

The Head of Development
 Hillingdon Borough Council
 Civic Centre
 High Street
 Uxbridge
 London UB8 1UW

21 June 2024

Dear Sir/Madam,

Planning Statement.

'Village Pizza', 214 Field End Road, Eastcote, Hillingdon, HA5 1RD.
Regularisation of closing times in breach of Conditions 4 (operating hours) and 5 (preparation and sale of food) of planning permission 35503/D/98/1474 (Resubmission of application 35503/APP/2024/686.

We have been instructed by Village Pizza Ltd to invite your Council to issue a Certificate of Lawful Use or Development which recognises that, as 214 Field End Road has continuously operated outside the requirements of Conditions 4 (operating hours) and 5 (preparation and sale of food) of planning permission 35503/D/98/1474 for over ten years and there is no pre-existing Enforcement Notice in place, those operations are now lawful; this is a resubmission of refused application 35503/APP/2024/686.

The subject premises stand on the west side of Field End Road in Eastcote, within Hillingdon Borough Council's administrative area. Pedestrian access is afforded via an entrance door in the Field End Road frontage. Vehicular access is gained via Elm Avenue, where a surfaced forecourt area affords parking at the rear of the premises.

The subject premises is a terraced three-storey commercial building with a pizza hot-food takeaway on the ground-floor and flatted residential accommodation above. Planning permission 35503/D/98/1474 was granted by the London Borough of Hillingdon in November 1998 for that use of the premises, together with the installation of an extraction duct. Condition 4 of the permission (re. operating hours) required that '*No persons other than staff shall be permitted to be on the premises between the hours of 23.30 hours and 08.00 hours.*' **REASON:** *To ensure that the use does not detract from the amenities of local residents.*' (emphasis has been added). Condition 5 (re. the preparation and sale of food) stated that '*The premises shall not be used for the preparation or sale of food between the hours of 2300 hours and 0800 hours.*' **REASON:** *To safeguard the residential amenity of the occupiers of adjoining and nearby properties.*' (emphasis added). Since **June 2004** (ie well over 10 years ago) the application premises have however operated until **00.30am Sunday-Thursday and until 2.00am Friday and Saturday**, in breach of Conditions 4 and 5 of the 1998 consent.



The application premises viewed from the northeast, Field End Road.

An application (35503/APP/2023/1816) for a Certificate of Lawful Use or Development was refused by Hillingdon Borough Council in June 2023 for '*Change of opening hours of restaurant/takeaway to 11.30am to 00.30am on Sunday to Thursday and 11.30am to 02.00am on Friday and Saturday (Application for a Certificate of Lawfulness for an Existing Use or Operation or Activity).*' The Council's Decision Notice recorded a single reason for withholding consent - '*1 The evidence that has been provided in support of the applicant's case fails to demonstrate that, on the balance of probabilities, there has been a continuous breach of Conditions 4 (Operating hours) and 5 (Preparation and sale of food) attached to planning permission 35503/D/98/1474 for a continuous period of at least ten years before 7th June 2023 (the date of the application). The use of the premises between the 11.00am to 12.30am Sundays to Thursdays and 11.00am to 02.00am on Fridays and Saturdays is therefore unlawful.*'.

An application (35503/APP/2024/686) for a Certificate of Lawful Use or Development was refused by Hillingdon Borough Council in May 2024 for '*Change of opening hours of restaurant/takeaway to 11.30am to 00.30am on Sunday to Thursday and 11.30am to 02.00am on Friday and Saturday (Application for a Certificate of Lawfulness for an Existing Use or Operation or Activity).*' The Council's Decision Notice recorded one reason for withholding consent - '*1 The evidence that has been provided in support of the applicant's case fails to demonstrate that, on the balance of probabilities, there has been a continuous breach of Conditions 4 (operating hours) and 5 (Preparation and sale of food) attached to planning permission 35503/D/98/1474 for a continuous period of at least ten years before 15th March 2024 (the date of the application). The use of the premises between the 11.00am to 12.30am Sundays to Thursdays and 11.00am to 02.00am on Fridays and Saturdays is therefore unlawful.*' It is evident that the submission of robust evidence to demonstrate the alleged use would address the Council reason for refusal of the earlier application.

Village Pizza was invited to compile a short-list of witnesses to the present operating times - each witness drafted their own Declaration and completed it before a Solicitor of their choice. The completed Declarations are reproduced as attachments to this application, but a summary of their consistent, robust and reliable evidence is presented here.

The present operator, Mohamed Hamayun Qadari, has declared that: '*Since June 2004, I have been the Senior Manager at Village Pizza located at 214 Field End Road, Eastcote....Since my first day as a Senior Management I have always kept the shop open and serving customers until 00:30 from Sunday to Thursday and until 02:00 on Fridays and Saturdays, in accordance with the Premises Licence...*' (emphasis added).

An employee, Faraidoon Qaderi, has declared that: he '*...worked in the shop full-time from February 2005 and part-time continuously until November 2023. I am working there on an ad-hoc basis now...the shop has always been open and serving customers until 00:30 from Sunday to Thursday, and on Fridays and Saturdays I have kept the shop fully staffed and serving customers until 02:00.*' (emphasis added).

A neighbour, Sheayar Khan, has declared that: '*Since March January 2014, I have been neighbouring with Village Pizza at 214 Field End Road, Eastcote. Since January 2014 they*



The frontage of the premises.

have always been serving customers and operating the shop until 00:30 from Sunday to Thursday and on Friday and Saturday until 02:00.’ (emphasis added). Ioan Pop, another neighbour, has declared that: ‘*Since March 2014, I have been neighbouring with Village Pizza at 214 Field End Road, Eastcote...Since March 2014 they have always been serving customers and operating the shop until 00:30 from Sunday to Thursday and on Friday and Saturday until 02:00.*’ (emphasis added). A further neighbour, Mohammad Osama Nasir, has declared that: ‘*Since April 2014, I have been neighbouring with Village Pizza at 214 Field End Road, Eastcote...Since April 2014 they have always been serving customers and operating the shop until 00:30 from Sunday to Thursday and on Friday and Saturday until 02:00.*’ (emphasis added).

It is submitted that the Declarations of these witnesses comprises robust, reliable and consistent evidence that the subject unit has been continuously operated in breach of Conditions 4 and 5 of planning permission 35503/D/98/1474 since at least **May 2014** and that, as over ten years have passed and there is no pre-existing Enforcement Notice in place, its lawfulness should now be recognised. Please do not hesitate to contact our office, however, if there are any matters of concern.

Yours faithfully,



Niall Tutton
Director