

Statement of Case

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

Our Reference	Hilton Hotel, Bath Road (157 Units)
LPA Reference	43794/APP/2021/3685
PINS Reference	TBC
Date of Application	17 th December 2021
Date of Determination	21 st March 2023
Site Address	Axis House, 242 Bath Road, Sipson
Proposal	Erection of a hotel and associated access, parking, landscaping and refuse storage

1) Introduction, Background and Procedural Matters

This Statement of Case (SofC) is submitted on behalf of Acres Hotel Limited (the 'Appellant') in response to the refusal by the Local Planning Authority (the 'LPA') The London Borough of Hillingdon to approve a full planning application for the above cited development at Axis House, 242 Bath Road, Sipson (the 'site').

The SofC will demonstrate why the Appellant considers the proposal to be in accordance with the LPA's Development Plan, the NPPF and all other material policy considerations.

On the 8th of September 2021 the Appellant applied for:

Erection of a hotel building comprising 157 rooms and associated access, parking, landscaping and refuse storage.

Which the LPA reworded to:

Erection of a hotel and associated access, parking, landscaping and refuse storage.

The slight change in description is considered immaterial to the substance of that proposed, and accordingly the Appellant is content with the wording.

The appeal encompasses this SofC and the only further information pertinent to the Appellant's case is a transport rebuttal statement, attached as *Appendix 1* and a draft S106 agreement that has also been submitted to the LPA for comment.

The site relates to a car park located on the north side of Bath Road, close to the junction with Sipson Road which is located to the west, and Bolton's Lane to the east. Egerton Road runs across the north boundary from which there is pedestrian and vehicular access to the site. The site is on the opposite side of the Bath Road to that of a substantial built form of the Renaissance London Hotel, to the east of the 4 storey Strata House and west of the 3 storey Axis House. Beyond the Renaissance Hotel to the south is the Northern Perimeter Road with Heathrow Airport beyond. The locality is also dominated by the infrastructure associated with the Airport and a large number of substantial commercial buildings including many large to very large hotels.

The site of Axis House and the western half of the car park of Axis House form two landownerships and whilst not material in planning goes to the background of the site.

The application received 2 Reasons for Refusals (RforR). These are:

1. The proposed development, as a result of its siting would lead to the partial loss of residential parking secured for the occupants of Axis House. This in turn would lead to a significant amount of displaced parking from the Axis House site onto the local highway on-street parking bays which would increase the pressure for on-street parking bays, exacerbate injudicious and unsafe highways conditions, and restrict the free flow of traffic. The proposal would therefore be contrary to 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).
2. The applicant has failed to secure the necessary legal obligations associated with the proposed development and provide contributions towards the improvement of services and facilities as a consequence of demands created by the proposed development (in respect of Air Quality,

Carbon Offsetting, Travel Planning, Employment Strategy and Construction Training, Public Realm Improvements, Hospitality Training, Highways Works, and Project Management and Monitoring). The scheme therefore conflicts with Policy DF1 of the London Plan (2021), Policy DMCI 7 of the Hillingdon Local Plan: Development Management Policies (2020) and the Planning Obligations Supplementary Planning Document (2014).

The application was determined on 21st March 2023.

2) Executive Summary

The Appellant considers the proposal for the erection of a hotel building comprising 157 rooms with associated access, parking and landscaping to be acceptable in the round, with the submitted documents showing a well-placed design layout served by existing access arrangements, which would assimilate entirely appropriately within the characteristic of the area. As is also contended by the LPA.

The Appellant and the LPA only differ on the issue of Parking and Highways, however it should be emphasised that the Appellant and the LPA only differ on the impacted loss of parking for the existing residents in Axis House and no objection has been made to the level of parking proposed for the hotel. It is considered the S106 legal obligations can be dealt with throughout the Appeal and a draft legal agreement will be sent to the LPA on submission of the Appeal. It is therefore welcomed that the LPA did not find other failings with the proposal than that of Reason for Refusal (RforR) 1.

RforR 2 is considered a fairly standard objection and the Appellant does not object to agreeing to pay these funds. The submission of this appeal is accompanied by a draft legal agreement.

Overall, the development would reflect the core principles of sustainable development as set out in paragraphs 8 and 11 of the NPPF and GG2 of the London Plan. The scheme would also comply with objectives of the Development Plan in terms of delivering a high-quality development in an entirely suitable position.

