

1.0 History

- 1.1 This planning appeal relates to a decision made by the London Borough of Hillingdon on 7th March 2019 in response to a retrospective application by the Royal Brompton and Harefield NHS Foundation Trust for “the retention of a hospital waste store with new boundary hedge planting” made on 18th May 2018. (See Appendices Ai and Aii).
- 1.2 The waste store was constructed as part of a major development by the Trust between 2017 and 2018. A series of discussions with members of the Planning Department covering all aspects of the design took place following which a number of planning applications were submitted prior to work commencing on site. These are as described in the following chronological list:

2014

5th September Pre-app meeting between the Trust, DP9 (Trust’s planning advisor) and Tiago Jorge (Hillingdon designated Planning Officer).

- The proposed application covered two potential schemes:
- i) The construction of a new temporary ward (Holly Ward) sitting above an existing modular building.
 - ii) The construction of a new building to house CT and MRI scanners, staff accommodation and an extension to the existing ITU.

The first scheme has no relevance to the planning appeal and although planning approval for it was granted on 22nd December 2014 the scheme was never built.

The second scheme relates to the scheme that was built. Details of the drawings submitted and discussed at the meeting together with notes of the meeting can be found in Appendix B. It should be noted that the plans clearly identified a 58m² bulk waste store integral with and at the front of the building with pitched roofs covering the greater part of the development. At that time no other development outside what was shown on the plan was envisaged.

8th October Planning application submitted for the two potential schemes discussed at the pre-app meeting. (Appendix C)

22nd December Planning application validated by the London Borough of Hillingdon.

2015

18th March Meeting at Hillingdon Civic Centre to discuss the scheme as submitted, with the Trust, Trust’s planning advisor, Trust’s architect (Floyd Slaski), Sarah Harper and Richard Philips. It was at this meeting that significant advice given at the pre-app meeting was revoked by the Planning Department and changes to the design were requested to be submitted within the consultation period. The significant request relating to this planning appeal was that the bulk waste store be moved from its position within the new building to a separate location on the boundary and closer to the main gate. This location being where the building now sits. Initial

concepts for the design of the store were discussed and it was agreed that revised proposals would be submitted at the earliest opportunity.

- 25th March** Email to Sarah Harper (Principal Conservation and Urban Design Officer at the London Borough of Hillingdon) with attached drawing showing bin store moved to its current location together with an explanation of the changes. See Appendix D. Excerpt as follows:
- The bulk waste has been taken out of the new building and relocated closer to the gate. This will take it away from patients and allow trucks to pick up the trolleys without causing disruption. The new store will be low level with a “green” pitched roof sloping up from the fence, so providing minimal intrusion when viewed from Rickmansworth Road. We thought that a timber clad building would fit better with the landscaping – are you in agreement?*
- 30th April** Email from Richard Philips in response to requests from Floyd Slaski requesting comment on proposals put forward in the email of 25th March. (See Appendix E). The email states “*The revised layout and design of the ITU extension is much improved*” and although it refers to other matters relating to PVs, access issues and the temporary nature of the Holly ward extension being formalised there is no request for a new site plan showing the revised development site boundaries.
- 18th May** In response to the Council’s request that the Holly Ward section of the planning application be designated “temporary” a revised application was submitted. See Appendix F.
- 18th May** Revised drawings (plans and elevations) showing agreed alterations to the ITU building and indicating the new bin store in the small location plan were received by the Planning Department and included within the application – see Appendix G.
- 2nd June** The Major Applications Planning Committee sat on 2nd June 2015 and passed the application in its entirety. The Head of Planning, Sport and Green Spaces wrote the report that formed part of the application procedure (see Appendix H). This report includes a recommendation that the Council entered into a legal agreement with the applicants under Section 106 and that a number of conditions form part of the approval.
- Condition 9, COM9 Landscaping (car parking and refuse/cycle storage) states:
“No development shall take place until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:- 1. Details of Soft Landscaping.....2. Details of Hard Landscaping, 2.a Refuse Storage, 2b Cycle Storage.....
- 15th July** The full Planning Approval was not officially authorised until the Section 106 agreement was confirmed on 18th September 2015. This meant that the conditions attached to the approval could not be formally approved until such time that the Section 106 was agreed. Richard Philips confirmed this in an email dated 15th July. (See Appendix I).
- 27th July** Ahead of submitting the Discharge of Conditions application Floyd Slaski corresponded with Sarah Harper with particular reference to the bin store. One of the emails included a revised site plan and three options for the bin store. (See Appendices Ji and Jii)

