

Item No.	Report of the Interim Director of Planning, Regeneration & Public Realm		
Address	HILLINGDON HOUSE, BANQUETING SUITE WREN AVENUE UXBRIDGE		
Development:	Retrospective Application for the use of the ground floor as a banqueting suite, with associated ancillary facilities at basement level for private civil ceremonies, weddings and parties (Sui Generis)		
LBH Ref Nos:	77108/APP/2022/691		
Drawing Nos:	Noise Mitigation Report Rev 01 13/01/2022 1062_375 Rev A Basement Floor Plan 1062_370 Rev B Ground Floor Plan Planning, Heritage, Design and Access Statement Odour Risk Assessment - Kitchen Extraction System 03/11/2021 Rev 1.0 P000046 - (R1) Transport Statement Location Plan 18-02-2022 Block Plan Car Park 18-02-2022 1062_370 A Ground Floor Plan 1062_375 Basement Floor Plan Block Plan of Abshar Hillingdon House 18-02-2022		
Date Plans Recieved:	01/03/2022	Date(s) of Amendment(s):	01/03/2022
Date Application Valid:	14/06/2022		08/03/2022

1. SUMMARY

This is a retrospective application for the use of the ground floor of Hillingdon House as a banqueting suite, with associated ancillary facilities at basement level for private civil ceremonies, weddings and parties (Sui Generis Use).

The ground floor of the property has planning consent for use as a restaurant as part of the hybrid consent for the wider St Andrews Park site, formerly known as RAF Uxbridge.

There is significant local objection to the proposals, including a petition, plus letters of support. A local Ward Cllr has also objected to the application.

Officers have been mindful of the potential detrimental impact on residential amenity to neighbouring properties, in terms of noise, odour and disturbance. Careful consideration has therefore been given to whether the Sui Generis Use itself is inappropriate in this location due to its inherent detrimental impact on residential amenity, or whether it could have an acceptable impact on residential amenity if it were controlled by appropriate conditions.

In policy terms the provision of the proposed Town Centre Sui Generis Use on the site is considered to be acceptable in respect of the existing consent of the building to operate a restaurant at ground floor level. However, this is subject to compliance with all other planning policy considerations, including impact on neighbouring residential amenity, parking and highway safety.

The Council's Highways Officer has raised no objections, subject to relevant conditions. These conditions include the implementation of measures to restrict the hours of use and number of guests.

The submitted Noise Assessment and Odour Assessment have been reviewed by the Council's Noise and Odour Specialist who has raised no objection to the application, subject to conditions to ensure the recommendations of these reports, including required mitigation measures, are implemented. The Council's Conservation Officer has requested further details of the proposed measures to mitigate noise and odour so as to determine if these measures require separate Listed Building Consent and if they would have an acceptable impact on the Grade II Listed Building. Details of the mitigation measures, concluded as necessary within reports submitted as part of the application, have been requested from the applicant. These details have not been provided.

Therefore, it is not possible to determine if the measures required to mitigate the detrimental impact of noise and odour are acceptable, or indeed could be approved through the discharge of planning conditions without requiring separate Listed Building Consent. Without the ability to attach appropriate and necessary conditions, the scheme would have a detrimental impact on the residential amenity of adjacent occupiers and the application is recommended for refusal.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

Insufficient detail has been provided to demonstrate that the required mitigation measures to protect residential amenity in terms of noise and odour pollution would not have a detrimental impact on the Grade II Listed Building, or to determine that they do not require separate Listed Building Consent. As such, the required conditions to protect residential amenity cannot be attached to a grant of planning consent. Therefore the Sui Generis Use is considered to have an unacceptable impact on the amenity of adjacent residential occupiers contrary to Policy D14 of London Plan (2021), Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policy BE1 of the Hillingdon Local Plan: Part 1 - Strategic Policies (2012) and paragraph 130 of the National Planning Policy Framework.

INFORMATIVES

1 I52 Compulsory Informative (1)

The decision to 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).

2 I53 Compulsory Informative (2)

The decision to 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 (2021) and national guidance.

DMEI 14	Air Quality
DMEI 4	Development on the Green Belt or Metropolitan Open Land
DMEI 6	Development in Green Edge Locations
DMHB 1	Heritage Assets
DMHB 11	Design of New Development
DMHB 15	Planning for Safer Places
DMHB 2	Listed Buildings
DMT 1	Managing Transport Impacts

DMT 2	Highways Impacts
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
DMTC 1	Town Centre Development
LPP D14	(2021) Noise
LPP D5	(2021) Inclusive design
LPP G2	(2021) London's Green Belt
LPP HC1	(2021) Heritage conservation and growth
LPP T5	(2021) Cycling
LPP T6	(2021) Car parking
SA 28	St Andrews Park, Uxbridge

3 171 LBH worked applicant in a positive & proactive (Refusing)

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the Local Plan Part 1, Local Plan Part 2, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service.

3. CONSIDERATIONS

3.1 Site and Locality

The application relates to Hillingdon House, a Grade II Listed Building located on the eastern side of St Andrew's Park. Hillingdon House was originally constructed by the Duke of Schomberg as a hunting lodge in 1717. It was reconstructed after a fire in 1844 by George Mair. Prior to the current use, the building was used by the Royal Air Force.

Immediately to the west of the site is Dowding Park with the River Pinn running through a copse of mature trees. The surrounding area is characterised by a topography that slopes up towards the House from the River Pinn elevating the House and giving it a prominence within the landscape. The land directly to the south and west of Hillingdon House is allocated as green belt, including the car park located within the application redline boundary. However, Hillingdon House itself is not within the green belt. To the north of the site are residential properties within Partridge Close, with the closest dwelling only 6.7m from the application building. To the east and south east are further residential properties on Bowling Close.

The site is designated within an Airport Safeguarding Zone and Air Quality Management Area. The site is accessed by vehicles via Wren Avenue, which is a private unadopted road. There are no parking controls in the area and the site has a public transport accessibility level (PTAL) rating of 1a (poor).

3.2 Proposed Scheme

This is a retrospective application for the use of the ground floor of Hillingdon House as a banqueting suite, with associated ancillary facilities at basement level, for private civil ceremonies, weddings and parties (Sui Generis).

The gross internal floor areas of the ground floor and basement are 935 sqm and 195 sqm respectively. The application proposes that 461.6 sqm of the ground floor (as shown on drawing reference 1062_370 Rev B) and 175.3 sqm of the basement area (as shown on drawing reference 1062_375 Rev A) be granted planning permission for a change of

use to a banqueting suite for private civil ceremonies, weddings and parties (Sui Generis). The basement of the premises provides an ancillary kitchen and servery facilities.

The submission advises that the ground floor has a maximum capacity to accommodate 200 persons. However, the maximum number of people 'rarely exceeds 150'. The number of events being held at the site is 4 in a typical week. The use consists primarily of conducting civil marriages / weddings and banqueting at the ground floor level.

The site has a private car park immediately opposite the main building on its southern side. The car park can accommodate 40 vehicles at a time. In addition, 6 parking spaces are located to the eastern side of the building for disabled visitors plus about 4 unmarked spaces. Therefore, the maximum capacity at the car parking area on site is 50 spaces.

The application is only for the material change of use of the building. No details of operational development have been submitted for the Listed Building.

