

WRITTEN REPRESENTATIONS PLANNING APPEAL

APPEAL AGAINST THE LONDON BOROUGH OF HILLINGDON COUNCIL FOR NON-DETERMINATION

PROPOSAL: ALTERATION TO CAR PARKING LAYOUT, RESURFACING AND EXPANSION OF HARDSTANDING. INSTALLATION OF A SUNKEN PAVING AREA WITH PERGOLA AND A STANDALONE OUTBUILDING FOR WC AND STORE. INSTALLATION OF A STAFF CYCLE SHELTER. ERECTION OF A BOUNDARY FENCE AND PLANTING AGAINST FIELD END ROAD. VARIOUS LANDSCAPE PLANTING AND PAVING TO EXTERNAL PERGOLA SITTING AREA.

PLANNING APPLICATION REF NO: 4726/APP/2023/2216

LISTED BUILDING CONSENT REF NO: 4726/APP/2023/2218

PROPERTY ADDRESS: THE TUDOR LODGE HOTEL, 50 FIELD END ROAD, EASTCOTE, PINNER, HA5 2QN

APPELLANT: MR G SETHI – LUXURY HOSPITALITY LTD

INTRODUCTION

The proposal involves alterations, structures and improvements within the grounds of the property and the description above is the one shown on The London Borough of Hillingdon Council website.

According to the information on the council's planning website, the application was received by the LPA on the 25th July 2023 and was validated on the 26th July 2023.

It confirms that the due date for determination by the LPA is the 20th September 2023.

Therefore, an applicant's right to appeal if you do not receive a decision by the 20th September 2023 is set out below and if by 20th September 2023 you have not been given a decision in writing and:

- you have not been told your application is invalid; or
- where a fee has been paid, you have not been told that your cheque has been dishonoured;
- you have not agreed in writing to extend the period in which the decision may be given;

then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990 and in the case of householder or minor commercial applications you should appeal within 12 weeks from 20th September 2023. In all other cases you should appeal within 6 months from 20th September 2023.

Therefore, the current right of appeal against non-determination lasts until the 20th March 2024.

THE PROPOSAL

The existing property is a long established hotel and restaurant premises set in approximately 1.04 acres / 0.42 HA and the appal proposal comprises of the following;

- New car-parking layout
- Resurfacing and expansion of hardstanding
- Sunken paving area with pergola
- Standalone outbuilding for WC and store
- Staff cycle shelter
- New boundary fence & planting against Field End Road
- Various landscape planting
- Paving to external pergola sitting area

PLANNING HISTORY

According to the LPA website, there are 49 online planning history entries for this property including the ones subject of this appeal and a list of these previous applications is attached to this statement.

The most recent applications prior to the appeal proposals are as follows;

4726/APP/2023/1694 – Alterations to existing Tudor Lodge Hotel building including the extension of existing dormer window on front elevation, replacement of existing French door with windows to match existing and the replacement of existing roof tiles with new tiles to match existing.

Approved – 12th June 2023.

4726/APP/2023/1695 – (Application for Listed Building Consent with the same description as above).

Approved – 12th June 2023.

The above approvals are considered to be of the most relevance to the current planning application / listed building consent applications subject of this appeal. However, it is also notable that the property and curtilage have been subject of substantial alterations and changes over many years.

THE DEVELOPMENT PLAN

The current development plan is the Hillingdon Local Plan;

Part 1 Strategic Policies Adopted November 2012

Part 2 Development Management Policies Adopted January 2020

Part 2 Site Allocations & Designations Adopted January 2020

CONSERVATION AREA

The building is not situated within a Conservation Area - (but there is a Conservation Area opposite).

LISTED BUILDING

The subject property is a Statutory Grade II Listed Building.

TREE PRESERVATION ORDERS

The site is covered by a Tree Preservation Order Reference TPO801.

EVALUATION

The current applications have been lodged with the Local Planning Authority for nearly 8 months.

There has been an amount of dialogue at a late stage between the appellant's agent and the LPA and we refer to this later in this statement, along with a list of all submitted architectural drawings including revisions and surveys etc. which are included with the online planning appeal submission. It is considered that the appellant could realistically do no more to address the council's comments.

