



FULL STATEMENT OF CASE

In respect of

PLANNING APPEAL AGAINST CONDITION 1 UNDER SECTION 78 OF THE 1990 ACT (AS AMENDED)

APPEAL SITE: 44 WATERLOO ROAD, UXBRIDGE, UB8 2QX

LPA REF: 1654/APP/2017/2801



On behalf of

Uxbridge Property Ltd

Our Ref: JM053

June 2018

CONTENTS

1	INTRODUCTION.....	4
2	CONTEXT OF APPEAL SCHEME.....	6
3	SUBJECT OF APPEAL.....	8
4	GROUND OF APPEAL	14
5	CONCLUSIONS.....	25

APPENDIX 1 – DECISION NOTICE REF. 1654/APP/2017/2801

APPENDIX 2 – OFFICER REPORT REF. 1654/APP/2017/2801

APPENDIX 3 – LETTER FROM RPS CGMS TO MR JOHN PRESTON, HIGHWAYS OFFICER, DATED 21 SEPTEMBER 2017

APPENDIX 4 – DRAFT REFUSAL OFFICER REPORT (1654/APP/2017/2801)

APPENDIX 5 – RESPONSE LETTER FROM RPS TO COUNCIL DATED 3 OCTOBER 2017

APPENDIX 6 – EMAIL FROM MR JOHN PRESTON TO AGENT DATED 1 NOVEMBER 2017

APPENDIX 7 – EMAIL FROM MR JOHN PRESTON TO APPLICANT CITING HEAD OF PLANNING INVOLVEMENT DATED 17 NOVEMBER 2017

APPENDIX 8 – EMAILS AND LETTERS FROM AGENT TO COUNCIL, DATED 17, 23 NOVEMBER 2017

APPENDIX 9 – RESPONSE FROM HEAD OF PLANNING DATED 23 NOVEMBER 2017

APPENDIX 10 – RESPONSE FROM AGENT TO COUNCIL DATED 23 NOVEMBER 2017

APPENDIX 11 – EMAIL FROM APPLICANT TO COUNCIL DATED 27 NOVEMBER 2017

APPENDIX 12 – COUNSEL'S OPINION, SENT TO THE COUNCIL ON 1 DECEMBER 2017

APPENDIX 13 – EMAIL EXCHANGE SEEKING PHONE CONVERSATION, 1 -4 DECEMBER 2017

APPENDIX 14 – APPEAL DECISION APP/R5510/W/17/3171606

APPENDIX 15 – APPEAL DECISION APP/R5510/W/15/3140974

APPENDIX 16 – APPEAL DECISION APP/R5510/A/14/2227368

APPENDIX 17 – APPEAL DECISION APP/H5390/W/16/3158169

APPENDIX 18 – APPEAL DECISION APP/R5510/W/17/3173994

APPENDIX 19 – APPEAL DECISION APP/R5510/W/16/3145677

APPENDIX 20 – APPEAL DECISION APP/F5540/W/17/3185025

APPENDIX 21 – APPEAL DECISION APP/W5780/W/15/3137677

APPENDIX 22 – APPEAL DECISION APP/Z5060/W/17/3176546

APPENDIX 23 – APPEAL DECISION APP/H5390/W/16/3158027

APPENDIX 24 – APPEAL DECISION APP/K5600/W/17/3171678

APPENDIX 25 – APPEAL DECISION APP/F5540/W/16/3144162

APPENDIX 25 – APPEAL DECISION APP/H5390/A/14/2215126

1 INTRODUCTION

- 1.1 This statement forms the Full Statement of Case in respect of an appeal made under section 78 of the Town and Country Planning Act 1990, by Uxbridge Property Ltd, (“the Appellant”), against the decision by the London Borough of Hillingdon (“the Council”) to grant Prior Approval subject to a planning condition to secure on-site parking. The application for Prior Approval was pursuant to Class P, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order (England) (2015) (as Amended).
- 1.2 The application was allocated reference number 1654/APP/2017/2801 (“the Prior Approval”) by the Council and the description of development reads as follows:
- “Change of use from Use Class B8 (Storage or Distribution Centre) to Use Class C3 (dwellinghouse) for 6 x 1 bed flats (Prior Approval).”*
- 1.3 The application for prior approval was submitted on 28 July 2017, made valid by the Council on 7 August 2017 and approved, subject to conditions, on 6 December 2017. The Decision Notice is included at **Appendix 1** and the Officer Report is included at **Appendix 2**.
- 1.4 Prior Approval was granted for the conversion of the existing building to form 6 residential units, subject to four conditions. Condition 1 read as follows:
- 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.
- Reason: 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).*
- 1.5 Class P.2 b(ii) states that the transport and highways impacts of a development must be assessed as part of the Prior Approval process and paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 1.6 National Planning Practice Guidance (NPPG) states that when used properly, planning conditions can enable development proposals to proceed where it would otherwise be necessary to refuse planning permission, by mitigating against the adverse effects of a development. Paragraph 206 of the National Planning Policy Framework (NPPF) states that planning conditions should only be imposed where they are necessary; relevant to planning; to the development to be permitted; enforceable; precise; and reasonable in all other respects.
- 1.7 The Appellant’s opinion is that Condition 1 imposed on the Prior Approval is not necessary to make the development acceptable in planning terms and without it, the highways impact of the development would not be so severe as to warrant the refusal of Prior Approval.