18th September Following agreement of the Section 106 agreement planning permission for the scheme was granted. A copy of the approval can be found in Appendix K.

18th September As soon as the approval was confirmed Floyd Slaski LLP submitted an application for Discharge of the Conditions described in the report submitted to, and passed by, the Planning Committee. A copy of the application and accompanying drawings showing the bin store (Option A) and the revised external landscaping site plan can be found in Appendices Li and Lii.

At no time during Floyd Slaski's correspondence with the Council was there any discussion or observation that a separate application be required for the bin store and it was always accepted that the store was to be determined as a condition of the main planning application.

27th October Following a meeting on site with Sarah Harper on 9th October, when the waste store was discussed, Floyd Slaski sent an email to the Planning Department confirming progress on discharging the conditions. Under the heading "Condition 9 COM9 Landscaping (car parking and refuse/cycle storage) was written "Details of the new bulk waste store were attached to the application". The Council's response to this email made no reference to the store, so presumably there were no problems with it. A copy of the emails can be found in Appendix M.

28th October The application for Discharge of Conditions was approved on 28th October 2016. The documents issued by the Council – the approval notice and the Report of the Head of Planning, Building Control, Sport and Green Spaces (See Appendices Ni and Nii) both acknowledged the revised plans and details of the bin store that were included in the application.

1.3 In November 2016 the slab for the waste store was constructed and was used, for the duration of the main contract works, as a base for the site cabins. Following completion of the main contract the site accommodation was removed from site and construction of the above ground waste store commenced in December 2017, completing in February 2018.

1.4 On 11 January 2018 Jonathan Murray The Council's Planning Enforcement Officer wrote to the Trust, followed by an email from Noel Kelly, Interim Planning Enforcement Manager, on 24th April 2018 stating:

"I write with reference to Jonathan Murray (Planning Enforcement Officer) previous correspondence to you dated 11 January 2018. The Council have received a number of complaints concerning a timber clad building erected without planning permission at Harefield Hospital (photos of structure attached).

I have checked Council records and confirmed that planning permission has not been granted for this timber framed structure. Further, in my view the building does not benefit from permitted development rights under the General Permitted Development Order.

Consequently, it is considered that planning permission is required should you wish to seek to retain the structure in its current position. You are invited to submit a planning application within the next 10 days that would allow for a full consideration of the planning merits or otherwise of the structure. Please note that if a planning application is not forthcoming, the

Council will consider the commencement of formal enforcement proceedings including the service of an Enforcement Notice."

- 1.5 This notification came as a surprise to both the Trust and its advisors as it believed it had meticulously gone through all the correct processes to ensure the design and location of the store was exactly as agreed with members of the planning department.
- 1.6 Following the notification regarding formal enforcement proceedings the Trust made contact with the Planning Department to see how the scheme could be formalised and agreed upon a number of actions to help reduce any impact the building might appear to have on the local area. This culminated in the submission of a Retrospective Planning Application for retention of the waste store on 18th May 2018. The application included revised drawings showing the store in context and a design and access statement.
- 1.7 Prior to the meeting there were a number of telephone discussions with the Planning Department to understand why the store was receiving criticism from local residents. The concerns were mainly based on fears that the store was housing medical waste, that it was not secure and that the waste could be transported along public roads. The appearance of the building was also commented upon, but it was felt, by the Trust and members of the Planning Department that sensitive hedging and landscaping to match that successfully planted by the Trust on the boundary with Rickmansworth Road would continue the natural edge and would hide the building from public view.
- 1.8 On 1st August 2018 the scheme was discussed at the Major Applications Planning Committee with Officer recommendation for approval. During time given for representations the local residents' spokesperson was adamant that the store represented a major health hazard to the local population and this was also supported by the local councillors. The Trust was able to counter these concerns and its representative explained that vigorously enforced procedures were in place to keep the store safe, odour free and of no danger to those using it and any other person close by.