The application advises that the existing use has created 15 jobs for food preparation and servery, 5 other staff and 5 for security. However, the planning agent has advised during the course of the application process (letter dated 22nd February 2023) that the applicant has now engaged outside caterers who supply cooked food to the premises when required. Therefore, there is no cooking involved at the site and the kitchen/servery is only used to heat up pre-cooked food. Therefore, the accuracy of the stated employment of the Sui Generis Use is not known.

The submission includes noise and odour reports, both of which recommend that appropriate mitigation measures are implemented. The details of these measures have been requested but not provided.

3.3 Relevant Planning History

585/APP/2009/2752 R A F Uxbridge Hillingdon Road Uxbridge

1. Outline application (all matters reserved, except for access) including demolition of some existing buildings and:

- a) Creation of up to 1,296 residential dwellings (Class C3) of between 2 to 6 residential storeys;
- b) Creation of up to 77 one-bedroom assisted living retirement accommodation of between 3 to 4 storeys;
- c) Creation of a three-form entry primary school of 2 storeys;
- d) Creation of a hotel (Class C1) of 5 storeys of up to 90 beds;
- e) Creation of a 1,200 seat theatre with ancillary cafe (Sui Generis); office (Class B1a) of up to 13,860sq.m; energy centre (Sui Generis) of up to 1,200sq.m; and retail (Class A1, A2, A3, A4, A5) of up to 2,850sq m; in buildings of between 4 to 6 storeys as well as a tower element associated with the theatre of up to 30m;
- f) Creation of a local centre to provide up to 150sq.m of retail (Class A1 and A2) and 225sq.m GP surgery (Class D1); Means of access and improvements to pedestrian linkages to the Uxbridge Town centre; car parking; provision of public open space including a district park; landscaping; sustainable infrastructure and servicing.

2. In addition to the above, full planning permission for:

- a) Creation of 28 residential dwellings (Class C3) to the north of Hillingdon House of between 2 to 3 storeys as well as associated amenity space and car parking;
- b) Change of use of Lawrence House (Building No. 109) to provide 4 dwellings (Class C3), associated amenity space and car parking including a separate freestanding garage;
- c) Change of use and alterations to the Carpenters building to provide 1 residential dwelling (Class C3);
- d) Change of use and alterations to the Sick Quarters (Building No. 91) to provide 4 dwellings (Class C3) as well as associated amenity space and car parking;
- e) Change of use of Mons barrack block (Building No. 146A) to provide 7 dwellings (Class C3) as well as associated amenity space and car parking.
- f) Change of use of the Grade II listed former cinema building to provide 600sq.m Class D1/2 use (no building works proposed);
- g) Change of use and alterations to the Grade II listed Hillingdon House to provide 600sq.m for a restaurant (Class A3) on the ground floor and 1,500sq.m of office (Class B1) on the ground, first and second floors;

Decision: 18-01-2012 Approved

585/APP/2009/2754 R A F Uxbridge Hillingdon Road Uxbridge

Alterations to Grade II listed Hillingdon House and the associated demolition of adjoining wing, temporary buildings and other buildings within curtilage of Hillingdon House. Alterations to 'Carpenters' building and alterations to curtilage walls (Application for Listed Building Consent.)

Decision: 24-01-2011 Approved

585/APP/2015/848 St Andrews Park Hillingdon Road Uxbridge

Variation of condition 5 of planning permission ref: 585/APP/2009/2752 dated 18/01/2012 (redevelopment of former RAF Uxbridge site) to amend approved plans and drainage strategy regarding the Town Centre Extension phase of the development.

Decision: 21-12-2015 Approved

585/APP/2016/1969 Hillingdon House, Raf Uxbridge Hillingdon Road Uxbridge

Layout changes to proposed WCs at first and second floor levels, layout changes to ground floor to proposed WCs, secondary access to offices and restaurant spaces, layout changes to basement including formation of new kitchen and staff facilities (Application for Listed Building Consent).

Decision: 15-02-2017 Approved

585/APP/2016/3002 Hillingdon House, Former Raf Uxbridge Wren Avenue Uxbridge
Proposed hard and soft landscaping works to Hillingdon House, including formation of new parking bays

Decision: 16-01-2017 Approved

585/APP/2017/1708 Hillingdon House Wren Avenue Uxbridge

Details pursuant to Condition 6 (Method Statement) of Listed Building Consent ref: 585/APP/2016/1969 dated 15/02/2017 (Layout changes to proposed WCs at first and second floor levels, layout changes to ground floor to proposed WCs, secondary access to offices and restaurant spaces, layout changes to basement including formation of new kitchen and staff facilities)

Decision: 07-02-2018 Refused

585/APP/2017/2352 Hillingdon House Wren Avenue Uxbridge

Details pursuant to Condition 7 (Drawings and Materials) of Listed Building Consent ref: 585/APP/2016/1969 dated 15/02/2017 (Layout changes to proposed WCs at first and second floor levels, layout changes to ground floor to proposed WCs, secondary access to offices and restaurant spaces, layout changes to basement including formation of new kitchen and staff facilities)

Decision: 29-03-2018 Refused

585/APP/2017/3530 Hillingdon House Wren Avenue Uxbridge

Alterations to proposed WCs at first and second floor levels, layout changes to ground floor to proposed WCs, secondary access to offices and restaurant spaces, layout changes to basement, including formation of new kitchen and staff facilities (Application for Listed Building Consent)

Decision: 07-11-2018 Approved

585/APP/2017/3532 Hillingdon House Wren Avenue Uxbridge

Installation of roof level kitchen exhaust and ventilation plant

Decision: 17-05-2018 Approved

585/APP/2019/3054 Hillingdon House Wren Avenue Uxbridge

Erection of a low post and rail timber fence along the southern boundary of the site

Decision: 27-11-2019 Approved

585/APP/2019/382 Hillingdon House Wren Avenue Uxbridge

Proposal for an external 200mm diameter boiler flue from basement level and terminating 300mm above the roof parapet level on the north elevation in matching RAL external wall finish. (Application for Listed Building Consent)

Decision: 29-03-2019 Approved

585/APP/2019/584 Hillingdon House Wren Avenue Uxbridge

Installation of 200mm diameter boiler flue, from basement level and terminating 300mm above the roof parapet level on the north elevation, painted to match RAL colour of external wall finish

Decision: 12-04-2019 Approved

Comment on Relevant Planning History

The relevant consent for Hillingdon House was part of a much wider permission that

covered all of St Andrews Park. That application ref. 585/APP/2009/2752 dated 18-01-12 granted consent for:

1. Outline application (all matters reserved, except for access) including demolition of some existing buildings and:

- a) Creation of up to 1,296 residential dwellings (Class C3) of between 2 to 6 residential storeys;
- b) Creation of up to 77 one-bedroom assisted living retirement accommodation of between 3 to 4 storeys;
- c) Creation of a three-form entry primary school of 2 storeys;
- d) Creation of a hotel (Class C1) of 5 storeys of up to 90 beds;
- e) Creation of a 1,200 seat theatre with ancillary cafe (Sui Generis); office (Class B1a) of up to 13,860sq.m; energy centre (Sui Generis) of up to 1,200sq.m; and retail (Class A1, A2, A3, A4, A5) of up to 2,850sq m; in buildings of between 4 to 6 storeys as well as a tower element associated with the theatre of up to 30m;
- f) Creation of a local centre to provide up to 150sq.m of retail (Class A1 and A2) and 225sq.m GP surgery (Class D1); Means of access and improvements to pedestrian linkages to the Uxbridge Town centre; car parking; provision of public open space including a district park; landscaping; sustainable infrastructure and servicing.