- 1.8 Compelling evidence demonstrates that the development would not cause unacceptable highways stress. This was submitted alongside the original Prior Approval application, including a Transport Statement and Parking Survey by Cottee Transport Planning (July 2017), which is submitted to the Inspector as part of this Appeal. An additional Technical Transport Note (June 2018) prepared by Kronen Transport Ltd is submitted in support of this Appeal.
- 1.9 Within this statement we will also demonstrate that Condition 1 is not necessary in planning terms and that the Council failed to have proper regard to the material considerations relevant to the determination of the Prior Approval. Following a review of the original submission documents and the additional justification within this statement, the evidence before the Inspector demonstrates that, taking into account material considerations, it is not reasonable or necessary for the Prior Approval to be subject to this condition.
- 1.10 A copy of the original Prior Approval application and all associated documents submitted to the Council accompany this Appeal.
- 1.11 This statement sets out the context of the appeal site in Section 2 and Section 3 details the subject of the appeal and course of the prior approval application. Section 4 focuses on grounds of appeal and provides analysis of the evidence to demonstrate that the condition is not necessary in planning terms. A summary and conclusion to the Appeal statement can be found at Section 5.

2 CONTEXT OF APPEAL SCHEME

The Appeal Site

- 2.1 44 Waterloo Road is located within Uxbridge, some 500m south west of the town centre boundary. The site itself is located to the west of Waterloo Road, in a locality that is predominantly characterised by residential development. A three storey building of residential flats is located to the north of the site, an industrial building is located to the south of the site, with residential development beyond. The remainder of the road is occupied by two storey Victorian terraces to the north and more modern residential development comprising of flats and houses to the south. A plan indicating the extent of the site is included below for reference.



Site plan illustrating extent of the site

- 2.2 The Prior Approval scheme has been implemented on site and the building has undergone conversion works to form the 6 residential units as per the approval; these works are now substantially complete.
- 2.3 The site is located a 11 minute walk from Uxbridge Tube Station and has a manual PTAL of 3, with a TfL approved PTAL of 2.
- 2.4 LB Hillingdon's Adopted Policies Map does not designate the site as a particular use, nor is the site over washed by any designations protecting the visual quality of the landscape.

Heritage Constraints

- 2.5 44 Waterloo Road is not a statutorily or locally listed building, nor does the site fall within the setting of any listed buildings. The site is not located in a Conservation Area.

Flooding Considerations

- 2.6 The site is located within Flood Zone 1 which is defined by the Environment Agency as land having a less than 1 in 1,000 annual probability of river or sea flooding. The flood risk at the site is therefore low.

Planning History

- 2.7 Relevant planning applications relating to the site are listed below.
- 1654/APP/2017/4626 - Installation of 12 x dormers to create additional habitable roof space, alterations to windows and doors and alterations to external materials. Approved 12 February 2018
 - 1654/APP/2017/2801 - Change of use from Use Class B8 (Storage or Distribution Centre) to Use Class C3 (dwellinghouse) (Prior Approval). Approved 6 December 2017
 - 1654/D/93/0467 - Change of use from church hall to Class B8 (storage and distribution of used car spares) (retrospective application). Approved 1993
 - 1654/B/92/0153 - Change of use from church hall to Class B8 (storage and distribution of used car spares) (retrospective application). Refused 1992
- 2.8 Photographs included below show the building (prior to conversion and subsequent alterations pursuant to planning permission reference 1654/APP/2017/4626 relating to roof alterations) within the street scene of Waterloo Road.



View looking north along Waterloo Road showing site to the west



View looking south along Waterloo Road showing site to the east

3 SUBJECT OF APPEAL

- 3.1 Prior Approval was granted on 6 December 2017 for the Change of use from Use Class B8 (Storage or Distribution Centre) to Use Class C3 (dwellinghouse) for 6 x 1 bed flats. In granting the Prior Approval, the Council made the assessment against the tests of Class P and were satisfied that the development would meet the relevant criteria for this change of use. Class P.2 (b) sets out that local planning authorities should assess the following considerations in relation to the proposed development:
- (i) impacts of air quality on the intended occupiers of the development;
 - (ii) transport and highways impacts of the development,
 - (iii) contamination risks in relation to the building,
 - (iv) flooding risks in relation to the building,
 - (v) noise impacts of the development, and
 - (vi) where the authority considers the building to which the development relates is located in an area that is important for providing storage or distribution services or industrial services or a mix of those services, whether the introduction of, or an increase in, a residential use of premises in the area would have an adverse impact on the sustainability of the provision of those services,
- and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.
- 3.2 The Officer Report is attached at **Appendix 2** and pages 8- 10 provide a written commentary of the assessment made in relation to the above considerations and clearly confirms that there was no objection to the development in terms of air quality, flooding, noise, sustainability of storage and distribution services, or contamination (subject to a condition securing a Phase 2 environmental report).
- 3.3 In assessing the highways impacts, the Officer Report concludes that the highways impacts of the development are acceptable, subject to conditions, namely Condition 1 which secures that 3 car parking spaces with markings shall be marked out on site prior to occupation and shall be permanently retained and used for no other purpose. Comments within the Officer Report clearly set out the Council's position that if on-site parking is not provided, Prior Approval would not be granted.
- 3.4 Consultee comments are included on page 5-6 of the Officer Report (**Appendix 2**) and these are based on the original submission documents that did not offer any on-site parking. The Council's Highways Team provide the following justification as to why the development is not acceptable without on-site parking:
- *'The street is subject to significant levels of parking stress as few properties have off-street car parking. Next door to the subject property is two old blocks of flats (36 flats) with no off-street car parking provided.'*