3) The Development Plan Framework

The NPPF stipulates amongst its key planning principles that the planning system has three overarching interdependent objectives – set out in paragraph 8 - to achieve the overriding aspiration of the planning system to deliver sustainable development. This aspiration is reinforced via the presumption in favour of sustainable development which in terms of decision making requires the approval of developments that accord with up-to-date development plans, and, where there are no relevant development plan policies, granting permission unless there would be clear harm to the area / assets of particular importance or by in granting consent the adverse impacts of that consent would demonstrably outweigh the benefits when the entire NPPF is considered.

The LPA do have an up-to-date Development Plan. Accordingly, the Hillingdon Local Plan: Development Management Policies (2020), Strategic Policies (2012) and the London Plan (2021) alongside the National Planning Policy Framework (2021) (NPPF) are the principal Policy documents upon which the proposal falls to be assessed.

This Statement of Case proceeds on this basis. The relative policies are contained within the planning statement however turning to those Policies cited on the Decision Notice.

The London Plan (2021)

Policy T2 Healthy Streets

A Development proposals and Development Plans should deliver patterns of land use that facilitate residents making shorter, regular trips by walking or cycling.

B Development Plans should:

1) promote and demonstrate the application of the Mayor's Healthy Streets Approach to: improve health and reduce health inequalities; reduce car dominance, ownership and use, road danger, severance, vehicle emissions and noise; increase walking, cycling and public transport use; improve street safety, comfort, convenience and amenity; and support these outcomes through sensitively designed freight facilities.

2) identify opportunities to improve the balance of space given to people to dwell, walk, cycle, and travel on public transport and in essential vehicles, so space is used more efficiently and streets are greener and more pleasant.

C In Opportunity Areas and other growth areas, new and improved walking, cycling and public transport networks should be planned at an early stage, with delivery phased appropriately to support mode shift towards active travel and public transport. Designs for new or enhanced streets must demonstrate how they deliver against the ten Healthy Streets Indicators.

D Development proposals should:

1) demonstrate how they will deliver improvements that support the ten Healthy Streets Indicators in line with Transport for London guidance

2) reduce the dominance of vehicles on London's streets whether stationary or moving

3) be permeable by foot and cycle and connect to local walking and cycling networks as well as public transport.

Policy T4 Assessing and mitigating transport impacts

A Development Plans and development proposals should reflect and be integrated with current and planned transport access, capacity and connectivity.

B When required in accordance with national or local guidance, transport assessments/statements should be submitted with development proposals to ensure that impacts on the capacity of the transport network (including impacts on pedestrians and the cycle network), at the local, network-wide and strategic level, are fully assessed. Transport assessments should focus on embedding the Healthy Streets Approach within, and in the vicinity of, new development. Travel Plans, Parking Design and Management Plans, Construction Logistics Plans and Delivery and Servicing Plans will be required having regard to Transport for London guidance.

C Where appropriate, mitigation, either through direct provision of public transport, walking and cycling facilities and highways improvements or through financial contributions, will be required to address adverse transport impacts that are identified.

D Where the ability to absorb increased travel demand through active travel modes has been exhausted, existing public transport capacity is insufficient to allow for the travel generated by proposed developments, and no firm plans and funding exist for an increase in capacity to cater for the increased demand, planning permission will be contingent on the provision of necessary public transport and active travel infrastructure.

E The cumulative impacts of development on public transport and the road network capacity including walking and cycling, as well as associated effects on public health, should be taken into account and mitigated.

F Development proposals should not increase road danger.

Policy T6 Car parking

A Car parking should be restricted in line with levels of existing and future public transport accessibility and connectivity.

B Car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport, with developments elsewhere designed to provide the minimum necessary parking ('car-lite'). Car-free development has no general parking but should still provide disabled persons parking in line with Part E of this policy.

C An absence of local on-street parking controls should not be a barrier to new development, and boroughs should look to implement these controls wherever necessary to allow existing residents to maintain safe and efficient use of their streets.

D The maximum car parking standards set out in Policy T6 .1 Residential parking to Policy T6 .5 Non-residential disabled persons parking should be applied to development proposals and used to set local standards within Development Plans.

E Appropriate disabled persons parking for Blue Badge holders should be provided as set out in Policy T6 .1 Residential parking to Policy T6 .5 Nonresidential disabled persons parking.

F Where provided, each motorcycle parking space should count towards the maximum for car parking spaces at all use classes.