2. In addition to the above, full planning permission for:

- a) Creation of 28 residential dwellings (Class C3) to the north of Hillingdon House of between 2 to 3 storeys as well as associated amenity space and car parking;
- b) Change of use of Lawrence House (Building No. 109) to provide 4 dwellings (Class C3), associated amenity space and car parking including a separate freestanding garage;
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- e) Change of use of Mons barrack block (Building No. 146A) to provide 7 dwellings (Class C3) as well as associated amenity space and car parking.
- f) Change of use of the Grade II listed former cinema building to provide 600sq.m Class D1/2 use (no building works proposed);
- g) Change of use and alterations to the Grade II listed Hillingdon House to provide 600sq.m for a restaurant (Class A3) on the ground floor and 1,500sq.m of office (Class B1) on the ground, first and second floors;

The element relevant to this application is therefore part 2. g)

'Change of use and alterations to the Grade II listed Hillingdon House to provide 600sq.m for a restaurant (Class A3) on the ground floor and 1,500sq.m of office (Class B1) on the ground, first and second floors'

The above consent has since been amended under application ref. 585/APP/2015/848, but no changes have been made in relation to the Use Class of Hillingdon House. It is worth noting that the following Conditions were attached to the original consent 585/APP/2009/2752:

Condition 36

In respect of all non-residential uses (including those within Hillingdon House, the District Park and any publicly accessible outdoor space), no amplified or other music shall be played except between 0800 hours and 2000 hours Mondays to Fridays, between 0800 hours and 1600 hours on Saturdays and at no time on Sundays, Public or Bank Holidays unless consent to any variation is first obtained in writing from the Local Planning Authority.

REASON

To safeguard the residential amenity of the occupiers of adjoining and nearby properties in accordance with Policy OE3 of the Hillingdon Unitary Development Plan.

Condition 49:

Unless otherwise agreed in writing by the Local Planning Authority, in respect of any Class A3 use hereby approved, no persons shall be permitted to be on the premises between the hours of 23.30 hours and 08.00 hours with an allowance of up to 30 minutes either side of these times for closing and opening.

REASON

To ensure that the amenity of the occupiers of adjoining or nearby properties is not adversely affected in accordance with Policy OE3 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

Condition 71

Unless otherwise agreed in writing by the Local Planning Authority, the rating level of the noise emitted from the plant, equipment and any air conditioning units shall be at least 5dB lower than the existing background noise level. The noise levels shall be determined at the nearest residential premises in accordance with British Standard 4142, Method for rating industrial noise affecting mixed residential and industrial areas.

REASON

To protect the amenity of the surrounding area in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

The above consent (application ref. 585/APP/2009/2752) has since been amended by application ref. 585/APP/2015/848 dated 21-12-15 for 'Variation of condition 5 of planning permission ref: 585/APP/2009/2752 dated 18/01/2012 (redevelopment of former RAF Uxbridge site) to amend approved plans and drainage strategy regarding the Town Centre Extension phase of the development.'

Whilst this new consent amended some of the approved plans and the drainage strategy, it did not alter the previous consent for Hillingdon House. The conditions noted above were also carried forward to the new consent.

Since the original consent was granted for the Change of Use of Hillingdon House there have been a number of other minor applications made to make alterations to the Listed Building.

Listed building consent was granted under ref. 585/APP/2009/2754 for alterations to Grade II listed Hillingdon House and the associated demolition of adjoining wing, porta-cabins and other buildings within the curtilage of Hillingdon House.

4. Planning Policies and Standards

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)

The London Plan (2021)

The National Planning Policy Framework (NPPF) (2021) is also a material consideration in planning decisions, as well as relevant supplementary planning documents and guidance.

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

PT1.HE1 (2012) Heritage

Part 2 Policies:

DMEI 14 Air Quality

DMEI 4 Development on the Green Belt or Metropolitan Open Land

DMEI 6 Development in Green Edge Locations

DMHB 1 Heritage Assets

DMHB 11 Design of New Development

DMHB 15 Planning for Safer Places

DMHB 2 Listed Buildings

DMT 1 Managing Transport Impacts

DMT 2 Highways Impacts

DMT 5 Pedestrians and Cyclists

DMT 6 Vehicle Parking

DMTC 1 Town Centre Development

LPP D14 (2021) Noise

LPP D5 (2021) Inclusive design

LPP G2 (2021) London's Green Belt

LPP HC1 (2021) Heritage conservation and growth

LPP T5 (2021) Cycling

LPP T6 (2021) Car parking

SA 28 St Andrews Park, Uxbridge

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- 20th July 2022

5.2 Site Notice Expiry Date:- 26th July 2022

6. Consultations

External Consultees

115 consultation letters were sent to neighbouring owners/occupiers on 29-06-2022 and 4 site notices were displayed at the site.

12 letters of support, 74 letters of objection, 3 neutral comments and one petition with 113 signatures objecting to the proposals have been received.

The petition in objection states:

'We the undersigned petition Hillingdon Council to reject and fully dismiss this planning application.

Justification:

1) Hillingdon House is a Grade II Listed building and original plans were only permitted for a class A3 restaurant/cafe, which is currently being used as a banqueting suite without permission.

2) Planning enforcement still under investigation ENF/837/19, as Hillingdon House is being used as a sui generis class of usage without permission.

3) Hillingdon House is set in a private residential estate, currently they have no consideration for residents, with regards to the noise from their guests. There is streams of cars entering and leaving the Estate, with their cars honking, people shouting and blocking St Andrews Road. Events are being held 7 days a week and disturbing our sleep.

4) The guests leave Hillingdon House after midnight, when the plans state everyone should have vacated by 11.30pm.

5) Music is also played at the venue, against the restricted times as set out in the plans. Residents can hear the music.

6) Our privacy is reduced as their staff block a layby on St Andrews Road and on Wren Avenue with cones and stand in front of houses during the whole time of the event.'

The letters of objection to the proposals can be summarised as:

- Noise pollution, including fireworks
- Light pollution
- Litter in park/smoke bombs
- Increased traffic
- Insufficient parking
- Detrimental to highway safety
- Dangerous for school children
- Permission was only granted for a class A3 restaurant with restrictions on music
- Hillingdon House used illegally as a banqueting suite for a number of years
- Guests/customers leave as late as 1.00am
- Guests/customers use private road that residents pay service charges to maintain
- Threats made to residents who complain
- Current enforcement under investigation (neighbours have not been consulted on this)
- Inappropriate in a quiet residential area/Detrimental impact on character of locality
- Inappropriate use of building, should be a community use
- Disrespect to tax payer
- Impact on wildlife in park
- Business can't control party goers
- Submitted Noise Survey and Transport Statement are inaccurate
- Loss of privacy
- Food left outside venue
- Horse 'poop' on road
- Impact on property value

The letters of support that have been provided can be summarised as:

- Economic benefit/Employment
- Attracts people to the park
- 'Not noisy and all weddings are done respectfully'
- Losing the venue would be a big loss to local community
- Opportunity for local residents to get married in a local venue with local history
- Substantial roads leading to the venue

- Car parking facilities plus tourist attraction (the bunker) on the same site
- Do not believe it will increase the noise and traffic levels
- Venue is well suited for banqueting as well as hosting wedding ceremonies
- Contributes to the community

The three neutral comments request that external waste is disposed of and car parking is managed more appropriately.