- 3.6 The Highways Officer response then goes on to say:
- *TS cites the TfL webcat PTAL value of 0 and then goes on to carry out a site calculation that suggests that the site has a value of 2 (poor) which re-inforces the reliance on private car use with the nearest station over 900m away.*
- 3.7 The manual PTAL of the site is demonstrated to be 3, detailed in paragraph 2.21 and 2.22 of the Transport Statement by Cottee (July 2017) submitted with the original Prior Approval, however this is overlooked by the Highways Officer in their response, which maintains that occupiers of the site will rely on a private car. It is the view of the Appellant that that this ridged opinion of the Highways Officer is unfounded. The Appeal site is an 11 minute walk from Uxbridge tube station and the amenities of the town centre which significantly alleviates reliance on private cars. The units will be marketed to the first time buyer market, with the short walking distance to the station as a key attraction. The Institution of Highways Document "Guidance for Providing Journeys on Foot", which suggests that an acceptable commuter walking distance is 1km and the preferred maximum walking distance is 2km. The appeal site is 0.95km from Uxbridge Tube Station and 0.8km from the amenities of the Town Centre.
- 3.8 The Highways Officer goes on to make reference to the parking surveys conducted at the site and states:
- *In the case of no on-site car parking the TS has included the results of car parking stress surveys taken over 2 days in an area within 200m of the site which included Waterloo Road, Fray's Waye and Austin's Waye. Those surveys showed that there were sections of Waterloo Road that were subject to 74% parking stress.....This arrangement would mean concentrated parking stress in the vicinity of the site.*
 - *The applicant wishes to develop a site that would undoubtedly cause greater concern to local residents that already have to search for on-street car parking spaces. On the basis of the above comments I suggest that you should refuse the application on the grounds of no off-street car parking being provided.*
- 3.9 This rationale given by the Highways Officer is deeply flawed as it makes unsubstantiated assertions in relation to the presence of parking stress, fails to take account of material considerations and deviates from the clear planning policy in relation to highways. At the highest point of stress on Waterloo Road, there were 27 car parking spaces available on Waterloo Road and a total of 42 parking spaces within 200m of the site. It is unreasonable to conclude that 69% stress (42 parking spaces in a 200m area) amounts to high parking stress and goes against the grain of decision making in numerous appeals, cited in Section 4 of this statement.
- 3.10 It should be noted that Condition 1 also makes reference to cycle parking and whilst the Appellant has no objection to this element of the condition, it is not necessary to make the development acceptable in planning terms as para W of the GPDO secures that prior approval developments must be built out in accordance with the approved plans unless otherwise agreed in writing with the local planning authority. The approved plans showed the cycle parking.
- 3.11 In relation to car parking on-site, the Appellant asserts that Condition 1 is unnecessary and was imposed on the basis of flawed reasoning, with no evidence provided by the Council to

suggest that without Condition 1, the resultant highways impacts flowing from the development would be so severe as to make the development unacceptable.

- 3.12 The effect of the removal of this condition would be that all of the six approved residential units would be eligible to apply for parking permits within the CPZ and park on street within the hours that the CPZ is operational between 9am and 5pm each day. For the reasons set out within Section 4 of this statement, this would not result in unacceptable impact on the highways network. It is important to note that the prior approval consent was not subject to any condition or planning obligation that controlled the ability of the units to apply for parking permits, thus currently all 6 of the units have the ability to apply for permits and three units were approved without on-site parking.

Chronology of Prior Approval Application

- 3.13 The application for prior approval was made valid on 7 August 2017 and was not determined until 6 December 2017. The protracted nature of the application is directly attributed to the dialogue relating to the highways considerations at the site. A timeline below provides an overview of the course of the application. The purpose of detailing these protracted negotiations is to demonstrate that clear and precise evidence by planning and transport professionals was submitted during the determination of the application, yet the Council failed to take account or to attribute proper weight to this material and did not provide any evidence to the contrary, save for vague and generalised assertions referring to unsubstantiated 'knowledge' of parking stress. The chronology of the application was as follows:

