



# HILLINGDON

LONDON

<b>Meeting:</b>	<b>Borough Planning Committee</b>	
<b>Date:</b>	<b>11 February 2022</b>	<b>Time: 6:00pm</b>
<b>Venue:</b>	<b>Committee Room 5, Civic Centre</b>	

## ADDENDUM SHEET

<b>Item: 9</b>	<b>Page: 83</b>	<b>Location: 199 Field End Road, Eastcote</b>
<b><i>Amendments/Additional Information:</i></b>		<b><i>Officer Comments:</i></b>

## Recommendation

1. The following amendment to Condition 6 (air conditioning units) to insert the following text (underlined) at the end of this condition wording to ensure compliance:

The development shall be carried out strictly in accordance with the approved details and hours of operation and maintained as such for the life of the development.

2. The following amendment to Condition 8 (Management Plan) to insert the following text (underlined):

*“Prior to commencement of the drinking establishment use hereby approved, a Management Plan shall be submitted...The scheme shall include provisions for...”*

- *Phasing of closure of uses;*
- Details of measures to ensure outdoor area is not used by patrons outside of the permitted hours ...”

## Further Comments

Since the drafting of the Committee Report comments have been received from:

1. Ministry of Defence (MOD) Safeguarding - RAF Northolt – no safeguarding objections
2. A ward Councillor on behalf of all three ward Councillors – objection
3. Eastcote Conservation Panel and Eastcote Residents’ Association (ECP and ERA) – further objections

No objection from MOD is noted. The representations in objection to the proposal are summarised as follows but are largely kept verbatim to ensure all matters are conveyed as intended and addressed. It is noted that both these objections have been emailed to committee members.

## Ward Councillors

“As ward Councillors we would like to strongly object to the above planning application on the grounds of:

- a) Policy DMTC4 places the onus on the applicant to show that there would not be adverse cumulative impacts or cause unacceptable noise or disturbance or loss of amenity to nearby properties
- b) The planning committee should be provided with the noise impact assessment proposed under condition 7

## Ward Councillors

Please find following responses to the matters raised by ward Councillors.

- a) This is noted and the impacts of the proposal are addressed throughout the committee report.
- b) There are several methods of noise mitigation that are adopted within the recommendation (e.g., hours of operation, noise

- to enable it to determine whether or not there would be an adverse impact as alleged by the objectors.
- c) The absence of detail concerning the kitchen layout and ventilation makes an informed decision impossible.
  - d) The absence of a serving plan makes impact on highways (at a key junction) impossible to determine.
  - e) It is unclear if the fire exit does not preclude one of the car parking spaces from being used - the site plan suggests that safe exit may be hindered by the bicycle store and stairs from flats above.
  - f) On our website the proposed floor plans amended 10-12-21 are the same as amended 05-10-21 - are we seeing the latest information?

Can this please be considered and read out at planning if we are unavailable to attend.”

***Eastcote Conservation Panel and Eastcote Residents' Association (ECP & ERA)***

The ECP & ERA have challenged several areas of the officer's report which is set out below, and which they wish members to give due attention. They ask that the application is refused, and the applicant is asked to submit more information on the following:

- 1. A noise impact assessment
- 2. Details of the kitchen layout for the restaurant plus the venting scheme for the same
- 3. The opening hours for all elements need to be more defined
- 4. Air conditioning for the basement area
- 5. Accessibility for wheelchair users
- 6. Regularising the outstanding enforcement investigation

The areas in the committee report that are specifically challenged are:

A. Opening Hours covered by Conditions 3 & 4

“Condition 3. Opening House of the Café /retail.

Mon – Fri 6.30am -20.00pm, Sat 07.00am – 20.00pm, Sun/Bank Holidays 09.00am – 18.00pm.

Condition 4. Open hours of Restaurant and Drinking Establishment

Sun –Thurs. 11.30am -23.00pm –including bank holidays, Friday and Sat 11.30am –midnight.

Outdoor seating is only to be used during the café/retail operating hours. Note outdoor seating is supposed to be

emissions from AC units, management plan etc.) Due to the small scale and nature of the proposal it is considered acceptable to secure by condition any additional noise mitigation required that may arise from a noise report (e.g., sound insulation of the building).

- c) This is considered unnecessary and addressed on p. 96 in Section 6 of the Committee Report.
- d) Securing a delivery and servicing plan (DSP) through condition is considered acceptable and addressed in Section 7.10 of the Committee Report.
- e) The parking spaces shown on the proposed drawings are clear of the fire exit. This is addressed within Section 6 of the Committee Report. The fire exit shown on the proposed drawing is also shown clear of the stairs to the upstairs flats and where a cycle is shown as parked in the existing plan. Refuse and recycling details would be secured by Condition 10.
- f) These are the most up-to-date drawings. The floor plans were submitted again as part of a set for completeness.