G Where car parking is provided in new developments, provision should be made for infrastructure for electric or other Ultra-Low Emission vehicles in line with Policy T6 .1 Residential parking, Policy T6 .2 Office Parking, Policy T6 .3 Retail parking, and Policy T6 .4 Hotel and leisure uses parking.

All operational parking should make this provision, including offering rapid charging. New or re-provided petrol filling stations should provide rapid charging hubs and/or hydrogen refuelling facilities.

H Where electric vehicle charging points are provided on-street, physical infrastructure should not negatively affect pedestrian amenity and should ideally be located off the footway. Where charging points are located on the footway, it must remain accessible to all those using it including disabled people.

I Adequate provision should be made for efficient deliveries and servicing and emergency access.

J A Parking Design and Management Plan should be submitted alongside all applications which include car parking provision, indicating how the car parking will be designed and managed, with reference to Transport for London guidance on parking management and parking design.

K Boroughs that have adopted or wish to adopt more restrictive general or operational parking policies are supported, including borough-wide or other area-based car-free policies. Outer London boroughs wishing to adopt minimum residential parking standards through a Development Plan Document (within the maximum standards set out in Policy T6 .1 Residential parking) must only do so for parts of London that are PTAL 0-1. Inner London boroughs should not adopt minimum standards. Minimum standards are not appropriate for non-residential use classes in any part of London.

L Where sites are redeveloped, parking provision should reflect the current approach and not be re-provided at previous levels where this exceeds the standards set out in this policy. Some flexibility may be applied where retail sites are redeveloped outside of town centres in areas which are not well served by public transport, particularly in outer London.

Policy T6.1

A New residential development should not exceed the maximum parking standards set out in Table 10.3. These standards are a hierarchy with the more restrictive standard applying when a site falls into more than one category.

B Parking spaces within communal car parking facilities (including basements) should be leased rather than sold.

C All residential car parking spaces must provide infrastructure for electric or Ultra-Low Emission vehicles. At least 20 per cent of spaces should have active charging facilities, with passive provision for all remaining spaces.

D Outside of the CAZ, and to cater for infrequent trips, car club spaces may be considered appropriate in lieu of private parking. Any car club spaces should have active charging facilities.

E Large-scale purpose-built shared living, student accommodation and other sui generis residential uses should be car-free.

F The provision of car parking should not be a reason for reducing the level of affordable housing in a proposed development.

G Disabled persons parking should be provided for new residential developments. Residential development proposals delivering ten or more units must, as a minimum:

1) ensure that for three per cent of dwellings, at least one designated disabled persons parking bay per dwelling is available from the outset

2) demonstrate as part of the Parking Design and Management Plan, how an additional seven per cent of dwellings could be provided with one designated disabled persons parking space per dwelling in future upon request as soon as existing provision is insufficient. This should be secured at the planning stage.

H All disabled persons parking bays associated with residential development must:

- 1) be for residents' use only (whether M4(2) or M4(3) dwellings)*
- 2) not be allocated to specific dwellings, unless provided within the curtilage of the dwelling*
- 3) be funded by the payment of a commuted sum by the applicant, if provided on-street (this includes a requirement to fund provision of electric vehicle charging infrastructure)*
- 4) count towards the maximum parking provision for the development*
- 5) be designed in accordance with the design guidance in BS8300vol.1*
- 6) be located to minimise the distance between disabled persons parking bays and the dwelling or the relevant block entrance or lift core, and the route should be preferably level or where this is not possible, should be gently sloping (1:60-1:20) on a suitable firm ground surface*

Policy DF1 Delivery of the Plan and Planning Obligations

A Applicants should take account of Development Plan policies when developing proposals and acquiring land. Development proposals should provide the infrastructure and meet the other relevant policy requirements necessary to ensure that they are sustainable and to support delivery of the Plan. Where relevant policies in local Development Plan Documents are up to date, it is expected that viability testing should normally only be undertaken on a site-specific basis where there are clear circumstances creating barriers to delivery.

B Where relevant policies in local Development Plan Documents are up to date, if an applicant wishes to make the case that viability should be considered on a site-specific basis, they should provide clear evidence of the specific issues that would prevent delivery, in line with relevant Development Plan policy, prior to submission of an application.

C Where it is accepted that viability of a specific site should be considered as part of an application, the borough should determine the weight to be given to a viability assessment alongside other material considerations, ensuring that developments remain acceptable in planning terms. Viability assessments should be tested rigorously and undertaken in line with the Mayor's Affordable Housing and Viability SPG.