- 28 July 2017 - Prior approval application submitted.
- 7 August 2017 - Application made valid and allocated reference number 1654/APP/2017/2801.
- 25 August 2017 - Case Officer Maria Tomalova had phone discussion with Agent expressing concerns in relation to the principle of the use, quality of accommodation and highways impacts. It was of concern to the Applicant that the Case Officer commented on the principle of residential use at the site and quality of accommodation, as these considerations fall outside the scope of prior approval.
- 1 September 2017 – Email from Highways Officer John Preston confirms the application is not acceptable based on the low PTAL score of the site.
- 12 September 2017 – During a phone conversation between Agent and John Preston confirmed that pressure from Councillors and Residents was the basis for concern relating to highways impacts of the scheme.
- 21 September 2017 – Letter sent from Agent RPS CgMS explaining the justification for why the development would not result in unacceptable levels of highway stress (**Appendix 3**).
- 3 October 2017 – Draft refusal Officer Report emailed to applicants (**Appendix 4**) which cited highway impacts and the lawful use of the building as draft reasons for refusal. A response by the Agents is provided at **Appendix 5**.

- A meeting was held on 3rd October between Case officer Maria Tomolova, Highways Officer John Preston, Planning Agents Alun Evans and Lotte Hirst of RPS CgMs, and the representative for the Applicant Lance Calder. John Preston confirmed at the meeting that the development would be acceptable if a planning condition was imposed to restrict the future occupiers from applying for parking permits. This was agreed as acceptable and an extension of time was agreed.
- 1 November 2017 - John Preston then contacted the Agent to state that the scheme must be secured as car-free via a legal agreement rather than a condition and that the application must be determined at Planning Committee (Email enclosed at **Appendix 6**).
- Extension of time was agreed by the Applicant until 11 December 2017 to allow for the committee date and for UU to be signed prior to issue of decision.
- 17 November 2017 – Email from John Preston confirmed that Head of Planning James Rodger would not accept a car-free scheme in a low PTAL area and that the application was being taken ‘back in house’ (note, LB Hillingdon outsource applications to external company Terraquest). The relevant thread of emails is enclosed at **Appendix 7**.
- 17 – 23 November 2017 – Series of emails from Applicant to the Council without response (please refer to emails at **Appendix 8**, which set out in detail the evidence in relation to highways impacts of the scheme).
- 23 November 2017 – Response from James Rodger, Head of Planning including justification on the Council’s opinion that the scheme was unacceptable as car-free and that provision of on-site parking was necessary to make the development acceptable in planning terms. Please refer to the email and document at **Appendix 9**.
- 23 November 2017 – Email responses by Applicant. Please refer to the content of the email at **Appendix 10** which provide clear and compelling justification as to why the development is acceptable in highways terms.
- 27 November 2017 – Email from Applicant to Council (following no response to email dated 23 November). Content includes further justification as to why the development should not be refused on highways grounds. Amended site plan included which illustrates three on-site parking spaces (Please refer to emails at **Appendix 11**).
- 1 December 2017 – Counsel’s Opinion sent to Head of Planning James Rodger setting out why it would be unreasonable to refuse the application on highways grounds (**Appendix 12**).
- 1 – 4 December 2017 – Email exchange in an attempt to discuss over the phone with James Rodger (**Appendix 13**).
- 4 December 2017 – Phone conversation between James Rodger and Applicants during which it was confirmed that the revised provision of 3 on-site spaces was acceptable and could be approved on this basis.
- 6 December 2017 – Prior Approval Decision Notice issued based on revised scheme with three on-site parking spaces.

- 3.14 During the course of the prior approval application, the Appellant provided sound, professional and empirical evidence to the Council including parking surveys undertaken in accordance with the Lambeth Methodology and Transport Assessments by reputable Transport Planners (July 2017), at significant financial and time cost, but the Council overlooked or disagreed with this information without providing any evidence or detailed reasoning to support their position.

4 GROUNDS OF APPEAL

- 4.1 The Appellant puts forward that Condition 1 of prior approval reference 1654/APP/2017/2801 is not reasonable or necessary to make the development acceptable in highways terms.
- 4.2 Paragraph 206 of the NPPF states that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
- 4.3 In this instance, Condition 1 fails to meet the tests set out in paragraph 206 of the NPPF as it is not necessary in planning terms, nor is it reasonable to impose such a condition without sound justification to do so. Based on the evidence provided during the course of the Prior Approval application and the additional evidence before the Inspector, we respectfully request that the Inspector finds in favour of the removal of Condition 1.

Relevant Planning Policy and Legislation

- 4.4 Class P2. (b)(ii) of the GPDO states that the Council are required to consider transport and highways impacts of the development. Whilst the legislation provides no defined parameters or standards in relation to the threshold for highways impacts, it is reasonable to base the assessment on planning policy.

National Planning Policy Framework (2012)

- 4.5 Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The NPPF further acknowledges an overall need to reduce the use of high emission vehicles and where possible, encourage the use of more sustainable modes of transport; walking, cycling or public transport.

Minor Alterations to the London Plan (2016) and Draft New London Plan (2018)

- 4.6 The adopted and emerging London Plan advocates that 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'). This is consistent with central government's aims to reduce reliance on private car ownership.