A local Ward Councillor has also objected to the proposals stating:

I would like to support the petition objecting to the planning application as detailed above and wish to speak at any potential Committee hearing.

HISTORIC ENGLAND

The local planning authority is to determine the application for listed building consent as the local planning authority thinks fit.

Internal Consultees

PLANNING POLICY

A banqueting suite would fall within the definition of 'main town centre uses' outlined within the NPPF (2021). The proposal is less than 1,000 sqm and therefore, in line with Policy DMTC 1, it would not meet the threshold for requiring a town centre impact assessment. Policies within the Development Plan would require the applicant to submit a sequential test, however this would be a futile exercise based on the following:

1. The proposal has displaced an existing town centre use (restaurant) which already has permission in this location. In the absence of this proposal, a main town centre use (restaurant) would still be allowed to take place on this site.
2. Policy HE1 of the Local Plan: Part 1 (2012) outlines that the Council will encourage the reuse of heritage assets and actively encourage their regeneration. A use is therefore required for the building, which in all likelihood would be a main town centre use.

CONSERVATION OFFICER

The application seeks retrospective permission for the use of the ground floor of Hillingdon House to be used as a banqueting suite, with associated ancillary facilities at basement level for private civil ceremonies, weddings and parties (Sui Generis).

The Planning, Heritage, Design and Access Statement suggests that the application is for the material change of use only and that no operational development is proposed and therefore there would be no material impact on the character and appearance of the Listed Building.

Notwithstanding this the Odour Risk Assessment - Kitchen Extraction System report dated 03/11/21 makes recommendations for the upgrade of the kitchen extraction system as it does not currently meet the EMAQ Control of Odour and Noise from Commercial Kitchen Exhaust Systems as set out in Section 2 of the report. The report recommends that the system is fitted with fine filters after the baffle filters followed by activated carbon filtration of sufficient size to allow for a dwell time of 0.2 to 0.4 seconds.

It is unclear what physical changes would be required to the existing extraction system and whether these would have an impact on the character and special interest of the listed building. There is the potential that the modifications would add more visual clutter to the extraction system as well as require additional kit to be fixed to the listed building. We will need further detail on these elements so that the impact can be fully understood, and it can be determined whether or not listed building consent would be required.

The Noise Mitigation Report dated 13/01/22 also makes recommendations to upgrade some of the

external / internal doors with acoustic seals and door closers. Again, we will need more detail on which doors are to be affected. Modification to historic doors to install acoustic seals and closers have the potential to affect the character and special interest and may require listed building consent.

Conclusion

Further detailed information is required to fully understand the impact of the upgrading works to the doors and the extraction system to comply with the recommendations of the Sound Licensing Ltd reports. This will help to determine if there would be any impact on the character and special interest of the listed building and whether additional consents would be required.

NOISE AND ODOUR SPECIALIST

An odour assessment report has been submitted in support of the application. The odour risk assessment has been carried out following recognised methodology. The report recommends that the existing system is upgraded as detailed in the report. It is recommended that no objection is made on odour grounds subject to a suitable condition hence:

'For the lifetime of the development hereby permitted the kitchen extraction system shall be installed, retained and maintained in accordance with the details submitted in support of the application'

A qualitative noise assessment report has been submitted in support of the application. This reports that during an event a 'Barely audible bass beat' was just audible at a nearby dwelling, no. 4 Bowling Close. This distinctive character, often found in music, has the potential to cause adverse reaction, particularly at locations that would appear to be relatively free from anthropogenic noise pollution. At the same time regulation through condition presents difficulties as the commonly used parameter, LAeq, t may not always be sufficient. It is recommended that no objection is made on noise grounds subject to a suitable condition to regulate the most likely cause of local disturbance, hence:

'For the lifetime of the development hereby permitted noise caused by its operation shall not exceed the Noise Rating curve NR 20, and 60 dB for the 31.5 Hz octave band, measured free-field, with no frequency weighting, time averaged over ten seconds, outside of any dwelling, or similarly noise sensitive premises.'

HIGHWAYS OFFICER (Summary, comments set out in Section 7.10).

It is noted that, to the best of the Highway Authority's (HA's) knowledge, there is no historical evidence to suggest that existing event activities cause any notable long term physical detriment to the public highway both in parking or traffic generation/congestion terms. However, it is accepted that patron numbers and associated vehicular activity can inevitably contribute to overall noise nuisance during events, whether it be the sounding of car horns or car engines, thereby raising the concerns cited by the local community which fall, more so, under the jurisdiction of environmental health legislation in lieu of local or regional transport policy controls. Notwithstanding this point and to best aid matters related to noise abatement, if a recommendation for grant is pursued, a planning condition is recommended in order to ensure 'event' numbers of attendance are limited to no more than 160 attendees on site at any one time concluding at 11pm in line with the relevant Environmental Health/Licensing legislation.

It is also strongly advised, that if the application were to be refused (and thereafter appealed) directly on transport/highway related grounds, it is highly unlikely that this stance would be supported by the Planning Inspectorate who would be expected to afford substantive weight to i) the relative remoteness of the site from the majority of other local residential dwellings within the catchment area which do not directly front the roadways utilised by patrons of HH and are thereby less affected by activities and ii) the submitted survey data and justification for continuity of the proposal and iii) paragraph 111 of the NPPF 2021 which directs refusal on highway grounds only if

anticipated/cumulative impacts of a development are likely to be 'severe' which the HA believe is not the case. Accordingly, a transport/highway related refusal reason is not recommended.

Conclusion

On the premise that a planning condition could be imposed limiting event patronage to a maximum of 160 attendees on site at any one time with events concluding at 11pm, the following would apply:

"The application has been reviewed by the Highway Authority who are satisfied that the proposal would not discernibly exacerbate congestion or parking stress, and would not raise any measurable highway safety concerns, in accordance with Local Plan: Part 2 Development Plan Policies DMT 1, DMT 2 & DMT 6 and Policies T4 and T6 of the London Plan (2021)."

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Policy DMTC 1: Town Centre Developments of the Hillingdon Local Plan Part 2 - Development Management Policies (2020) states:

A) The Council will support 'main town centre uses' where the development proposal is consistent with the scale and function of the centre. Town centre development will need to demonstrate that:

- i) adequate width and depth of floorspace has been provided for the town centre uses; and
- ii) appropriate servicing arrangements have been provided.

B) Residential use of ground floor premises in primary and secondary shopping areas and in designated parades will not be supported.

C) Proposals for 'main town centre uses' in out of centre locations will only be permitted where there is no harm to residential amenity.

D) The Council will:

- i) expect proposals for 'main town centre uses' to demonstrate that there are no available or suitable sites in a town centre where an edge of centre or out of centre location is proposed, using a sequential approach; and
- ii) consider the effect of the proposal, either individually or cumulatively on the vitality and viability of existing town centres. Development proposals in out of centre and edge of centre locations, which exceed 200 sqm of gross retail floorspace, or 1,000 sqm of combined main town centres uses, will require an impact assessment.

The Council's Planning Policy Manager has reviewed the submission and provided comments, stating that a banqueting suite would fall within the definition of 'main town centre uses' outlined within the NPPF (2021). The proposal is less than 1,000 sqm and therefore, in line with Policy DMTC 1, it would not meet the threshold for requiring a town centre impact assessment. Policies within the Development Plan would require the applicant to submit a sequential test, however this would be a futile exercise based on the following:

1. The proposal has displaced an existing town centre use (restaurant) which already has permission in this location. In the absence of this proposal, a main town centre use (restaurant) would still be allowed to take place on this site.

