permission may be challengeable by third parties if the development results in any form of encroachment onto land outside the applicant's control for which the appropriate Notice under Article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 has not been served.

### 4. I47 Damage to Verge - For Council Roads:

The Council will recover from the applicant the cost of highway and footway repairs, including damage to grass verges.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

For further information and advice contact - Highways Maintenance Operations, Central Depot - Block K, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB3 3EU (Tel: 01895 277524).

For Private Roads: Care should be taken during the building works hereby approved to ensure no damage occurs to the verge of footpaths on private roads during construction. Vehicles delivering materials to this development shall not override or cause damage to a private road and where possible alternative routes should be taken to avoid private roads. The applicant may be required to make good any damage caused.

## **5. I5 Party Walls**

The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:

carry out work to an existing party wall;

build on the boundary with a neighbouring property;

in some circumstances, carry out groundworks within 6 metres of an adjoining building.

Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "the Party Walls etc. Act 1996 - explanatory booklet" published by the ODPM, available free of charge from the Residents Services Reception Desk, Level 3, Civic Centre, Uxbridge, UB8 1UW.

## **6. I52 Compulsory Informative (1)**

The decision to GRANT/REFUSE planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

## **I53 Compulsory Informative (2)**

The decision to GRANT/REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Local Plan Part 1 (2012) and Part 2 (2020) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

DMHB 11 Design of New Development

DMT 2	Highways Impacts
DMT 6	Vehicle Parking
DMTC 1	Town Centre Development
DMTC 2	Primary and Secondary Shopping Areas
DMTC 4	Amenity and Town Centre Uses
NPPF7	NPPF 2021 - Ensuring the vitality of town centres
LPP D14	(2021) Noise
LPP SD6	(2021) Town centres and high streets
LPP SD7	(2021) Town centres: development principles and Development Plan Documents

### 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 along the parade.

The site lies within the Secondary Shopping Area of the Eastcote Town Centre. The surrounding shopping frontage has a mix of retail uses.

#### 3.2 Proposed Scheme

The application proposes the variation of Conditions 2 (Approved plans) and 4 (Air extraction system noise and odour) of planning permission ref. 23509/APP/2020/3074 dated 27-11-2020 (Single storey rear extension link between restaurant and existing outbuilding to be used as a function room associated with the restaurant) to revise plans to include kitchen extraction units and extractor system details.

The main proposed amendments are summarised as follows:

Condition 2: Replace the previous approved plan with the new current plan illustrating kitchen extraction units fixed.

Condition 4: Extractor system has been installed and maintaining as per manufacture of equipment.

#### 3.3 Relevant Planning History

23509

23509/77/1680

23509/D /79/2049

23509/C/77/1683

23509/B/77/1682

23509/APP/2021/2897 113B FIELD END ROAD EASTCOTE PINNER

Details pursuant to Discharge of Condition 4 (Air Extraction System Noise and Odour) of planning permission Ref: 23509/APP/2020/3074 dated 27/11/2020 (Single storey rear extension link between restaurant and existing outbuilding to be used as a function room associated with the restaurant).

**Decision:** 03-03-2023 Refusal

23509/APP/2020/3074 113B FIELD END ROAD EASTCOTE PINNER

Single storey rear extension link between restaurant and existing outbuilding to be used as a function room associated with the restaurant

**Decision:** 27-11-2020 Approval

23509/APP/2018/3184 113B FIELD END ROAD EASTCOTE PINNER

Change of use from light industrial (Use Class B1(c)) to 1 x 1-bed self contained flat (Notification for Prior Approval under Schedule 2, Part 3, Class PA of the Town and Country Planning (General Permitted Development) (England) Order 2015)

**Decision:** 01-11-2018 Approval

23509/E/81/1072 113B FIELD END ROAD EASTCOTE PINNER

Section 53 certificate (P)

**Decision:** 28-07-1981 General Perm.Devt.

23509/D/79/2049 113B FIELD END ROAD EASTCOTE PINNER

Alterations to elevation (P) (also relaxation).

**Decision:** 18-01-1980 Approval

23509/A/77/1681 113B FIELD END ROAD EASTCOTE PINNER

Change of use to Industrial use 60sq.m.(P)

**Decision:** 14-04-1978 Approval

## **Comment on Planning History**

The restaurant and the outbuilding are separate buildings with separate titles. The outbuilding formally fell under Use Class B1 (c) light industrial and the restaurant was formally Use Class A3. The outbuilding has been used as a workshop but has been used as a storage facility associated with the existing restaurant for several years.

Planning ref:5908/APP/2020/1871 granted planning permission for the link extension between the restaurant and the outbuilding. This application involved the creation of additional restaurant space and associated kitchen facilities leaving much of the outbuilding as ancillary storage for the restaurant. As such this planning permission granted permission for the outbuilding to change its use from Class B1 (c) to Class A3.

The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 came into force on 1st September 2020. The changes to the Use Classes Order mean that A3 and B1 uses now fall under the same use class (Class E) as such planning permission would no longer be required in any event to formally change the use of the outbuilding so that it forms part of the restaurant use.

### **4. Advertisement and Site Notice**

4.1 Advertisement Expiry Date: Not applicable

4.2 Site Notice Expiry Date: Not applicable

### **5. Comments on Public Consultation**

Five neighbouring properties were consulted by letter dated on 20/03/2023, giving 21 days for comments. Two letters of objection were received, commenting as follows:-

- Positioning of the extractor fan would increase odour towards the neighbouring properties
- Increase in general noise and disturbance.

