



Appeal under Section 78 of the Town and Country Planning Act 1990

Appellant's Response to the LPA's Statement of Case and the Comments made by a Third Party

Site Address.	Axis House, 242 Bath Road, London UB3 5AY
PINS Ref.	APP/R5510/W/23/3327482
LB Hillingdon Ref.	43784/APP/2021/3685
Application Submission.	7 th September 2021
Application Determination.	17 th December 2023
Proposed Development.	Erection of a hotel and associated access, parking, landscaping and refuse storage.

Introduction

This Response is submitted on behalf of Acre Hotels Ltd (the 'Appellant') following receipt of the Statement made by the Local Planning Authority (the 'LPA'), The London Borough of Hillingdon, and a comment made by a third party at this stage of the appeal process.

As expected, at this juncture of the Written Representations appeal process, comments herein relate solely to the representations received following the Appellant's Statement of Case. As also expected, only material relevant to the LPA's Statement of Case and/or the Third-Party representation is articulated herein.

Local Planning Authority's Comments on the Appellant's Statement of Case

Reason for Refusal 1 – Partial loss of Axis residents parking leading to displaced parking placing undue pressure on surrounding highways infrastructure (summary)

Apart from a S106 matter (addressed below), of the two reasons for refusal, this is the only one remaining. Given that it concentrates solely on highways/parking matters the Appellant's original Statement of Case included a transport rebuttal Statement. Following receipt of the LPA's Appeal Statement, further comments are attributed to transport/highways matters. Thus, the Appellant continues this approach with the submission of an additional transport rebuttal statement (Appendix 1).

This statement concludes that the development of the appeal site will not result in the displacement of parked vehicles serving Axis House. The Axis House residents do not have access to parking on the appeal site and surveys of the 28 spaces accessible by them showed there was spare capacity overnight when the resident parking would be at its highest. Therefore, the concerns of the LPA and the first reason for refusal are not justified as it has been clearly demonstrated there will be no parking

displacement. From a highways/parking perspective, we believe the application should not have been refused on this ground.

Possible spelling discrepancy. Paragraph 2.4 of the LPA's statement states ...

"Whilst the appellant is correct in stating that the Highways Authority agree that the site does fall within a PTAL area of 4 boarding 3 PTAL is a rating given to a site based on a number of metrics put in place by TFL."

The Appellant believes that the word "boarding" should in fact be "bordering." If correct, the sentence would read ...

"Whilst the appellant is correct in stating that the Highways Authority agree that the site does fall within a PTAL area of 4 bordering 3 PTAL is a rating given to a site based on a number of metrics put in place by TFL."

Reason for refusal 2 – failure to provide the necessary legal obligations and contributions necessary as a consequence of the demands the proposed development places on services and facilities (summary)

In their Statement of Case, the LPA acknowledged that a draft S106 had been submitted and at that time this was under review. The Statement went on to explain (Paragraph 2.1.5) that ...

"In the event that the draft agreement is successful it would be expected that the legal agreement be signed by both parties thus reason for refusal would fall away."

The Appellant is pleased to inform the Inspector that today, for their consideration, the LPA submitted a S106 which has been approved by both parties and signed by the Appellants. Arrangements are underway for the LPA to sign the agreement. For the sake of completeness, the S106 can be viewed at Appendix 2.

As this has occurred, we believe, and echo the LPA's views (paragraph 2.1.5) that with the S106 agreed this reason for refusal should not stand.

Comment made by Third Parties

A single comment on the appeal has been made by the Defence Infrastructure Organisation. This reaffirms the position the same body took at time of application submission and consideration, namely that the MOD raise no objection to the appeal.

Conclusion

Having reviewed the LPA's statement and the comment made by a third party, the Appellant's case remains that the proposed development is in accordance with the development plan and in particular Policies T2, T4, T6 and T6.1 of the London Plan (2021) and Policies DMT1, DMT2 and DMT6 of the Hillingdon Local Plan: Development Management Policies (2020).

Therefore, we respectfully request that this appeal be allowed.



Appendix 1

Transport Rebuttal Statement by Lanmor Consulting



Appendix 2

Agreed S106