

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

15 March 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/2023/1816.

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 beyond the restrictions 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, it is now lawful; this is a resubmission of refused application 35503/APP/2023/1816.

The subject premises stand on the west 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 site comprises a terraced three-storey commercial premises, 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) required 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 planning permission (ie 35503/D/98/1474).

An application (35503/APP/2023/1816) for a Certificate if Lawful Use of 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 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 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.’. 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 therefore 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 leaseholder, Kirsten Habibian, has declared that: *'I am the Leaseholder of 214 Field End Road, as Village Pizza since 01/07/2004...The closing time of the premises prior to my purchase of the Leasehold Interest of the premises located at 214 Field End Road was Sunday to Thursday 00:30 and Friday to Saturday 02:00 and we continued with this operation...The lease was purchased as a going concern'*. 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"* and *"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 on Fridays and Saturdays I have kept the shop fully staffed and serving customers until 02:00.'*. 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.'*.

It is submitted that the Declarations of these witnesses comprises robust, reliable and consistent evidence that the subject unit has been continuously opened in breach of Conditions 4 and 5 of planning permission 35503/D/98/1474 since **June 2004** 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