2. Policy HE1 of the Local Plan: Part 1 (2012) outlines that the Council will encourage the reuse of heritage assets and actively encourage their regeneration. A use is therefore required for the building, which in all likelihood would be a main town centre use.

Given the existing consented Town Centre use of the building as a restaurant, there is no objection in principle to the proposed Town Centre Sui Generis use of the site. However, this is subject to compliance with all other planning policy considerations, including impact on neighbouring residential amenity, parking and highway safety.

7.02 Density of the proposed development

Not applicable to this Sui Generis Use.

7.03 Impact on archaeology/CAs/LBs or Areas of Special Character

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on the Local Planning Authority, requiring that in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Paragraph 199 of the NPPF (2021) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).

Paragraph 202 of the NPPF (2021) states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Policy HC1 of the London Plan (2021) states that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings.

Policy HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) states that the Council will conserve and enhance Hillingdon's distinct and varied environment, its settings and the wider historic landscape (including locally and statutorily Listed Buildings, Conservation Areas, Areas of Special Local Character and Archaeological Priority Zones and Areas), and encourage the reuse, modification and regeneration of historic assets.

Policy DMHB 1 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states development that has an effect on heritage assets will only be supported where:

- i) it sustains and enhances the significance of the heritage asset and puts them into viable uses consistent with their conservation;
- ii) it will not lead to substantial harm or total loss of significance without providing substantial public benefit that outweighs the harm or loss;
- iii) it makes a positive contribution to the local character and distinctiveness of the area;
- iv) any extensions or alterations are designed in sympathy, without detracting from or competing with the heritage asset;
- v) the proposals relate appropriately in terms of siting, style, scale, massing, height, design and materials;
- vi) buildings and structures within the curtilage of a heritage asset, or in close proximity to it, do not compromise its setting; and
- vii) opportunities are taken to conserve or enhance the setting, so that the significance of the asset can be appreciated more readily.

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

A) Applications for Listed Building Consent and planning permission to alter, extend, or change the use of a statutorily Listed Building will only be permitted if they are considered to retain its significance and value and are appropriate in terms of the fabric, historic integrity, spatial quality and layout of the building. Any additions or alterations to a Listed Building should be sympathetic in terms of scale, proportion, detailed design, materials and workmanship.

B) Applications should include a Heritage Statement that demonstrates a clear understanding of the importance of the building and the impact of the proposals on its significance.

C) The substantial harm to or total loss of significance of a statutory Listed Building will only be permitted in exceptional circumstances when the nature of the heritage asset prevents all reasonable use of the building, no viable use can be found through marketing, grant-funding or charitable or public ownership and the loss is outweighed by bringing the site back into use. In such circumstances, full archaeological recording of the building will be required.

D) Planning permission will not be granted for proposals which are considered detrimental to the setting of a Listed Building.

The Council's Conservation and Design Officer has reviewed the proposals, including The Planning, Heritage, Design and Access Statement, which indicates that the application is for the material change of use only and that no operational development is proposed.

Notwithstanding this, the submitted Odour Risk Assessment - Kitchen Extraction System report dated 03/11/21 makes recommendations for the upgrade of the kitchen extraction system as it does not currently meet the EMAQ Control of Odour and Noise from Commercial Kitchen Exhaust Systems. The report recommends that the system is fitted with fine filters after the baffle filters followed by activated carbon filtration of sufficient size to allow for a dwell time of 0.2 to 0.4 seconds.

It is unclear what physical changes would be required to the existing extraction system and whether these would have an impact on the character and special interest of the listed building. There is the potential that the modifications would add more visual clutter to the extraction system as well as require additional services to be fixed to the listed building. Further detail on these elements needs to be provided so that the impact can be fully understood, and it can be determined whether or not listed building consent would be required.

The submitted Noise Mitigation Report also makes recommendations to upgrade some of the external / internal doors with acoustic seals and door closers. Again, the Council requires more detail on which doors are to be affected and in what manner. Modifications to historic doors to install acoustic seals and closers have the potential to affect the character and special interest and may require listed building consent.

The applicant has been advised that these details are required to be submitted in order for the Council to determine the acceptability of the proposals. However, the planning agent has responded (letter dated 22nd February 2023) to state that the applicant has now engaged outside caterers who supply cooked food to the premises when required. Therefore, due to outsourcing, there is no cooking involved at the site and the kitchen/servery is only used to heat pre-cooked food.

The planning agent states that the suggested measures in the odour report were aimed at extreme or heavy cooking at the premises. However, due to engaging outside caterers to supply hot food, the upgrades to the existing extraction system are not necessary.

There is a conflict therefore in terms of what the application is seeking to approve. An odour report with recommendations has been submitted. Potential mitigation measures have been proposed, but without sufficient detail to determine their impact on the Listed Building and therefore their acceptability. The agent is now stating these mitigation measures are not required.

Whilst the ground and first floor have planning consent for use as a restaurant with kitchens, the submission includes information stating that the kitchen extraction system as it exists does not currently meet the EMAQ Control of Odour and Noise from Commercial Kitchen Exhaust System. It is considered that a condition attached to a grant of planning consent with the intention to limit the level of cooking on site or to define and then control the difference between cooking and re-heating of food (and thus when additional odour mitigation measures might be required) would fail the tests set out in paragraph 56 of the National Planning Policy Framework. This is because such a condition is deemed unenforceable.

In addition, regardless of the level of cooking or reheating on site, the submitted noise report also suggests a number of mitigation measures that are required in order for the use to have an acceptable impact on residential amenity. These details have not been provided despite them being required to mitigate the impact of noise from the building.

It is considered therefore that insufficient information has been provided to determine the impact of the proposals on the Grade II Listed Building. As such, the impact on the building may be unacceptable, contrary to London Plan (2021) Policy HC1, Policy HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies DMHB 1 and DMHB 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020).

7.04 Airport safeguarding

Not applicable to the Sui Generis Use.

7.05 Impact on the green belt

Paragraph 137 of the NPPF (2021) states that the essential characteristics of Green Belts are their permanence and openness.

Paragraph 138 of the NPPF (2021) notes the Green Belt serves 5 purposes:

- (a) to check the unrestricted sprawl of large built-up areas;
- (b) to prevent neighbouring towns merging into one another;
- (c) to assist in safeguarding the countryside from encroachment;
- (d) to preserve the setting and special character of historic towns; and
- (e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 147 of the NPPF (2021) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the NPPF (2021) requires local planning authorities to ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Policy G2 of the London Plan (2021) states that the strongest protection should be given to London's Green Belt, in accordance with national guidance. Inappropriate development should be refused, except in very special circumstances. Development will be supported if it is appropriate and helps secure the objectives of improving the Green Belt as set out in

national guidance.

Policy DMEI 4 of the Local Plan: Part Two (2020) states that extensions and redevelopment on sites in the Green Belt and Metropolitan Open Land will be permitted only where the proposal would not have a greater impact on the openness of the Green Belt and Metropolitan Open Land, and the purposes of including land within it, than the existing development, having regard to:

- i) the height and bulk of the existing building on the site;
- ii) the proportion of the site that is already developed;
- iii) the footprint, distribution and character of the existing buildings on the site;
- iv) the relationship of the proposal with any development on the site that is to be retained; and
- v) the visual amenity and character of the Green Belt and Metropolitan Open Land.