SUBMITTED ARCHITECTURAL DRAWINGS & DOCUMENTS

The appellants architect has confirmed that they wish all of the architectural drawings and documents to be considered along with the latest amendment submissions where appropriate although not all of these are shown on the council's planning website.

The submitted architectural drawings and reports are considered to show an acceptable form of development in terms of design, landscaping, layout, materials, principle of development and scale.

UNDETERMINED

This matter has been ongoing from 26th July 2023 when the subject planning application and listed building consent application were validated by the LPA. Their determination by the LPA remains outstanding with the right of appeal against non-determination ending on the 20th March 2024.

THE CURRENT PROPOSAL

The current proposal was prepared by a team of experts acting on behalf of the appellant as follows;

Mr. Jordan Wang – RIBA/ARB Architect (agent)

Mr. Alex Frazia – BA Hons Landscape Architecture LM LI – Studio Loci

Mr. Boyd Saunders Dip Arb L4-Tech 'Arbor A' – Cantia

The emailed dialogue between the LPA and agent included the following;

14th February 2024 – From Niamh McMenamin (LPA)

"Good Afternoon, I am writing in relation to planning application 4726/APP/2023/2216/4726/APP/2023/2218. Following a meeting with the Conservation Officer, the Officer has raised significant reservations regarding the current proposal, and I have attached the draft comments provided by the Conservation Officer for your attention. Of particular note is the identification of the necessity for an arboricultural report, attributed to the presence of Tree Preservation Orders (TPO's) on-site and the proposed removal of trees. Further, please note that a petition opposing this planning application has been received, and application will be presented at the Borough Planning Committee. Presently, based on the Conservation Officer's comments, it appears likely that the proposal would face refusal. In light of these circumstances, my professional recommendation [sic] that you consider withdrawing both applications (FUL/LBC). Subsequently, you may choose to either submit a revised scheme addressing the concerns outlined in the attached comments or initiate a pre-application process to ensure the proposed scheme meets the necessary criteria. To facilitate a clearer understanding of your proposals, I strongly advise the submission of two distinct plans:

Block Plan

Landscaping Plan

These plans should clearly outline the specifics of the proposed changes, to aid a comprehensive understanding of the project". NOTE: The report was actually from the Design Officer – attached.

14th February 2024 – From Jordan Wang

Hi Niamh, Many thanks for your email and comments. It is disappoint to have received the objection comments. I have attached the landscape design and block plan + ecology + arboricultural report for your reference as per submission. We will review the landscape design and address the objection point no. 2, no. 5 and no. 6. In terms of object point no. 3, is a reduction in the pergola size by half of current 11 x 11m acceptable by the Con officer? No. 4 – the material and colour proposed wc storage block will match the existing listed building, as you have seem [sic] during your site visit. Many thanks".

20th February 2024 – From Jordan Wang

“Hi Niamh, Thanks for your email and comments from the Conservation Officer. In his comments, there seems to be a lack of comments regarding the submitted Arboriculture impact assessment and method statement by Cantia & landscape design by Studio Loci. Could you please ensure the reports have been passed onto Joris van der Starre for review? As always, we can provide additional info & clarification if required. In the meantime, I have provided a response to Joris’s objection comments as attached. If you have any questions, please let me know”.

21st February 2024 – From Niamh McMenamin (LPA)

“Good Afternoon, Thank you for your email. Firstly, in terms of the Arboricultural Report, this doesn’t appear to be uploaded with the application. I have now uploaded this for the Tree Officer to provide comments. Whilst I appreciate that you have responded to the comments by the Conservation Officer; at this stage we would not be able to accept further amendments to overcome the concerns outlined. The application was validated on 26-07-2023 and it is crucial that we proceed with a decision. There are fundamental concerns with the proposal in terms of the impact on the setting of the Grade II Listed Building and as previously mentioned, this application will be presented at the Borough Planning Committee and our recommendation would be for refusal. Due to the complexities of this site, its complex history, and the current works, I would recommend submitting a pre-application where we can discuss in greater detail with the Conservation and Urban Design Officers in order to find a way forward. Please let me know as soon as possible if you would like to proceed with a decision or withdraw the current application. Can I also request a revised Location Plan (similar to that submitted with application: 4726/APP/2023/1694)”.