Hillingdon Local Plan – Saved UDP Policies (2007)

- 4.7 We acknowledge the Borough's adopted and emerging policies on vehicle parking in new developments, although the Saved UDP Policies (2007) are out of date and the emerging Development Management Plan (2015) is not yet adopted. These policies should be attributed limited weight and the starting point for the decision maker should be the London Plan, with the NPPF providing a strong material consideration.
- 4.8 Notwithstanding the above, Policy DMT6 *Vehicle Parking* of the emerging Development Management Plan (2015) states that the Council can agree to vary parking requirements where the variation would not lead to a deleterious impact on street parking provision and/or

a transport appraisal and travel plan has been approved and parking provision is in accordance with its recommendations.

- 4.9 The Transport Statement and Parking Survey by Cottee Transport Planning (July 2017) and further evidence compiled for the purpose of this appeal unequivocally demonstrate that the scheme will not create significant impacts in relation to on-street parking, or any severe highways impacts, meeting both tests set out at Policy DMT6. On this basis, it is clear that there would not be a policy conflict with providing no on-site parking.
- 4.10 This position is reinforced by the London Plan and local policy DMT6 which sets out maximum parking standards, thus provision of no on-site parking does not conflict with adopted regional policy.
- 4.11 The policy position in relation to this development proposal is that there is no local, regional or national conflict with not providing on-site car parking, rather, this position is consistent with the Mayor's and government's aims to reduce reliance of private vehicles and promote sustainable development.
- 4.12 Appeal decisions consistently make clear that the parking standards relevant to the assessment of this application are set as maximum standards, as clarified in appeal reference APP/R5510/W/17/3171606 relating to a site in West Drayton, (**Appendix 14**) where the Inspector states '*I note that the relevant development plan policy in respect of parking, whilst a material consideration in the assessment of schemes subject to the prior approval process, sets maximum rather than minimum parking levels.*' This point is further emphasised by the Inspector at paragraph 3 of the appeal decision reference APP/R5510/W/15/3140974 (**Appendix 15**) which states '*as this is a maximum standard, there is no conflict with the policy by not providing any parking at all*'.
- 4.13 In the Appellant's experience of dealing with Hillingdon Council and evidenced in numerous appeal decisions it appears that Officers are seeking to maximise on-site parking in new developments, contrary to London Plan Policy 6.13 and to Draft London Plan Policy T6 which states that 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').

Material Considerations

- 4.14 Further to the clear policy position, there are a number of site-specific circumstances that in isolation, but particularly cumulatively, provide unequivocal evidence to demonstrate that three on-site parking spaces are not required to make the development acceptable in planning terms. Considerations such as unit mix, census data, PTAL and proximity to local amenities, provision of cycle storage on site all weigh in favour of the appeal site in this instance.
- 4.15 Professional analysis of the highways considerations relating to this site has been undertaken at length, with a total of three Transport Statements having been prepared to assess impact. For clarity, the transport assessments accompanying this appeal submission are as follows:
- Transport Assessment and Parking Survey, July 2017, prepared by Cottee Transport Planners. This statement accompanied the Prior Approval application.

- Transport Assessment and Parking Survey, April 2018. This statement was prepared in relation to a pre-application submission for one new dwelling and associated on-site parking space at the site. The new house would displace the three on-site spaces approved under the Prior Approval and was met with a negative response from the Council.
- Transport Technical Note was prepared by Kronen Ltd, specialists in Transport Planning, June 2018. This document provides an analysis of the transport considerations relating to the site, the accumulated parking survey data, detailed census data and anticipated highways impact of the 6 unit scheme Prior Approval.

4.16 The Inspector is referred to these technical reports whilst considering the appropriateness of Condition 1.

4.17 Whilst all applications should be assessed on their own merits, previous appeal decisions are important material considerations in the decision making process. Consistency in issuing planning decisions is necessary to maintain public confidence in the planning system, therefore any departure from materially similar appeal decisions must be justified and supported by empirical evidence and sound reasoning. The Appellant has sourced a number of recent successful appeals where parking stress was the main reason for local refusal with striking similarities to the proposed site; these are primarily from within LB Hillingdon. Whilst we are sure the Council is acutely aware of these decisions, they appear to have overlooked them in determining the prior approval application. Key trends are clear from the appeal decision include the following:

- Census data should be considered when anticipating the likely increase in parking demand of a development;
- Unit mix is relevant to the assessment of likely parking demand;
- PTAL and provision of cycle storage on site is relevant;
- Policy sets out maximum standards for parking and the provision of no parking does not contravene policy;
- Substantive evidence must be provided as justification for a particular stance on highways; and
- Parking stress between 85-90% is not considered to amount to harmful effects on highways.

Census Data

4.18 Census data for the appeal site's ward demonstrates that car/van ownership of 61%. Kronen Planning's Transport Note (June 2018) has further distilled the census data to take account of smaller units, which illustrates that 54% of households with 1-3 bedroom within the Uxbridge South Ward are car free. It is therefore reasonable to deduce that demand for on-street parking generated by the 6 units would equate to 0.54 vehicles per dwelling, requiring 3 on-street parking spaces. Paragraph 39 of the NPPF explicitly reinforces this position and states that LPAs should take account of '*local car ownership levels*'.