Officer Comment: The matters raised are considered to be addressed in the report below.

Eastcote Residents Association: No comments received.

Noise Planning Specialist Team: No objection.

Highways (Transport/Traffic): There are no highway/transport related implications associated with this variation hence there is no further comment made.

Planning Specialist Team: As no accessibility comments were sought at the original application stage, so no design changes can be introduced at this time. Conclusion: no accessibility comments at this stage.

### **6. Local Plan Designation and London Plan**

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

Part 1 Policies:

Part 2 Policies:

DMHB 11	Design of New Development
DMT 2	Highways Impacts
DMT 6	Vehicle Parking
DMTC 1	Town Centre Development
DMTC 2	Primary and Secondary Shopping Areas
DMTC 4	Amenity and Town Centre Uses
NPPF7	NPPF 2021 - Ensuring the vitality of town centres
LPP D14	(2021) Noise
LPP SD6	(2021) Town centres and high streets
LPP SD7	(2021) Town centres: development principles and Development Plan Documents

## 7. MAIN PLANNING ISSUES

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

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) seeks to ensure that development proposals do not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space. The supporting text for this policy states that the Council will expect new development proposals to carefully consider layout and massing in order to ensure development does not result in an increased sense of enclosure and loss of outlook.

Policy DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) requires that alterations and extension of dwellings would not have an adverse cumulative impact on the character and appearance of the street scene, and should appear subordinate to the main dwelling. It also requires that there is no unacceptable loss of outlook to neighbouring occupiers.

Access to the flats above would not be affected by the proposal. The adjoining service yards either side of the site currently have high boundary walls and are substantially shaded due to their location behind the parade of shops and proximity to other buildings sited within the service yards. The infill extension and extraction fan unit would sit alongside the adjoining extension at 109-111 Field End Road. Therefore the proposed development is considered to have little additional effect upon the level of amenity currently enjoyed by users of the ground level areas by way of loss of light, outlook or privacy.

No changes are proposed to the internal floor space from the previous approval under planning 23509/APP/2020/3074.

As discussed above planning permission has already been granted under application ref: 23509/APP/2020/3074 which included the increased kitchen facilities as shown in this submission. Conditions were included on the planning decision requiring a scheme for the control of noise and odour emanating from the site to be submitted to the Local Planning Authority for consideration. The proposed extraction equipment is of a nature that requires the original permission to be varied through a S.73 application, rather than through an approval of details application.

The details have been reviewed by the Council's Noise Planning Specialist Team and no objection was raised. Given that permission has been granted for hot food preparation at the property, extraction equipment is necessary to ensure that there wouldn't be a significant impact on neighbours from noise and odour.

As such, the application proposal would not represent an unneighbourly form of development and in this respect would be in compliance with Policies DMTC 4 and DMHB 11 of the Hillingdon Local Plan Part 2: Development Management Policies (January 2020).

## **7.2 Impact on Street Scene**

Policies D3 and D4 of the London Plan (2021) require development proposals to be a high quality and to enhance the local context and be delivering buildings and spaces that positively respond to local distinctiveness.

Policy BE1 of the Hillingdon Local Plan: Part One- Strategic Policies (2012) states that all new developments should achieve a high quality of design in all new buildings and the public realm contributes to community cohesion and a sense of place.

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that all development will be required to be designed to the highest standards and incorporate principles of good design. Policy DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that development should be well integrated with the surrounding area.

The front elevation is proposed to receive no alterations through this application and therefore the proposal does not harm the appearance of the main high street scene. At the rear, views of the site are limited and obtained mainly from the service road where the proposed extraction system would not be easily visible from the public realm. The appearance would be of a similar nature to other rear service extensions and as such there is considered to be little additional visual impact.

In light of the above, it is considered that the proposal would not cause harm to the character and appearance of the area, in accordance with Policy BE1 of the Hillingdon Local Plan: Part One- Strategic Policies (2012), Policies DMHB 11 and DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policies D3 and D4 of the London Plan (2021) and the NPPF (2021).

## **7.3 Traffic Impact / Pedestrian Safety**

The rear extension including and extraction unit would not affect the current parking provision as per the previously approved application under the ref:23509/APP/2020/3074. The Councils Highways Officer were consulted and raised no objections to the proposal.

## **7.4 Carparking & Layout**

As discussed above.

## **7.5 Urban Design, Access and Security Considerations**

The proposed extension is of a similar functional nature to other extensions in the area and the

extraction unit would not have a detrimental impact on the character and appearance of the surrounding area. The proposal therefore complies with Policy DMHB 11 of the Hillingdon Local Plan Part 2: Development Management Policies (January 2020).

## **8. Reference Documents**

National Planning Policy Framework (July 2021)

The London Plan (March 2021)

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)

Hillingdon Local Plan: Part Two - Development Management Policies (January 2020)

Hillingdon Local Plan Accessible Hillingdon Supplementary Planning Document (September 2017)

Planning Obligations Supplementary Planning Document (July 2014)

Technical Housing Standards - Nationally Described Space Standard (March 2015)

**Contact Officer:**                      Natasha Vernal                      **Telephone No:**                      01895 250230