Policy DMEI 6 of the Local Plan: Part Two (2020) states that new development adjacent to the Green Belt, Metropolitan Open Land, Green Chains, Sites of Importance for Nature Conservation, Nature Reserves, countryside, green spaces or the Blue Ribbon Network should incorporate proposals to assimilate development into the surrounding area by the use of extensive peripheral landscaping to site boundaries.

The land directly to the south and west of Hillingdon House is designated as green belt, including the car park located within the application redline boundary. However, Hillingdon House itself is not within the green belt. The number of visitors and hours of use are proposed to be controlled by condition should the application be recommended for approval. The car park within the green belt would be utilised in the same way as it would be for the existing restaurant consent. Therefore, the proposals are considered to have no greater detrimental impact on the green belt than the existing consented restaurant use of the ground floor of Hillingdon House.

7.07 Impact on the character & appearance of the area

Policy BE1 of the Local Plan: Part One (2012) requires all new development to improve and maintain the quality of the built environment in order to create successful and sustainable neighbourhoods, where people enjoy living and working and that serve the long-term needs of all residents.

Policy DMHB 11 of the Hillingdon Local Plan: Part Two (2020) re-emphasises the importance of good design in new development by

- A) requiring all new buildings and extensions to be designed to the highest standards, which incorporate principles of good design, such as harmonising with the local context by having regard to the scale, height, mass and bulk of surrounding buildings; using high quality materials and finishes; having internal layouts and design which maximise sustainability and the adaptability of the space; protecting features which contribute positively to the area and providing landscaping that enhances amenity, biodiversity and green infrastructure;
- B) avoiding adverse impacts on the amenity, daylight and sunlight of adjacent property and open space;
- C) safeguarding the development potential of adjoining sites; and
- D) making adequate provision for refuse and recycling storage.

As stated above, the submitted Planning, Heritage, Design and Access Statement, indicates that the application is for the change of use of the building only and that no physical changes to Hillingdon House are proposed, subject to further details of the odour and noise mitigation noted within Section 7.03 of this report. The car park would be utilised in the same way as it would be for the existing restaurant consent.

Therefore, the proposals are considered to have no material impact on the character and appearance of the area.

7.08 Impact on neighbours

Paragraph 130 (f) of the NPPF (2021) states that new development should seek to 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'.

Policy D14 of London Plan (2021) states that in order to reduce, manage and mitigate noise to improve health and quality of life, proposals should manage noise by amongst other criteria, avoiding significant adverse noise impacts on health and quality of life and 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 existing noise-generating uses.

Policy DMHB 11 part B) of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states that development proposals should not adversely impact on the amenity of adjacent properties and open space.

This is a retrospective application for the continued use of the ground floor of Hillingdon House as a banqueting suite, with associated ancillary facilities at basement level for private civil ceremonies, weddings and parties (Sui Generis).

As detailed previously in this report no physical changes are proposed to the existing Grade II Listed Building or parking. The impacts of the Sui Generis Use on residential amenity are therefore considered to be noise, odour and traffic. This section of the report will consider noise and odour from the premises. The impact of traffic/vehicle movements, including traffic noise, is considered within Section 7.10 of this report.

There have been a significant number of objections to the proposals which relate to the noise and disturbance caused to local residents. The Council's Policy Team has confirmed that the use is itself acceptable in principle. The matter for consideration therefore is whether the use itself is inappropriate in this location due to its inherent detrimental impact on residential amenity, or whether it is an appropriate use, or could be, in terms of residential amenity if it were controlled by appropriate conditions, such as limiting the hours of use or degree of noise pollution.

It is notable that the consented restaurant use is controlled by conditions relating to:

1. No amplified or other music shall be played except between 0800 hours and 2000 hours Mondays to Fridays, between 0800 hours and 1600 hours on Saturdays and at no time on Sundays, Public or Bank Holidays.
2. No persons shall be permitted to be on the premises between the hours of 23.30 hours and 08.00 hours with an allowance of up to 30 minutes either side of these times for closing and opening.
3. The rating level of the noise emitted from the plant, equipment and any air conditioning units shall be at least 5dB lower than the existing background noise level. The noise levels shall be determined at the nearest residential premises.

Given that the majority of objections relate to late night noise from music and people leaving the venue at anti-social hours, it is considered that conditions similar to those attached to the consented restaurant use would remain appropriate for a 'Town Centre Use' directly adjacent to residential properties. Given the Sui Generis Use proposed a greater degree of flexibility may be required in terms of amplified music. However, noise

controls on noise pollution would be required as set out below. The concerns raised regarding additional litter could be controlled through a Waste Management Plan to ensure that the immediate area was cleared of any waste following an event. Controlling the use or frequency of fireworks could also be controlled through a Noise Management Plan.

ODOUR

An odour assessment report has been submitted with the application. The Council's Noise and Odour Specialist has reviewed the document and confirmed that the odour risk assessment has been carried out following recognised methodology. The report recommends that the existing system is upgraded. The Council's Noise and Odour Specialist has raised no objection on odour grounds subject to a suitable condition to ensure that the required upgraded odour preventing extraction system is implemented.

However, the upgrade to the system requires works that are not detailed in the report or elsewhere in the submission. As set out within Section 7.03 of this report, these details have been requested from the applicant to determine if the works will have an acceptable impact on the Grade II Listed Building and whether separate Listed Building Consent may be required. These details have not been provided and therefore it is not possible to attach the condition requested by the Council's Noise and Odour Specialist. The planning agent has stated (letter dated 22nd February 2023) that the applicant has now engaged outside caterers who supply cooked food to the premises and these upgrades are no longer required, despite being stated as necessary in the submitted report. As set out in Section 7.03, a condition attached to a grant of planning consent with the intention to limit the level of cooking on site or define the difference between cooking and re-heating of food (and thus when additional extraction upgrade measures are required) would fail the tests set out in paragraph 56 of the National Planning Policy Framework, as such a condition would not be enforceable.

The submitted report states that the existing kitchen extraction system 'does not comply with the recommendations in EMAQ Control of Odour and Noise from Commercial Kitchen Exhaust Systems'. The proposals are therefore deemed to have an unacceptable detrimental impact on the amenity of adjacent residential occupiers in terms of odour.

Without the ability to recommend appropriate conditions, the proposals are considered to have an unacceptable detrimental impact on the amenity of adjacent residential occupiers, contrary to Paragraph 130 of the NPPF (2021), and Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020).

NOISE

A noise assessment report has been submitted and reviewed by the Council's Noise and Odour Specialist. This report states that during an event a 'barely audible bass beat' was just audible at a nearby dwelling, No. 4 Bowling Close, about 20 metres away. This distinctive character, often found in amplified music, has the potential to cause adverse reaction, particularly in areas that would appear to be relatively free from anthropogenic noise pollution.

There is some concern that the submitted noise report states that only a single night-time site visit has been carried out to monitor noise breakout from the premises and that this visit was carried out on the 12th of December when, due to the seasonal weather conditions, guests to the premises are more likely to remain indoors and windows and doors kept closed. There is no mention of fireworks within the report despite this concern

being raised by local residents. The report also states that there is no in-house audio system currently fitted, with hirers of the venue bringing their own systems into the premises. The different systems could therefore produce different levels of noise pollution. However, the Council's Noise and Odour Specialist has raised no objection on noise grounds subject to a suitable condition to control noise pollution from the premises. As set out within Section 7.03 of this report, the details of the measures required to mitigate noise pollution have been requested from the applicant and have not been provided. It is therefore not possible to know if the mitigation measures (which include acoustic door seals and door closers) would have an acceptable impact on the Grade II Listed Building or whether they require separate Listed Building consent.