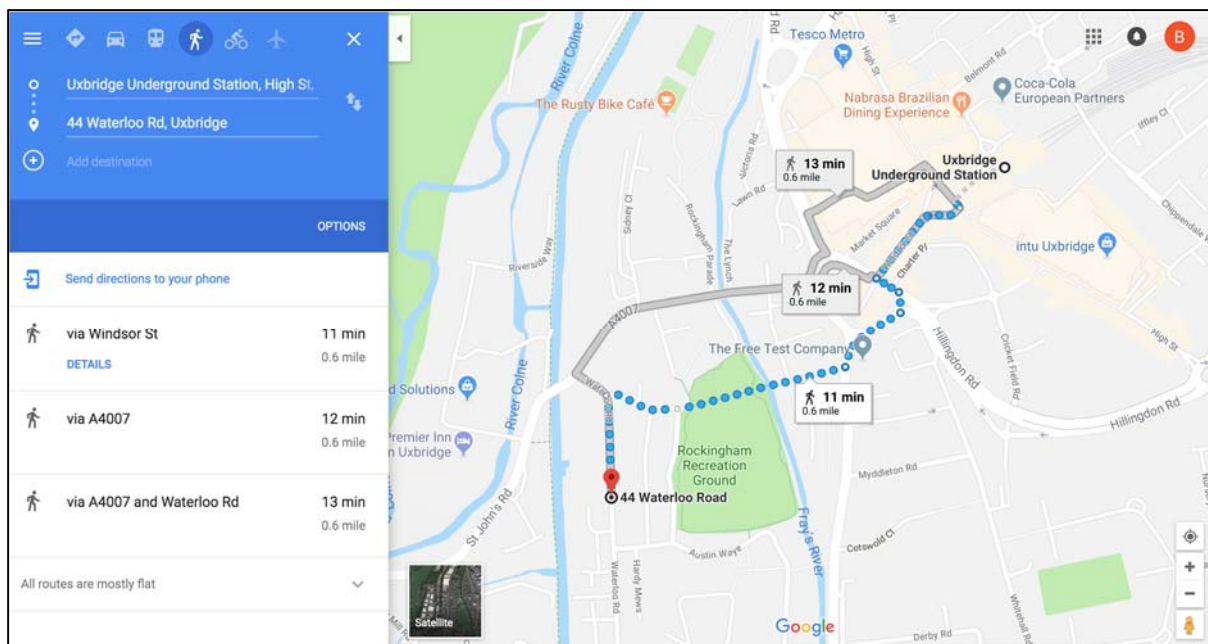
- 4.19 In considering the highways impacts of a 5 unit scheme in West Drayton with a PTAL 3, the Inspector found in favour of the Appellant, weighing up the *'good bus and rail connections within easy walking distance, and a lower level of car ownership in the area compared with the Borough average (census data)'* (APP/R5510/A/14/2227368, **Appendix 16**). In determining appeal in LB Hammersmith and Fulham, the Inspector stated *'Neither the appellant figure nor the Council case takes account of the different sizes of the dwellings, rather using an average. The approaches therefore do not fully accord with the Framework to take account of the mix of the properties.'* The Inspector then goes on to say *'Overall, because of the generous size of the individual units and the size of the 3-bedroom, units in particular, and that the census data is derived on an 'at least' basis I conclude that a figure of 0.7698 spaces per dwelling would be appropriate across the whole development. Rounding down this would give rise to a need for 18 car parking spaces.'* (APP/H5390/W/16/3158169, **Appendix 17**).

Unit Mix

- 4.20 Plainly overlooking the unit mix is inconsistent with direction at paragraph 39 of the NPPF and the established decision-making process.
- 4.21 In determining a scheme for 9x 1 bed units in West Drayton (APP/R5510/W/17/3171606, **Appendix 14**), the Inspector stated *'the proposed units would be of a modest size which would limit the amount of occupants that could reasonably reside there'*. A separate appeal decision for a 23 unit scheme in Ruislip states *'taken together, the limited size of the proposed dwellings, each containing only one bedroom, the good PTAL rating of the site and the number of cycle spaces that would be provided, lead me to the view that the level of parking demand arising from the proposed development could be more limited than the Council's estimate'* (APP/R5510/W/17/3173994, **Appendix 18**).
- 4.22 The approved 6 units are all one bedroom properties (5x 46sqm and 1 x 58sqm), thus are modest in scale, which should be given weight in assessing the likely car ownership.

Public Transport Accessibility Level - PTAL

- 4.23 TfL has verified that the site is considered to fall within a PTAL 2 area, however, the calculation does not include the 5 bus services accessible on Oxford Road because they are around 40m outside of the calculation range. It is considered that residents of the site would not be deterred from walking a further 40m; therefore once these services are included in the PTAL calculation, the PTAL increases to a PTAL 3 with an AI of 13.72. It is considered the latter calculation of a PTAL 3 is most representative of the sustainability of the site's location, considering Uxbridge town centre and a wide range of public transport facilities are within a 11 minute walk distance of the site.



