



Appeal Decision

Site visit made on 30 October 2017

by Stephen Roscoe BEng MSc CEng MICE

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 09 November 2017

Appeal Ref: APP/R5510/W/17/3178035

St Andrew's Park, Hillingdon Road, Uxbridge

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by VSM Estates Ltd against the Council of the London Borough of Hillingdon.
 - The application Ref 585/APP/2016/3929, dated 25 October 2016, sought approval of details pursuant to condition No 44 of a planning permission Ref 585/APP/2015/848, granted on 21/12/2015.
 - The development proposed is the 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.
 - The details for which approval is sought are: a Car Park Management Plan covering the entire site.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. Had the Council been in a position to determine the above application, it would have refused it for the following reasons:
 - i) The applicant has failed to demonstrate that the loss of the shared parking spaces would ensure that adequate off-street parking facilities remained within the Town Centre Extension (TCE) area. The applicant has also failed to demonstrate that, as a result of the amended Car Parking Management Plan (CPMP), any additional parking required within the TCE Area would not result in a detrimental impact on pedestrian and vehicular safety or result in an unacceptable impact on the local highway network not in compliance with Local Plan¹ (LP) Policies AM7 and AM14, Policy 7.13 of the London Plan (2016) and the National Planning Policy Framework.
 - ii) The applicant has failed to demonstrate that the loss of the shared parking spaces as a result of the proposed amendment to the CPMP would not have a detrimental impact on the viability and vitality of the proposed non-residential uses within the TCE area or that it would safeguard the

¹ London Borough of Hillingdon: Hillingdon Local Plan - Part Two Saved UDP Policies: November 2012

satisfactory redevelopment of the remaining TCE area. The proposed amendment to the CPMP is therefore deemed contrary to LP Policy BE14 which states that permission will not be granted for the redevelopment of sites in isolation if the design fails to safeguard the satisfactory redevelopment of adjoining sites which have development potential.

3. I have considered the appeal on this basis.

Reasons

4. The main issue in this case is the effect of the proposal on future development potential and highway safety in the surrounding area. The appeal site is the subject of major multi-use development proposals which include residential uses, which I saw at my site visit to be the most advanced, and a TCE, which comprises a variety of commercial and residential uses. The Council has approved a masterplan and a CPMP for the appeal site. A key element of the CPMP is that the parking facilities for the commercial functions should comprise a single area of not more than 265 spaces with shared use for the more efficient use of the parking facilities.
5. A reserved matter scheme for office development within the TCE has however already been permitted which split this parking area due to a reconfiguration of the land uses within the TCE. This scheme relocated the office uses and 140 of these parking spaces to the northern part of the TCE. The appeal proposal seeks to restrict the use of these 140 spaces to the occupiers of the offices by amending the CPMP. The appellant then intends to apply to revise the associated condition on the reserved matters permission. Reserved matters applications for the remaining commercial uses within the TCE have not been submitted, and the outline permission for these elements of the development has now lapsed. These remaining elements included retail, hotel and theatre uses.
6. The reserved matters application relating to the office element of the TCE originally contained 140 parking spaces for the sole use of the occupiers of the offices. This part of the reserved matters application was amended to a shared use prior to the Council's permission. The appellant suggests that this amendment was only made to secure the permission and that it had significant concerns regarding the severe and negative impact that this would have on the deliverability of the office proposals. This reserved matters permission is however extant, and the appellant agreed to its final form, including a requirement for public access to the basement of the office buildings. The appellant's position does though show that parking in this area is an important factor that can have an impact on the deliverability of proposals, in that the appellant sought parking in close proximity to the office uses.
7. The appeal proposal would effectively take parking away from the remaining TCE uses by allocating a sole use. This, in itself, would conflict with LP Policy AM16, which seeks to make parking spaces provided as part of commercial development schemes in town centres and other areas to be available for use by the public. The sole use would also benefit the office development by cherry picking parking elements of the TCE development.
8. I acknowledge that, should the office development proceed, then it could be a catalyst for the remainder of the TCE. As proposed however, it would take some development advantage and encouragement away from the remainder of

