



Appeal Decisions

Site visit made on 2 October 2018

by Felicity Thompson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 December 2018

Appeal A Ref: APP/R5510/W/18/3204262 44 Waterloo Road, Uxbridge, UB8 2QX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Uxbridge Property Limited against the decision of the Council of the London Borough of Hillingdon.
- The application Ref 1654/APP/2017/2801, dated 28 July 2017, was approved on 6 December 2017 and planning permission was granted subject to conditions.
- The development permitted is change of use from use class B8 (storage or distribution centre) to use class C3 (dwellinghouse) for 6x1 bed flats (prior approval).
- The condition in dispute states that: Notwithstanding the hereby approved drawing ref: JM043-BPS-GA-900, prior to occupation of the development, the following shall be provided on site:
 1. 3 car parking spaces with markings
 2. Secure and covered cycle parking spaces to be provided for 7 bicycles as a minimum. Thereafter, they shall be permanently retained and used for no other purpose.
- The reason given for the condition is: To ensure adequate parking is provided and to promote sustainable modes of transport, in accordance with policies AM2, AM7 and AM14 of the Hillingdon Local Plan: Part Two – Saved UDP Policies (November 2012) and policies 6.3, 6.9 and 6.13 of the London Plan (2016).

Appeal B Ref: APP/R5510/W/18/3209252 44 Waterloo Road, Uxbridge, UB8 2QX

- 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 planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Uxbridge Property Ltd against the Council of the London Borough of Hillingdon.
 - The application Ref 1654/APP/2018/2235 is dated 15 June 2018.
 - The application sought planning permission for change of use from use class B8 (storage or distribution centre) to use class C3 (dwellinghouse) for 6x1 bed flats (prior approval) without complying with a condition attached to planning permission Ref 1654/APP/2017/2801, dated 6 December 2017.
 - The condition in dispute states that: Notwithstanding the hereby approved drawing ref: JM043-BPS-GA-900, prior to occupation of the development, the following shall be provided on site:
 1. 3 car parking spaces with markings
 2. Secure and covered cycle parking spaces to be provided for 7 bicycles as a minimum. Thereafter, they shall be permanently retained and used for no other purpose.
 - The reason given for the condition is: To ensure adequate parking is provided and to promote sustainable modes of transport, in accordance with policies AM2, AM7 and AM14 of the Hillingdon Local Plan: Part Two – Saved UDP Policies (November 2012) and policies 6.3, 6.9 and 6.13 of the London Plan (2016).
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Decision

1. Appeal A is allowed and I vary the planning permission Ref: 1654/APP/2017/2801 for change of use from use class B8 (storage or distribution centre) to use class C3 (dwellinghouse) for 6x1 bed flats (prior approval) at 44 Waterloo Road, Uxbridge, UB8 2QX granted on 6 December 2017 by the Council of the London Borough of Hillingdon, by deleting the disputed condition and substituting with the conditions in the attached schedule.
2. Appeal B is allowed and prior approval is granted under the provisions of Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 for change of use from use class B8 (storage or distribution centre) to use class C3 (dwellinghouse) for 6x1 bed flats (prior approval) at 44 Waterloo Road, Uxbridge, UB8 2QX, in accordance with the terms of the application Ref: 1654/APP/2018/2235, dated 15 June 2018, without compliance with the disputed condition, previously imposed on planning permission Ref: 1654/APP/2017/2801 dated 6 December 2017 and subject to the conditions in the attached schedule.

Applications for Costs

3. Applications for costs were made in relation to both appeals by Uxbridge Property Limited against the Council of the London Borough of Hillingdon. These applications are the subject of a separate Decision.

Procedural Matter

4. Prior approval was granted on 6 December 2017 for change of use from use class B8 (storage or distribution centre) to use class C3 (dwellinghouse) for 6x1 bed flats, subject to a number of conditions, including the condition subject of these appeals, which required the provision of three on-site parking spaces. The appellant subsequently submitted an appeal against the grant of planning permission subject to this condition. The Council refused the application and an appeal was made by the appellant.
5. In addition the appellant submitted a planning application seeking removal of the condition. The Council failed to give notice of its decision within the statutory determination period and the appellant therefore submitted a second appeal against the Council's failure to determine the application (Appeal B).
6. Whilst the appeals relate to different procedures, the condition in dispute is the same. Therefore, to avoid duplication, I have dealt with the two appeals together.

Main Issue

7. The main issue is whether or not the condition's requirement to provide on-site car parking is reasonable and necessary in order to protect highway safety.

Reasons

8. Policy AM14 of the London Borough of Hillingdon Unitary Development Plan (adopted 1998) Saved Policies (UDP) states that new development will only be permitted where it is in accordance with the Council's adopted car parking standards. This indicates a maximum provision of 1.5 car parking spaces per flat. Policy 6.13 of The London Plan 2016 similarly sets out maximum

standards. As these are maximum standards, there would be no specific conflict with the policies by not providing any parking at all.