4th March 2024 – From Jordan Wang

“Hi Niamh, I hope you are keeping well. Raymond Ashall has been appointed to deal with the applications, who is CC in this email. He will contact you directly regarding the next step of the applications. The revised location plan is attached as requested. Many thanks”.

4th March 2024 – From Raymond Ashall - Ashall Town Planning

“Dear Niamh McMenamin, Further to the recent emails from Mr. Jordan Wang – Architect concerning the above applications, please be advised that we have now been appointed as professional planning agents to take over these applications immediately and to liaise with the council accordingly. I have read the various emails between the parties and noted two things; 1. There does not appear to have been any formal extension of time in relation to these two applications; 2. The client’s Architect and associated consultants have now provided all outstanding requests for further information received from the LPA. I would thus be grateful if you could confirm that this is also your understanding. If you require anything further from me, please advise as soon as possible”.

7th March 2024 – From Niamh McMenamin

“Good Morning. Thank you for your email. As advised on my email dated 21.02.2024, there are fundamental concerns with the proposed development in terms of its impact on the setting of the Grade II Listed Building and the surrounding area. At this stage, we would not be able to accept further amendments to overcome the concerns outlined. In light of this, the application will be presented at the Borough Planning Committee with a recommendation for refusal. I am aiming to bring this application to the Borough Planning Committee in April.

I will inform you promptly if this timeline changes. In terms of an extension of time, I was allocated this application following the departure of the previous officer. To my knowledge, there has been no agreement thus far regarding an extension of time for the two applications. Kind regards”.

15th March 2024 – From Jordan Wang

“Hi Niamh, I hope you are keeping well. Please find attached revised location plan for your acceptance. Apology I just noticed the road names have dropped from the drawing. If you have any questions, please let me know”.

Therefore, despite the applications being submitted in July 2023 and in spite the involvement of a number of professionals, the LPA have seemingly not provided any positive feedback to date regarding the proposed scheme and then confirmed they would not accept any further submissions.

Seemingly, the original Planning Officer dealing with these applications left, and the matter passed onto a new Planning Officer after many months, with feedback being scant up-to that late point.

Having checked the council committee dates, it was noted that the applications were not on the planning committee agenda for March 2024, and no commitment was given by the LPA that they would be considered on the April or May planning committees, so the decision was taken to appeal.

PRINCIPLE OF DEVELOPMENT

Having examined the detailed submissions, it is considered that the principle of development is acceptable, despite the LPA’s concerns which have been brought to the table after nearly 8 months.

Indeed, there are no formal objections shown against either of the relevant application ref no’s 4726/APP/2023/2216 or 4726/APP/2023/2218 on the council’s website at the time of writing.

SUMMARY

Therefore, the main issues are as follows;

The Local Planning Authorities view is that the development as submitted is not deemed acceptable.

Therefore, given that the appellant considers that the proposed external works are the only viable option for the future viability of the hotel site, it is considered that an appeal is thus unavoidable.

Given that the application has been lodged with the LPA for a period of nearly 8 months, the extent of negotiations, revised architectural drawings and detailed reports and surveys submitted with the planning application to date with no determination pending, it is considered that the appellant had no option but to exercise their right of appeal against non-determination in this particular regard.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The external alterations shown on the submitted planning drawings are considered to generally conform to the latest guidance issued by Central Government contained in the National Planning Policy Framework (2023) Chapter 16 - Conserving and enhancing the historic environment which contains the latest advice to developers in regard to ‘Heritage Assets’ which in this case includes the existing listed building and the adjoining Conservation Area.

It is therefore considered that given the physical constraints of the site and challenges of the existing listed building being used for a successful commercial hotel & restaurant use, all reasonable efforts have been made to reduce the potential impacts of the proposal on the listed building, its immediate setting and the established character and appearance of the adjoining Conservation Area to overcome issues concerning heritage assets.