the TCE, which could affect its viability and vitality in terms of development potential. This is because, whilst the TCE may have the capacity to accommodate additional parking to make up for the proposed loss, it would come at a cost to any future development. I am of the opinion that this balance, between the office and the remaining TCE development, has not been considered in sufficient detail. In particular, there is insufficient evidence to specifically counter, in terms of overprovision, the reasoning behind the need for the 265 shared spaces in the first instance, and which the proposal would generally halve. These changed parking elements could thus have an impact on the deliverability of the TCE as a whole, which already appears to be proving difficult to achieve, as the outline permission has not been taken forward. The proposal therefore would currently fail to safeguard the adjoining TCE sites with development potential, and this would conflict with LP Policy BE14.

9. I am also concerned that, if the appeal is allowed, the parking required for the remaining TCE uses may have an unacceptable adverse effect on highway safety as a result of increased on-street parking. This would conflict with LP Policy AM7 in the context of the maximum standards set out in LP Policy AM14.
10. The appellant suggests that the office development is currently not implementable in the highly competitive market, where Grade A office occupiers can require 24 hour access to dedicated and secure parking. These factors, together with the additional cost of shared parking, make it a less attractive investment through a negative impact on the rental value. All of this, to me, somewhat calls into question the overall plan for the TCE, where there are two significant elements that cannot be progressed in their original form. Moreover, the appellant's evidence relating to competition for office letting and parking on other sites, such as theatres, I find somewhat anecdotal and not sufficiently robust to justify the proposed change to the parking strategy for the TCE.
11. The applicant has identified spare car park capacity in other developments in Uxbridge. These car parks have however been present for the period over which the outline permission was extant, and any interest in the remainder of the TCE development has not seen fit to take advantage of them during this period. They therefore cannot be said to be able to replace the loss of the use of the car parking within the office development, and indeed the car parks are some distance from the TCE compared to what was intended in the plan for the TCE. The proposal would therefore reduce the quality of the TCE parking in terms of its convenience which would conflict with paragraph 40 of the Framework and Planning Practice Guidance Ref: 42-006-20140306.
12. In a similar manner, the appeal site's current PTAL 4 rating has not stimulated the development sought on the site, despite the existing parking context, and I consider that any increase in PTAL would follow development of the TCE. The appellant has suggested that the remaining TCE development may not even need off-street parking. I am not however convinced that other parking and accessibility would be justification for taking away previously permitted parking, particularly when retail and other uses are undefined. This is notwithstanding the appellant's view that retail of the scale envisaged would encourage linked trips rather than new destination retail uses. The appellant also suggested public reticence to use basement or on-street parking in the evening, but no cogent evidence has been put forward to support this view.

13. The appellant has suggested that the office development lies on the fringe of the TCE, although this is not a category used in the masterplan documentation provided with the appeal. At its maximum dimensions however, the footprint of the office development occupies some 50% of the east/west extent of the TCE and some 25% of the north/south extent. I thus do not consider this to be a fringe location in relation to the TCE that would justify the loss of shared parking.
14. I therefore conclude that the proposal would be likely to have an unacceptable adverse effect on future development potential in the surrounding area and highway safety due to additional on-street parking. I further conclude that it would thus conflict with LP Policies AM7, AM14, AM16 and BE14.
15. The appellant has suggested that to dismiss the appeal would delay the provision of employment floorspace and jobs, both directly and indirectly. I consider however that the risk of an unacceptable impact on the other economic development, as I have described, would outweigh any such delay.
16. Having taken into account all other matters raised, none carry sufficient weight to alter the decision, and my conclusion is based on the evidence before me in terms of policy as a whole. For the reasons given above, I conclude that the appeal should be dismissed.

Stephen Roscoe

INSPECTOR