D When setting policies seeking planning obligations in local Development Plan Documents and in situations where it has been demonstrated that planning obligations cannot viably be supported by a specific development, applicants and decision-makers should firstly apply priority to affordable housing and necessary public transport improvements, and following this:

- 1) recognise the role large sites can play in delivering necessary health and education infrastructure; and*
- 2) recognise the importance of affordable workspace, and culture and leisure facilities in delivering good growth.*

E Boroughs are also encouraged to take account of the infrastructure prioritisation in Part D in developing their Community Infrastructure Levy Charging Schedule and determining the infrastructure that will be funded through borough CIL.

Hillingdon Local Plan: Development Management Policies (2020)

Hillingdon Local Plan: Development Management Policies (2020) – DMT1 Managing Transport Impacts

A) Development proposals will be required to meet the transport needs of the development and address its transport impacts in a sustainable manner. In order for developments to be acceptable they are required to: i) be accessible by public transport, walking and cycling either from the catchment area that it is likely to draw its employees, customers or visitors from and/or the services and facilities necessary to support the development; ii) maximise safe, convenient and inclusive accessibility to, and from within developments for pedestrians, cyclists and public transport users; iii) provide equal access for all people, including inclusive access for disabled people; iv) adequately address delivery, servicing and drop-off requirements; and v) have no significant adverse transport or associated air quality and noise impacts on the local and wider environment, particularly on the strategic road network.

B) Development proposals will be required to undertake a satisfactory Transport Assessment and Travel Plan if they meet or exceed the appropriate thresholds. All major developments¹¹ that fall below these thresholds will be required to produce a satisfactory Transport Statement and Local Level Travel Plan. All these plans should demonstrate how any potential impacts will be mitigated and how such measures will be implemented.

Hillingdon Local Plan: Development Management Policies (2020) – DMT2 Highways Impacts

Development proposals must ensure that: i) safe and efficient vehicular access to the highway network is provided to the Council's standards; ii) they do not contribute to the deterioration of air quality, noise or local amenity or safety of all road users and residents; iii) safe, secure and convenient access and facilities for cyclists and pedestrian are satisfactorily accommodated in the design of highway and traffic management schemes; iv) impacts on local amenity and congestion are minimised by routing through traffic by the most direct means to the strategic road network, avoiding local distributor and access roads; and v) there are suitable mitigation measures to address any traffic impacts in terms of capacity and functions of existing and committed roads, including along roads or through junctions which are at capacity.

Hillingdon Local Plan: Development Management Policies (2020)- DMT6 Vehicle Parking

A) Development proposals must comply with the parking standards outlined in Appendix C Table 1 in order to facilitate sustainable development and address issues relating to congestion and amenity. The Council may agree to vary these requirements when: i) the variance would not lead to a deleterious impact on street parking provision, congestion or local amenity; and/or ii) a transport appraisal and travel plan has been approved and parking provision is in accordance with its recommendations.

B) All car parks provided for new development will be required to contain conveniently located reserved spaces for wheelchair users and those with restricted mobility in accordance with the Council's Accessible Hillingdon SPD.

Hillingdon Local Plan: Development Management Policies (2020)- DMCI 7 Planning Obligations and Community Infrastructure Levy

A) To ensure development is sustainable, planning permission will only be granted for development that clearly demonstrates there will be sufficient infrastructure of all types to support it. Infrastructure requirements will be predominantly addressed through the Council's Community Infrastructure Levy (CIL).

B) Planning obligations will be sought on a scheme-by-scheme basis: i) to secure the provision of affordable housing in relation to residential development schemes; ii) where a development has infrastructure needs that are not addressed through CIL; and iii) to ensure that development proposals provide or fund improvements to mitigate site specific impacts made necessary by the proposal.

C) Applications that fail to secure an appropriate Planning Obligation to make the proposal acceptable will be refused.

4) Principal Planning Considerations

The Decision Notice contains 2 RforRs and cites 9 Policies from the Development Plan in the round. As set out above, the 2nd RforR are considered addressed through the accompanying draft S106, and accordingly no further comment on this RforR is considered necessary.

The remaining issues are confined to RforR 1 and are considered to comprise the following:

The proposed development, as a result of its siting would lead to the partial loss of residential parking secured for the occupants of Axis House. This in turn would lead to a significant amount of displaced parking from the Axis House site onto the local highway on-street parking bays which would increase the pressure for on-street parking bays, exacerbate injudicious and unsafe highways conditions, and restrict the free flow of traffic. The proposal would therefore be contrary to 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).