In my professional opinion, the development is considered to be acceptable from a heritage perspective and results in no material harm being caused to any heritage asset including the listed building and adjoining conservation area to warrant the refusal of planning permission or LBC.

OVERALL ASSESSMENT ON CURRENT APPLICATION

Whilst it is noted that no external objections have been raised to date during the consultation process according to the information provided on the council's website, it is considered that the current applications were likely to be refused by the Local Planning Authority as they are not convinced that the proposals are deemed to be acceptable in their current format.

As regards the overall architectural and landscape design of the proposal as submitted, whilst material and subjective changes could be made to this (or indeed any scheme as architectural and landscape design is a subjective matter) this would not alter the likely outcome of refusal in our professional opinion.

Therefore, a commercial view was taken that the only option would be to appeal against;

- Non-determination of the current application before the 20th March 2024 so that the appeal would be dealt with by an Inspector appointed by the Planning Inspectorate in Bristol.

OTHER MATERIAL ISSUES

The desire to undertake external changes follows the appellant's recent purchase of the property and the desire to make this a more attractive restaurant / hotel for the local community and leisure and business travellers to the area alike, as the new custodian of the existing heritage asset.

In this instance, the appellant, architect, landscape architect and ecologist are generally of the considered view that the changes proposed are acceptable given the existing buildings condition, design, footprint, layout and location and the seeming lack of maintenance and investment over many years before the appellants purchase.

This is also compounded by the fact that the existing building has had so many different changes and extensions over the years making it more challenging from an operator's perspective.

Therefore, the only viable commercial option at this stage would be for the development as submitted which now forms the subject of this planning appeal against non-determination.

Given the largely temporary nature of the external works, which do not affect the Listed Building in any physical way, it is considered that the balance is in favour of the submitted scheme allowing the appellant to make further substantial investments and to capitalise on important summer trading.

This has the advantage of providing income to make investment in the overall site, improvement and expansion of the facilities which also results in staff retention and improved job offerings locally.

None of the external works proposed are 'irreversible' or result in direct 'harm to the listed building'.

PLANNING CONDITIONS

The appellant was willing to work with the LPA in a proactive manner and prepared to accept the imposition of planning conditions set out by central government which meet the six tests as follows;

- Necessary
- Relevant to planning
- Relevant to the development to be permitted
- Enforceable
- Precise
- Reasonable in all other respects

We therefore again confirm that the appellant is prepared to accept planning conditions which conform with the latest government guidance in the form of the NPPF paragraphs 55 and 56.

CONCLUSIONS

This development essentially comprises of 8. No separate matters which are set out on page 1 of this appeal statement.

The appellant would obviously prefer all of the separate matters to be allowed on appeal given that they are holding up the works to the overall project consisting of the last two LPA approvals.

However, we do understand that the acceptability of these current requirements are subjective and are the preserve of the decision maker.

Therefore, the appellant would be agreeable to a split-decision being issued by the appointed Planning Inspector should they deem this necessary given the time already spent by the appellant and their appointed consultants trying to make headway with the Local Planning Authority, which has not been timely and hampered by changes in personnel and late requests for changes etc.

Ultimately, the 8 week statutory period has now extended to 32 weeks and counting so asking for the Planning Inspectorate to intervene to provide guidance and common ground is most welcomed so at least any new application/s will hopefully be dealt with by the LPA more expeditiously.

Given the specific circumstances set out above, it is considered that the appellant had no other viable alternative but to make an appeal against non-determination given the time that has elapsed.

It is considered that the scheme proposed is the only viable commercial option at this stage given the poor state of the property and the desire to improve the existing hotel / restaurant offering.

Concluding, it is considered that the external alterations proposed accord with the NPPF and the development plan and creates no material harm to any interests of acknowledged importance.

We therefore respectfully request that this planning appeal be allowed with any reasonable and appropriate planning conditions deemed necessary in the circumstances of this particular case.

Mr. Raymond Henry Ashall BA Hons DIP EP MRTPI - Principal

Ashall Town Planning

March 2024

Attachments: 1) List of 49 planning applications shown on the planning portal. 2) Hillingdon Council Urban Design Comments dated 04/10/2023 and response from Architect dated 20/02/2024.