Google Maps extract showing walking distance from site to Uxbridge Tube Station

- 4.24 An appeal site relating to 5 flats (net 3) in Northwood (APP/R5510/W/15/3140974, **Appendix 15**) is located within an area of PTAL 2 and a 12-minute walk to Northwood Tube Station. The Inspector considers the sites accessibility and states *'In my opinion, the site has reasonable access to public transport accessibility'* and approves the scheme without off street parking. In determining an appeal relating to a 4 unit scheme in Northwood (APP/R5510/W/16/3145677, **Appendix 19**) the Inspector stated that as the flats were proposed in a PTAL 3 location, the units *'would be suitable therefore for occupation by persons without access to a private car'*. This point is confirmed in an appeal decision for an 8 unit scheme in Hounslow, where three units were approved as car-free in a PTAL 1b/2 location (APP/F5540/W/17/3185025, **Appendix 20**). At paragraph 30 of this decision, the Inspector acknowledged *'Notwithstanding the overall PTAL rating of the site, it is located in close proximity to public transport provision. Although Policy 6.13 of the London Plan suggests that 8 parking spaces are required, I note that these are referred to as a maximum and not a minimum level of provision. I am also mindful that the policy seeks to ensure that an appropriate balance is struck between promoting new development and preventing excessive car parking provision that can undermine cycling, walking and public transport use. Taking into account the proximity to public transport provision, the availability of on street car parking provision and the planning policy desire to reduce car dependency, I consider that the 5 parking spaces proposed would be acceptable.'*
- 4.25 In appeal reference APP/W5780/W/15/3137677 (**Appendix 21**) the Inspector considered the Highways impact of a scheme for 104 residential units with parking for 47 cars in a PTAL 2 location. In allowing the appeal the Inspector made reference to the Institution of Highways Document "Guidance for Providing Journeys on Foot", which suggests that an acceptable commuter walking distance is 1km and the preferred maximum walking distance is 2km. As the site was within 2km of a number of amenities and transport options the inspector allowed the appeal and made the following comment *"I am satisfied that, in line with paragraph 30 of the NPPF, there are sustainable transport options in this location as an alternative to car use."*

- 4.26 It should be noted that 44 Waterloo Road is within 0.95km from Uxbridge Underground Station and 0.8km from the amenities of the Town Centre.

Parking Surveys and Levels of Parking Stress

- 4.27 The Transport Assessment and Parking Survey by Cottee Transport Planning (July 2017) included a parking survey that was carried out over two days in accordance with Lambeth Methodology. The maximum parking stress recorded is shown in the table below and illustrates that the highest point of stress was 69% at 21.00, at which point a total of 42 parking spaces remained unoccupied within 200m of the site.

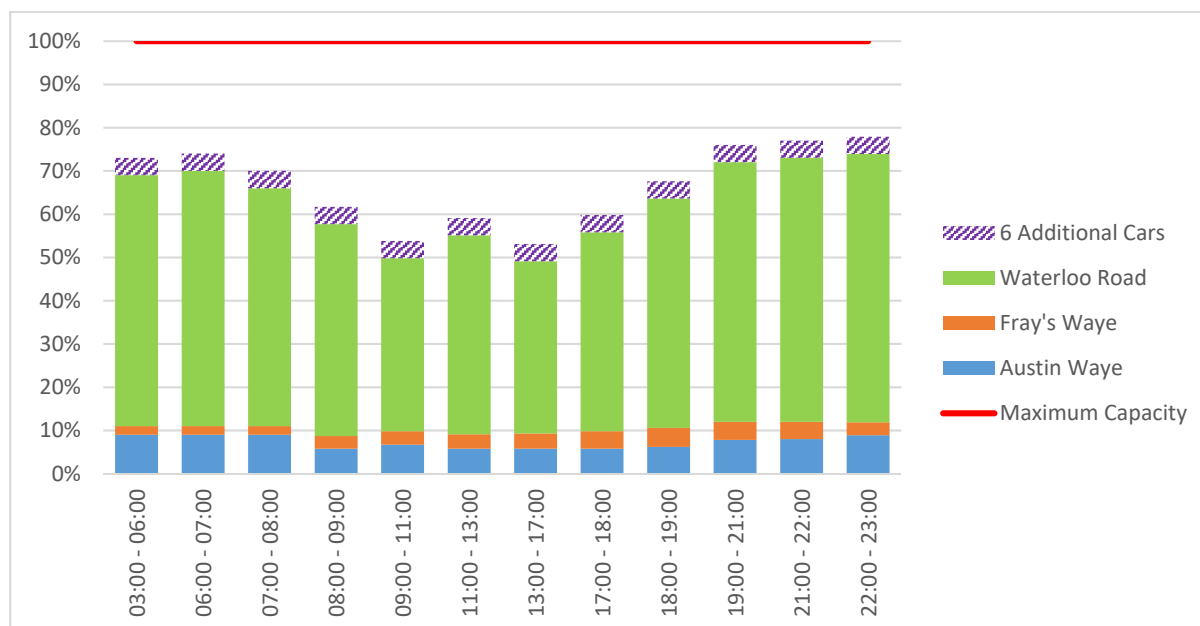
Time	No. of parking spaces	No. of parked cars	Parking Stress (%)	No. of available spaces
03:00	134	81	60%	53
07:00	134	76	57%	58
08:00	134	65	49%	69
09:00	134	62	46%	72
11:00	134	56	42%	78
13:00	134	48	36%	86
17:00	134	55	41%	79
18:00	134	84	63%	50
19:00	134	90	67%	44
21:00	134	92	69%	42