Without the ability to recommend appropriate conditions, the proposals are deemed to have an unacceptable detrimental impact on the amenity of adjacent residential occupiers with regard to noise pollution, contrary to Paragraph 130 of the NPPF (2021), Policy D14 of London Plan (2021) and Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020).

7.09 Living conditions for future occupiers

Not applicable to the Sui Generis Use.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Paragraph 111 of the NPPF (2021) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy T4 of the London Plan (2021) states that development proposals should not increase road danger. Policy T6 of the London Plan (2021) states that car parking should be restricted in line with levels of existing and future public transport accessibility and connectivity.

Policy DMT 1 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that development proposals will be required to meet the transport needs of the development and address its transport impacts in a sustainable manner.

Policy DMT 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that proposals must ensure that safe and efficient vehicular access to the highway network is provided, schemes do not contribute to the deterioration of air quality, noise or local amenity or safety of all road users and residents. Also, that impacts on local amenity and congestion are minimised and there are suitable mitigation measures to address any traffic impacts in terms of capacity and functions of existing roads.

Policy DMT 5 Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that development proposals will be required to ensure that safe, direct and inclusive access for pedestrians and cyclists is provided on the site connecting it to the wider network, including the provision of cycle parking in accordance with Appendix C, Table 1 or, in agreement with the Council.

Policy DMT 6 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) requires that proposals comply with the Council's parking standards in order to facilitate sustainable development and address issues relating to congestion and amenity.

Hillingdon House is a Grade II listed building that fronts onto Wren Avenue which, in common with the wider catchment, is private and unadopted and there are no parking controls in the area. Carriageway widths of the immediate roadways range from 5m to just over 5.5m with a measure of footway provision.

A remote and private off-street carpark in proximity and just south of the venue is an established and affiliated provision for the address that can accommodate up to 40 formal parking spaces with 6 disabled compliant and 4 informal spaces located within the curtilage of the building itself that are generally utilised by the event hosts.

The site has a public transport accessibility level (PTAL) rating of 1a (poor) which therefore encourages near total dependency on the use of private motor transport to and from the address.

The Council's Highways Officer has been consulted on the application and they acknowledge that the aspect of noise disturbance generated by activities can prevail. Accordingly, local residents have predominantly complained about amenity issues such as noise pollution into the early hours emanating from car engines/sounding of car horns etc. affiliated to banqueting and wedding events.

Parking and Traffic Generation

There are no prescriptive local or regional parking standards that can be applied to this proposed Sui Generis use. In lieu of this position, the applicant has undertaken parking surveys of the car park in December 2021 during 2 separate events on a Sunday & Thursday comprising of 120 & 160 attending guests respectively between the hours of 6pm to midnight in order to gauge the level of vehicular impact on the locality, including the burden on the capacity of the dedicated car park.

When reviewing the surveyed events there is a high percentage of private car use inclusive of car-sharing and taxi 'drop-offs/ pick-ups' associated with the larger event attendance of 160 patrons. In that case it was found that, on an hourly basis, between the surveyed hours of 5.30pm and 12.30am:

- Taxi arrivals/departures peaked at up to a near dozen vehicles
- In the region of half-a-dozen vehicles were parked on the surrounding carriageways
- Several vehicles were parked on the building frontage
- Up to 35 vehicles were parked within the remote car park (up to 40 space capacity)

To appraise the aspect of trip generation, the applicant has applied a percentage modal split of arrivals/departures during the event window. The most significant assumption relates to the figure of 40% of patrons arriving by

- i) private car (with car-share) and
- ii) taxi car-share modes with an average of 1.5/2 passengers respectively.

This assumption is considered reasonable and with a patronage of 160, just under 40/30 private vehicles/taxis respectively are expected thereby indicating that there is adequate off-street carpark and roadway capacity that can satisfactorily cater for this level of attendance. This is further reinforced by the fact that it is unlikely that there would be competing on-street parking demand in proximity of the site during events generated by local residents given the relative isolation of the site from other residential dwellings that may otherwise create on-street parking demand thereby inherently reducing spare capacity.

An assumption that 50% of patrons would arrive within 30 minutes of the start of an event, with 20% arriving before and after commencement has also been considered and the results align with the above conclusion. Finally, the assumed and stated 20% of patrons arriving by public transport is considered optimistic but does not measurably influence final outcomes given the above data related to parking demand and available capacity.

The above appraisal and survey data therefore informs the level of trip generation to and

from the address and indicates that car-borne activity during events is at level that is unlikely to exceed operational capacity of the area during event periods.

It is accepted by the Highway Officer that patron numbers and associated vehicular activity can inevitably contribute to overall noise nuisance during events, whether it be the sounding of car horns or car engines, thereby raising the concerns cited by the local community. To aid matters related to noise abatement, if the application is recommendation for approval, a planning condition is recommended to be attached in order to ensure 'event' numbers of attendance are limited to no more than 160 attendees on site at any one time and that events conclude at an appropriate time.

It is also strongly advised by the Highways Officer, that if the application were to be refused (and thereafter appealed) directly on transport/highway related grounds, it is highly unlikely that this stance would be supported by the Planning Inspectorate. Accordingly, a transport/highway related refusal reason is not recommended.

Electric Vehicle Charging Points (EVCP's)

In line with the Local Plan: Part 2 Policy DMT 6 (Appendix C), within any final parking quantum there is a requirement for a minimum of 5% 'passive' and 5% 'active' EVCP provision. In this case, it is recommended that 38 'passive' & 2 'active' spaces be provided within the car park area and secured via planning condition, should the application be recommended for approval.

Cycle Parking

There should be a provision of 1 space per 20 staff + 1 space per 50 seats to conform to the most relevant adopted borough cycle parking standard. Spaces should be secure and accessible. As no detail is presented, this aspect should be secured via planning condition should the application be recommended for approval and subject to any cycle parking shelter having an acceptable impact on the setting of the listed building.

Travel Plan

The submitted Travel Plan attempts to capture and develop the promotion of sustainable travel and modal shift away from 'single occupancy' car journeys by patrons to the establishment.

The approach broadly conforms with Transport for London's (TfL's) guidelines as it addresses all good practice mechanisms necessary to achieve a modal shift away from the private motor car thereby leading toward a sustainable personal travel mode to and from the site. The Travel Plan represents a strategy for managing travel by supporting and marketing measures (i.e. via social media), that promote and support sustainable travel choices with reduction of single occupancy car journeys by encouraging car-sharing, use of public transport, walking and cycling.

Implementation, monitoring and management of the Travel Plan would be undertaken by an appointed travel plan co-ordinator (TPC) who would work in partnership with Hillingdon. The Travel Plan could be secured, should the application be recommended for approval.

Deliveries and Servicing (D&S)

As the address has consent for a restaurant use, an established D&S regime has previously been in place and the proposal requires comparable provisions. General servicing and refuse arrangements and collection would therefore continue with loading/unloading areas and bin storage provision as depicted within the transport statement and be organised by way of a private contractor. The latter would require a separate conversation with the appropriate private waste collection service.