***ECP & ERA***

There are no additional matters raised in these further comments that have not already been addressed within the Committee Report. However, for clarify please find officer responses to these matters.

Request that application be refused and the further information be submitted (points 1-6)

As discussed above in response to ward Councillors' submission, it is considered acceptable to secure details of a noise report by condition.

The remaining matters numbered 2 -6 are noted. However, officers' recommendations remain unchanged.

moveable and taken inside the premises when not in use. If the ground floor is to be used as the restaurant/bar as well as the basement, there will not be anywhere to store the furniture.”

B. Other statements regarding opening hours within the report

“Page 1 Summary para 2.

*The proposed mixed use would transition from a coffee shop during the day, to a drinking establishment and restaurant during the evening and night*

Page 14 response to point x from ECP & ERA.  
*Basement and ground floor would be used as a café during the daytime, as a restaurant and bar during the evening.*

Page 18 Case Officer’s report, again states that the premises will be used for the café during the day, drinking establishment during the evening and night.

These three statements are in conflict with the requested opening hours for both café/retail and restaurant/bar.

If as stated the intention is that the restaurant/bar will only operate once the café/retail has closed, then the opening hours need to be changed, the Restaurant/Drinking establishment should start operating at 20.00pm until the given closing times. An 11.30am start would mean that all services would be operating from 11.30am, until 20.00pm when the café closes.

This would be an over development of the site.

When a licence is applied for the Licensing Committee will grant a licence for the opening times as permitted by the planning permission.

We ask that should the application be approved by committee that changes are made to opening times so that the two elements are kept separate, not over lapping in any way.

This could mean shorter hours for the café/retail, allowing the restaurant/drinking establishment to start earlier.”

C Air Conditioning for the Basement

“Page 14 of the report. The lack of air conditioning for the basement was challenged [point xv], the Case Officers reply is, ‘Given that this is a small-scale commercial change of use application, air conditioning for the proposed basement is not a material planning consideration in this instance.’

These matters are addressed largely in Section 6 of the Committee Report.

A Opening Hours Covered by Conditions 3 & 4

In respect to the matter that outdoor seating would need to be brought inside once the café use is ceased, this is not necessarily true. The roping off of areas and packing up of tables and chairs is one such approach that could be feasible. These operational methods would be secured in the management plan through the submission of details concerning the ‘phasing of closure of uses’. However, for clarity an additional requirement has been included in the recommendation with the specific requirement for the submission of measures to ensure the outdoor area is not used by patrons outside of the permitted hours.

B Other statements regarding opening hours within the report

These comments are noted. These do not alter planning officers’ recommendations.

The proposed change of use is not considered an ‘overdevelopment of the site’.

The licensing committee is independent of the planning committees. The grant of planning permission does not automatically grant the approval or terms of an annual licence.

C Air Conditioning for the Basement

These comments are noted. Planning officers’ recommendation and response remains unchanged.

There is no planning requirement for air conditioning in this basement. This is not

We do not find this statement acceptable.

The drawings for the current application do not show the layout and number of seats for the ground floor. These can be seen on application 2698/APP/2019/3041, this application shows that there are 21 seats plus a service counter.

The basement, which was formally a bank vault, i.e. a concrete bunker, without any form of ventilation or natural light, shows seating for 19 plus standing room at the bar, plus staff. The Case Officer considers that as this is such a small area it is not necessary to have air conditioning in any form. The rear door, by condition cannot be open during opening hours, therefore, there is no possibility of refreshing the air in the bunker whilst in use.

The number of people who could use the area is approximately the same as the ground floor café, which has air conditioning.

The current situation with Covid 19, means changes to our way of life for years to come. Can the Council justify allowing a room without ventilation to be approved, when we are constantly told indoor venues, including our own homes must be well ventilated when there is a gathering of people?

Recently, The Three Wishes PH was opened, within the application it was stated that there should be 20 air changes per hour, this current application should be made to follow this directive.”

#### D Accessibility

“The Case Officer considers that it is permissible for the building to operate without due regard to the Equalities Act 2010 and the London Plan Policy D5, possibly bar service can be replicated on the ground floor for disabled customers, because of the inability to install a lift to the basement. [page 26 para 4] It must be noted that when this building was in use by Barclays Bank there was in fact a lift down to the basement used for bullion, which one assumes could have been made suitable for human use. There was also another lift which gave access to the first floor where all the staff facilities including WCs were situated. Drawings can be seen 2698/APP/2009/801 and 2698/APP/2019/817. However, the lack of a fully accessible WC is discriminatory. According to the report the applicant excused the lack of this facility in an email dated 16.12.21, however this is not included in the report. The Applicant should have applied to the LPA for an amendment to the planning permission when he found that he could not install the accessible WC. Not just change it anyway.