The Council's own minutes of the meeting stated:

"Members agreed that if the waste store remained in its current position, it would require a tree planting all around it which would obscure the view of the listed building. As such, the Committee confirmed that they would like waste store relocated, but noted that a refusal would not help the hospital. A motion to defer the application was moved, to allow time to negotiate with the applicant to try and agree a better site for the waste store. This motion to defer was seconded, and upon being put to a vote, was unanimously agreed."

- 1.9 Following this motion further discussions on planting and Trust processes for disposal of waste took place. These discussions included a meeting on site on 5th October 2018 with members of the planning team (Mandip Malhotra, Richard Philips, Mark Butler (Conservation Officer) and Robert Reeves (Principal Landscape Architect). Details of the meeting can be found in an email sent to the Council on 5th October and an updated response sent on 18th October 2018, (this is included as Appendix O). It is also recorded in the Case Officer's report for the subsequent meeting on 30th January 2019 (see Appendix P).

- 1.10 To reiterate the points made in the Planning Officer's report there is no other place on the site for the store and keeping it where it is can be the only practical solution. Ironically, although it would have been better to have located it in the ITU building as was proposed by the Trust at the very outset, this proposal was discounted by the Council at the meeting held on 18th March 2015. As the new ITU is fully operational it cannot be relocated in the original position without major disruption and a huge financial cost that the Trust, in these stricken times, must spend on saving lives rather than moving buildings.
- 1.11 In the time between the Planning Committee meeting on 1st August 2018 and the meeting on 30th January 2019 the Trust undertook landscaping works in line with specifications agreed with the Council's Landscaping Officer. This provided a row of natural mixed hedging, to match that along Rickmansworth Road, between the store and the timber boundary fence and smaller shrubs between the building and the hospital's internal footpath. The mixed hedging is now established and will soon grow to be level with the top of the store. Similarly the green roof on the store has taken well and attracts bees and butterflies throughout the year.
- 1.12 The Major Applications Planning Committee listened to the arguments made by Residents, Local Councillors, the Trust and the Case Officer, ruled out any concerns that the building would be a potential danger to local residents and in looking for a way to refuse permission agreed the following:

The proposed waste store by reason of its overall size, height and prominent location results in an incongruous addition detrimental to the architectural composition of the surrounding locally listed building, detrimental to the character and appearance of the Harefield Village Conservation Area. The proposal therefore fails to comply with the NPPF 2018 section 15 and 16, policies 7.4 and 7.8 of the London Plan 2016, Policy BE1 of the Local Plan Part 1 2012 and saved policies BE4, BE10, BE13, BE19 of the Local Plan Part 2.

- 1.13 The Trust does not accept the reasons for refusal and feels the building sits comfortably on the site, is not detrimental to the locally listed building and the character and appearance of the Harefield Village Conservation Area.

Photographs of the site before and after the construction of the building can be found in Appendix Q together with a location plan.

- 1.14 The reasons why the store was built where it is have been fully explained and, quite simply, there is no option to move it anywhere else. The members of the Planning Department who visited site recognised this, hence the statement supporting retention within the report. Members of the Planning Committee did not visit the site and were therefore unable to explain where the store could be re-sited.
- 1.15 The building was designed to be sustainable, of no impact on the local drainage system and, being built with FSC certified Western Red Cedar, which requires no chemical coatings, to be sympathetic with the natural landscape. The hedge planting will soon obscure the building, and even if the building were to be removed the hedging will stay to give privacy to patients as they sit out in the garden as the weather permits. This planting will continue the line of landscaping that both local residents and Councillors insisted be provided along the boundary with Rickmansworth Road leading into the Village as part of the original planning application for the ITU building.