On the premise that a planning condition limiting event patronage to a maximum of 160 attendees on site at any one time with events concluding at an appropriate time, then The Highways Officer has concluded that the proposal would not discernibly exacerbate congestion or parking stress, and would not raise any measurable highway safety concerns, in accordance with Local Plan: Part 2 Development Plan Policies DMT 1, DMT 2 & DMT 6 and Policies T4 and T6 of the London Plan (2021).

7.11 Urban design, access and security

Not applicable to the Sui Generis Use.

7.12 Disabled access

Policy D5 of the London Plan (2021) states that development proposals should achieve the highest standards of accessible and inclusive design. They should be convenient and welcoming with no disabling barriers, providing independent access without additional undue effort, separation or special treatment and be able to be entered, used and exited safely, easily and with dignity for all.

No changes are proposed to the current access arrangements. These arrangements are acceptable for the consented restaurant use and are not deemed to require amendment in order to be acceptable for the Sui Generis Use.

7.13 Provision of affordable & special needs housing

Not applicable to the Sui Generis Use.

7.14 Trees, landscaping and Ecology

Not applicable to the Sui Generis Use.

7.15 Sustainable waste management

Policy DMHB 11 part (d) of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that 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.

In the event of an approval, a condition would be secured requiring details of the refuse facilities to be submitted to the Council for consideration. Subject to the above condition and a condition requiring the submission of a Waste Management Plan, it is considered that the proposed development would be able to provide a convenient location for refuse and recycling facilities in accordance with Policy DMHB 11 part (d) of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

7.16 Renewable energy / Sustainability

Not applicable to the Sui Generis Use.

7.17 Flooding or Drainage Issues

Not applicable to the Sui Generis Use.

7.18 Noise or Air Quality Issues

Refer to section 7.08 of this report. The level of vehicle movements have been considered and are not deemed to result in a significant increase such as to raise air quality concerns.

7.19 Comments on Public Consultations

Comments received in response to the public consultation have been summarised in Section 6 of this report and addressed in the relevant sections of the report where they refer to material planning considerations.

With regards to the concerns raised in relation to light pollution and the impact on the wildlife and ecology of Dowding Park, there is existing external lighting in situ at the site and it is considered that the Sui Generis Use would not have a greater impact in this

regard than the consented restaurant use.

7.20 Planning obligations

Not applicable to the Sui Generis Use.

7.21 Expediency of enforcement action

There is a current Enforcement Investigation under way for the site in relation to its unauthorised use. The investigation is being held in abeyance whilst the planning application is determined. Following the determination of this application by committee, and if refused in line with the officer's recommendation, the matter will be referred back to Planning Enforcement.

7.22 Other Issues

None.

8. Observations of the Borough Solicitor

General

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probity in Planning, 2009.

Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a

proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

9. Observations of the Director of Finance

Not applicable.

10. CONCLUSION

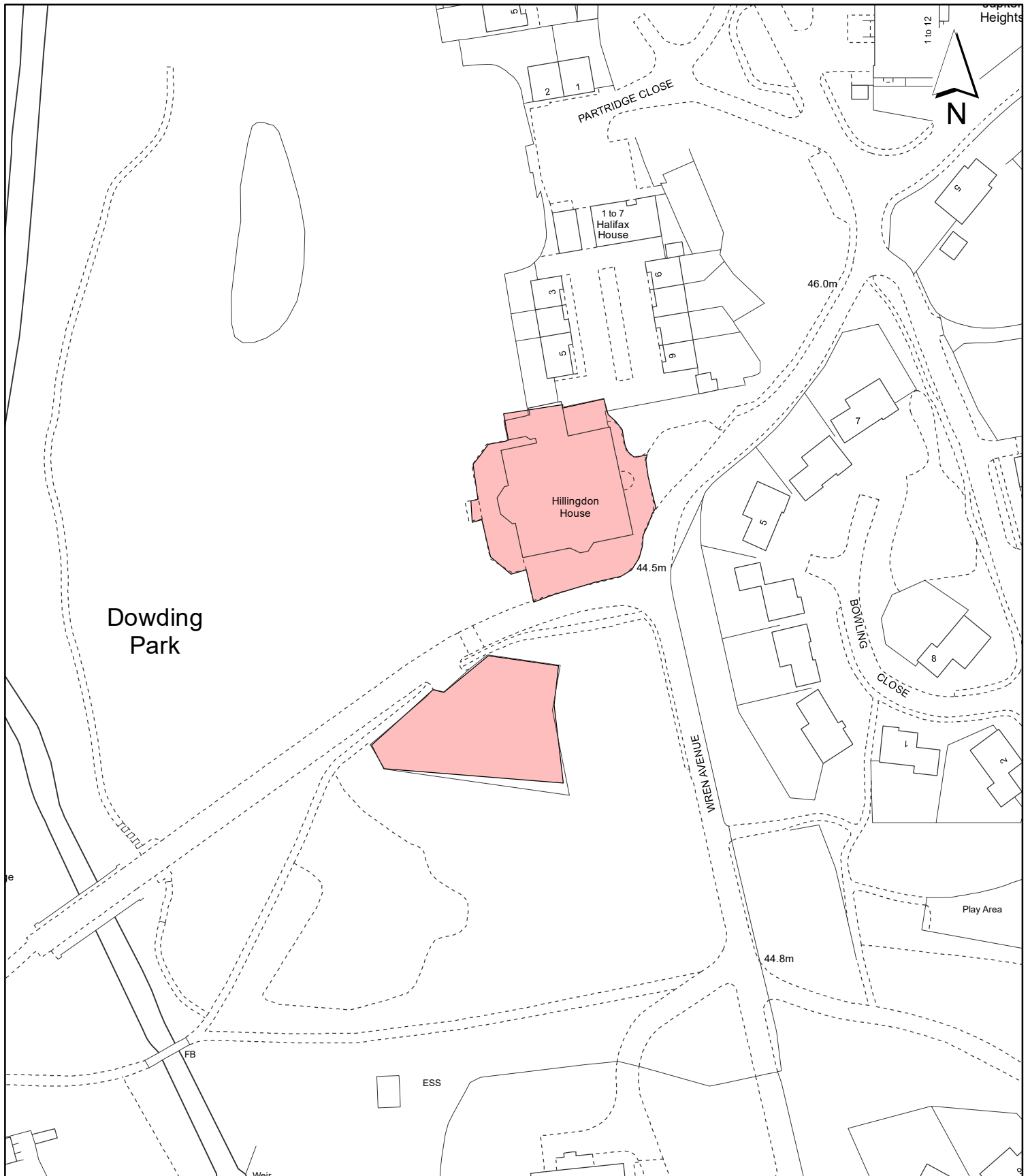
As set out within the report, it has not been possible to determine if the measures required to mitigate the detrimental impact of noise and odour are acceptable, or indeed could be approved through the discharge of planning conditions without requiring separate Listed Building Consent. Without the ability to attach appropriate and necessary conditions, the scheme is considered to have a detrimental impact on the residential amenity of adjacent occupiers and the application is recommended for refusal.

11. Reference Documents

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)
Hillingdon Local Plan: Part Two - Development Management Policies (January 2020)
The London Plan (March 2021)
National Planning Policy Framework (NPPF) (July 2021)
National Planning Practice Guidance (NPPG)

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Notes:

 Site boundary

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Planning Application Ref:
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Planning Committee:
Borough

Date:
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