9. The Council contends that the development will generate a need for four or five parking spaces, on the basis of the London Travel Demand Survey 2016/17 which reports that one in five households in South Uxbridge have two or more cars. However, the appellant states that based on 2011 Census data the development will generate a likely need for three parking spaces. In my view, given the modest size of the dwellings, being one bedroom, this limits the number of residents that could reasonably occupy them and car ownership is likely to be similarly limited.
10. The results of parking surveys carried out using the 'Lambeth Methodology' showed that during the Controlled Parking Zone (CPZ) operational hours, parking stress did not exceed 64% (53 available spaces). Outside of those hours the maximum parking stress varied between 62% and 80% on a weekday and between 68% and 82% on a Saturday. The overnight results show a maximum parking stress of 70% on weeknights and 72% on the weekend. The surveys demonstrate that there is plenty of on street capacity at the point at which most residents are at home and there is no considerable difference between weekdays and the weekend. Overall, the surveys demonstrate that in the vicinity of the appeal site there are at least 27 parking spaces available, increasing to 42 when most residents are most likely to be at home.
11. The undetermined officers report on application 1654/APP/2018/2235 stated that the site is considered to have a public transport accessibility level (PTAL) rating of 1b. However, in its appeal statements it gave it a 0 rating. Evidence provided by the appellant establishes that the site has a PTAL rating of 2 (poor), with a manual rating of 3 if the five bus services on Oxford Road that are 40m out of the calculation range are included. As the Council did not appear to challenge the appellant's calculations, I have no reason to do so.
12. In any event it seems to me that there is access to sustainable transport options locally. These include bus stops within 500m of the site and Uxbridge Underground Station within about 0.95km of the site. This is within the 1km acceptable commuter walking distance set out in the Institution of Highways Document 'Guidance for Providing Journeys on Foot'. The development will also provide cycle storage and is within about 0.8km of Uxbridge town centre. Given the sites location within walking and cycling distance of trains, buses and the town centre, I find it would not be necessary for the occupants of the dwellings to use a car to access day to day services.
13. Whilst I have had regard to the petition, signed by 17 households, received by the Council in response to their consultation on the proposed extension to the Parking Management Scheme, it appears that this information is over 11 years old. The comments from a local resident, received by the Council earlier this year, related to highway safety in terms of speed, vehicles using the road as a cut through and pollution, they did not refer to car parking. The existing parking scheme would therefore appear to be working effectively. No definitive evidence has been provided to persuade me that the area currently suffers from unacceptable levels of parking stress.
14. Overall, on the basis of the evidence before me, even using the Council's figures about likely levels of car ownership, I find that the demand generated

by the development for on street parking would be modest. Given the availability of on-street parking in the vicinity of the site, there is nothing to suggest that the additional vehicles could not be accommodated on-street. The development would therefore not result in a significant increase in competition for on-street parking to the detriment of highway safety.

15. For these reasons I conclude that the requirement to provide on-site parking is not necessary. Therefore the disputed condition is not required to mitigate any potentially harmful effect on highway safety. The removal of the condition would not conflict with policies AM2 or AM7 of the UDP or policy 6.3 of The London Plan (2016) which concern traffic generation and highway safety.

Conditions

16. In respect of Appeal A and Appeal B, in allowing the appeals without the disputed condition, the requirement for cycle parking and storage to be provided prior to occupation would also be removed. This would be unsatisfactory as these are needed to encourage cycling and promote the use of sustainable transport modes. Whilst I note the appellants comments about the requirement for the development to be carried out in accordance with the approved plans and cycle parking is shown on the approved plans, in the absence of a condition there is no certainty about when they would be provided or that they would be retained in perpetuity. Given my findings in relation to the main issue, I consider it both reasonable and necessary to require appropriate cycle parking and storage arrangements to be provided in order to comply with the aims of policy AM14 of the UDP and policies 6.9 and 6.13 of the London Plan (2016).
17. I have also imposed a condition in respect of refuse and recycling provision to ensure there is adequate on-site provision, in the interests of highway safety. Given my findings in relation to the main issue, a condition requiring a Parking Allocation Plan is no longer necessary. The appellant has provided confirmation that the pre-commencement condition relating to the requirement for an Environmental Site investigation has been complied with. This condition is therefore no longer necessary.

Conclusion

18. For the reasons given above and having had regard to all other matters raised, I conclude that both appeals should succeed.

Felicity Thompson

INSPECTOR

Schedule of conditions

- 1) Notwithstanding the hereby approved drawing ref: JM043-BPS-GA-900, prior to occupation of the development, secure and covered cycle parking spaces shall be provided for 7 bicycles as a minimum. Thereafter, they shall be permanently retained and used for no other purpose.
- 2) Prior to occupation of the development, details of refuse and recycling storage shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the refuse and recycling storage shall be implemented as approved and remain in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.