Policy Considerations – General Commentary.

Reason for Refusal no.1

The LPA opine that the proposal would lead to the following situation.

1 - partial loss of residential parking secured for the occupants of Axis House. This in turn would lead to a significant amount of displaced parking from the Axis House site onto the local highway on-street parking bays which would increase the pressure for on-street parking bays, exacerbate injudicious and unsafe highways conditions, and restrict the free flow of traffic.

The appellant does not contest that the proposal would result in the partial loss of residential parking secured for the occupants of Axis House. The current parking allocated to the 71 units being 76 spaces with the proposal maintaining a total of 28 parking spaces for existing residents. It is however, contested that the proposal would give rise to displaced parking. Access into the car park of Axis House is controlled by a restrictive barrier so only residents of Axis House can make use of the car park, whilst not a planning consideration, it is useful to understand the complexities of the background of the site and therefore it should be known that Axis House and the subsequent car park land of which the Appeal is made on has been subdivided into two land controls and as such a physical barrier prevents residents from entering the eastern half of the site car park. It should be made clear that currently residents only have the right to park in the 28 car parking spaces, this is controlled by a restrictive covenant in their purchase or lease of the individual flat.

The appeal site lies in PTAL 4 and has good transport links to regular bus services which connect the site to Heathrow airport, the Elizabeth line and Piccadilly line which both provide fast transport into the centre of London. The Appeal is accompanied by a transport rebuttal note as provided by Lanmor consulting.

The rebuttal makes clear that due to the extensive planning history of the site. Two parking surveys were completed in both 2016 and in 2022, these monitored the car parking stress of the surrounding local roads and indeed the Axis House car park, these results were presented to LPA and in the previously consented application 43794/APP/2017/3074, it was accessed that a lower parking ratio of 0.7 spaces per dwelling was acceptable on the site. The validity of the survey was never questioned.

Referring to the previously consented planning application (43794/APP/2017/3074), which secured planning for a 128-bedroom hotel and basement parking for up to 50 spaces; prominently the TFL statutory consultee suggested reducing the number of spaces and to promote a more sustainable mode of transport on the site. In the Appeal before you TFL raised no concerns with the parking proposed.

The Appellant has sought to use the most efficient use of space on the site and has therefore reduced the parking numbers for both the Axis House residential element and the proposed hotel use of the site. A total of 23 parking spaces have been allocated to the hotel which in effect the LPA view as car free, being a parking ratio of 0.1, whilst 47 car parking spaces were allocated in the 43794/APP/2017/3074 consent. It should be noted that the LPA have no objection to this position.

Turning back to the residential parking for Axis House, a further two parking surveys were carried out in line with the Lambeth model. These were both conducted at night and on separate weeks (when it is assumed most residents would be at home) and these surveys recorded use of 18 and 19 parked vehicles in the 28 bays made available within Axis House.

The Appellant would like to bring to the attention of the inspectorate that the LPAs highway consultee notes, the Appeal site has a 'PTAL ranking of 4 bordering 3 indicating that access to public transport is reasonable compared to London as a whole', the parking found within Axis house is currently informally used and the Appeal site is not used by residents as such would not result in a displacement as alleged. It is therefore contended that the proposal would not raise harm and should therefore be deemed acceptable. Please refer to the transport appeal statement for more information and references to the surveys.

The Appellant is of the firm view that the proposal amounts to appropriate amount of allocated parking spaces for the residents of Axis House, the proposal would not conflict with 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).

5) Representations

The Delegated Report notes on Page 9 the external consultees with Page 15 providing comments from internal consultees. Whilst noted, for all the reasons set out above and in the original submission, the Appellant does not recognise the harm alleged in those representations or there being a conflict with the Development Plan.

Whilst noting the rationale behind the LPA's determination, as the proposal does not give rise to significant harm sufficient to outweigh the benefits associated with the proposal, there is considered little merit to the LPA's stance.

It is unclear from the delegated report whether any other stakeholders share the LPA's concern about any of the concerns cited within any of the RforRs.

6) Conclusion

In conclusion, the Appellant considers that the proposal comprises an eminently suitable use of under-utilised land set within a context of the Heathrow Opportunity Area.

It has been outlined in the statement of case and rebuttal letter provided by Lanmor that the proposal would not have a detrimental impact to highways and parking. As such the development would reflect the NPPF core principles of sustainable development and the London Plan 2021.

The Appellant requests that the Inspectorate concur and uphold the appeal.