- 1.16 The store is subservient to the locally listed hospital building in terms of size, location (it steps back from it) and materials. Its design is simple and unassuming. When described as being “incongruous” this is a purely subjective viewpoint and the Council fails to explain why it feels this is so. The timber cladding melds in with the adjacent fencing and once the hedging has grown it will not be seen from the public highway and will become part of the natural landscaping that surrounds the hospital. Hedging of this height is not unusual as can be seen by the tall hedge that runs in front of no 24 Rickmansworth Road just opposite the hospital entrance. Properties further down the road have equally tall hedging.
- 1.17 The building is not detrimental to the Harefield Village Conservation Area and being set back from the road does not impinge on any of the views of the area itself. Whilst it does cut out a view of the locally listed building this is only a few courses of ground floor brickwork on the narrow flank wall when viewed from the other side of the road. The substantial mass of the original building remains unaffected. If the building were constructed of PVC, as used in the sun lounge of Hill End House on Hill End Road just across the road from the hospital, rather than traditional natural materials, then there would be something to complain about.

2.0 Conclusion

- 2.1 The Trust welcomes the opportunity to explain why it wishes to appeal the refusal of the Retrospective Planning Application and feels confident that the Planning Inspector will find in its favour.
- 2.2 The Trust has clearly indicated that it was advised by the Council to build the store in its current location early in the design process.
- 2.3 The Trust has shown that the building is not an incongruous addition detrimental to the architectural composition of the surrounding locally listed building, and once the planting has grown will not be visible from outside the hospital.
- 2.4 The Trust has successfully argued that the building cannot be considered detrimental to the character and appearance of the Harefield Village Conservation Area.

Appendix

- Ai Royal Brompton and Harefield NHS Foundation Trust – Planning application for the retention of a hospital waste store with new boundary hedge planting. Application no. 9011/APP/2018/1854
- Aii Refusal of Planning Permission – London Borough of Hillingdon – 7th March 2019
- B Pre application meeting notes (5th September 2014) and the drawings tabled at that meeting for ITU/CT/MRI.
- C Planning application form and relevant drawings submitted on 8th October 2014
- D Email to Sarah Harper dated 25th March 2015 confirming alterations to scheme. Revised site plan showing new position for bulk waste store attached.
- E Email from Richard Philips dated 30th April 2015. Contains email chain asking for a response to Floyd Slaski's email of 25th March.
- F Revised planning application form sent on 18th May 2015.
- G Revised floor plan and elevations included within the application on 18th May 2015
- H Report of the Head of Planning, Sport and Green Spaces for the Major applications Planning Committee on 2nd June 2015
- I Email from Richard Philips dated 15th July regarding acceptable date for Discharge of Conditions application
- Ji Correspondence with Sarah Harper regarding submission of the Discharge of Conditions application dated 27th July 2015.
- Jii Three options for the bin store and a revised site plan that accompanied the correspondence to Sarah Harper dated 27th July 2015.
- K Grant of Planning Permission document dated 18th September 2015
- Li Discharge of Conditions application form dated 18th September 2015
- Lii Details of bin store and revised landscaping plan that accompanied the Discharge of Conditions application of 18th September 2015.
- M Emails between Floyd Slaski and the Planning Department regarding progress with the discharge of conditions dated 27th October and 2nd November 2015.
- Ni Approval of details (Discharge of Conditions) notification dated 28th October 2016.



- Nii Report of the Head of Planning, Building Control, Sport and Green Spaces that accompanied the approval dated 28th October 2016.
- O Emails from Floyd Slaski to the Planning Department regarding determination of the case dated 5th October and 18th October 2018.
- P Case Officer's Report for the Major Applications Planning Committee on 30th January 2019.
- Q Photographs of the site before and after the store was built.