Allegedly, the applicant stated that a disabled WC was installed but did not work so was removed, because he

a planning consideration for this scale and type of application.

#### D Accessibility

These comments are noted. Planning officers' recommendation and response remains unchanged.

Section 7.12 of the Committee report discusses accessibility considerations. Whilst the proposal would not be fully compliant with London Plan Policy D5 (as noted in the Committee Report), having regard to the site constraints, officers do not consider a refusal of planning permission on accessibility grounds could be sustained at appeal.

could not afford to renew the underground pipe work. However, according to the drawing AR-011 for previous application 2698/APP/2019/3041, both the standard WC and the disabled WC which were originally a boiler room and a store room. As the standard WC has been installed and we presume is working, then why did the disabled WC cause problems as they are situated next to each other and presumably using the same pipe work. The Applicant does not appear to have submitted any paperwork to prove this statement. If the Applicant could not afford to remedy the pipe work, how can he afford this extra work?

Furthermore, it is stated that if necessary wheelchair users can try to access the able bodied WC. Is this attitude really acceptable today. Can all the work carried out over many years to try to help disabled people to be included into normal life be dismissed so blatantly?"

#### E Other Mistakes and Misrepresentations

1. "The Officer's summary of the use of the retail premises needs expansion. The number of Hot Food takeaways, unlicensed restaurants and cafes is not explicit. Although there are currently 6 drinking establishments within the main centre there are another 4 on the outskirts, making 10 altogether. There are at least 12 licensed restaurants.

Every supermarket and convenience store sells alcohol. The Venue 5 advertises itself as a night club.

Virunhdu restaurant also has a banqueting room. Currently almost half of the units in Eastcote [50- this number includes both Primary and secondary shopping areas] are either Bars, Restaurants, cafes, takeaways and stores selling alcohol.

There are more changes looming for restaurants/cafes etc.

2. Page 13 of the report, ECP & ERA did not state that the rear door would be used for exiting the premises, we said that although customers would use the front exit they still had to pass the rear door to reach car parks and bus stops. This was a mistake by the Case Officer.
3. Mention is made of Listed Buildings within Eastcote Town Centre, Eastcote Underground Station is the only Grade II listed building, the others mentioned are Locally Listed, one of which stands within the Morford Way CA.
4. ECP/ERA questioned the lack of compliance with a request from Thames Water for details of a pump to be installed in the basement, as this was to become

#### E Other Mistakes and Misrepresentations

1. The assessment of the principle of development is considered robust and detailed in Section 7.08 of the committee report. These matters have also been addressed in Section 6 of the committee report. No further assessment is considered necessary.
2. Noted. However, this does not change officers' assessment and recommendation. As detailed in the Committee Report the car parks at the rear of the site would not be used by customers in the evening. It is also a reasonable expectation that people will walk to nearby bus stops from any evening and night uses in this designated town centre location, including the application site.
3. These statutory and locally listed buildings are noted. This does not impact officers' assessment and recommendation.
4. This is addressed in Section 6 of the Committee Report. To reiterate, this is a Building Regulations concern and not a planning matter.
5. This is addressed in Section 6 of the Committee Report. It would be

usable space and there is a possibility of flooding point iv. The Case Officer has just given a reminder to the Applicant to contact Thames Water, yet the information given by Thames Water is very clear as to what is needed.

5. Part of this application is to justify changes to the original application, carried out without permission. These areas have been subject of an Enforcement investigation, this has not been made clear within the report. The non-compliance with the original planning permission for the accessible WC is not mentioned in the application description just added into the report.
6. None of the conditions of application 2698/APP/2019/3041 were dispersed. In fact work commenced before planning permission was granted. The premises opened without heeding the conditions of which there were 5, is the applicant really going to bother about the 14 set out within this report?
7. Should the application be approved, it would be an advantage if the Council's Building Control Officers could oversee this work, to make sure all conditions are carried out before a certificate is issued. This would save the Enforcement Team work in the future."

incorrect to include these in the proposal description. This is a separate planning application.

6. Noted and addressed in Section 6 of the Committee Report.
7. Noted. However, it is not within the remit of planning to dictate which Building Control Body (BCB) or procedure that the applicant chooses to use.