Parking survey data from June 2017

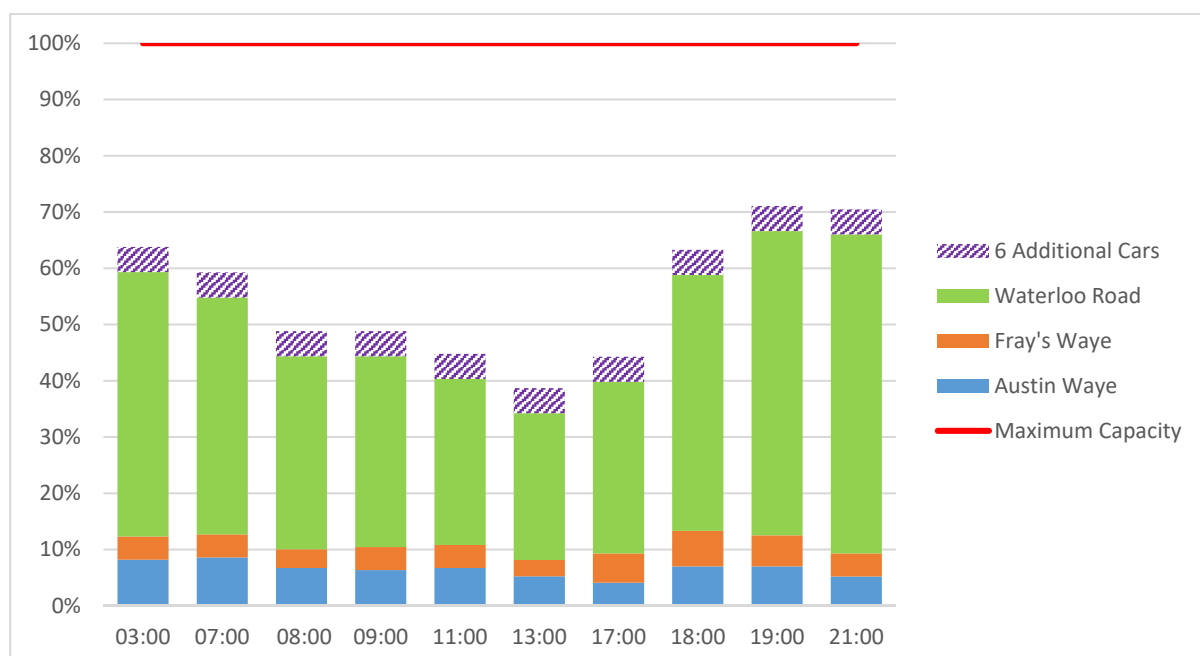
- 4.28 Additional parking surveys were undertaken in March 2018 over two weekdays and a Saturday, with an additional record from the Sunday at 01:00 which provide a more sustained and representative picture of parking in the local area and have been put forward to the Council in good faith, as the Appellant recognises the merits of transparency and providing the most accurate reflection of parking capacity in the vicinity. The Transport Assessment by Cottee Transport Planning accompanies this Appeal and demonstrates that at the point of maximum stress, there were 121 vehicles parked in the survey area of 148 spaces, with 27 spaces available (82% stress). This peak stress event occurred for a short period at 19.00; and then reduced to 74% at 21:00, 76% at 22:00 and 72% at 03:00. This data suggests that at the point of high stress is an anomaly within the data set, likely triggered by a local event, and that a more consistent and representative picture of parking uptake can be gleaned from the late night and overnight data at which time most residents are at home. Between 20:00 – 03:00, parking stress varies between 70-78%.
- 4.29 Notwithstanding the above, the Appellant holds the view that even in the event that the ‘worst case scenario’ is used as the assessment benchmark, a parking stress would not reach a level that results in severe impact. Taking the one-off figure of 82%, plus the impact flowing from the 6 x additional units, assuming all 6 units owned a car, the resultant stress would be 86%. This is an unlikely scenario. Based on census data, the likely on-street demand would be for 3 units, resulting in a maximum stress of 84%. Given this level of stress only occurred

at 19:00-21:00 for a maximum of 2 hours out of a 19 hour survey period, this too is an unlikely or short-lived scenario. And even if this situation did occur, a surplus of 27 spaces would remain available for residents to park.

4.30 The graphs below illustrates car parking within 200m of the site based on an average of the 2017 and 2018 parking surveys, which provide clear visual aids as to the capacity that remains for on-street parking, even assuming the addition of 6 vehicles, albeit an addition of 3 vehicles is the most likely scenario based on census data.



Percentage Average Occupancy & Capacity - 6 Additional Cars- March 2018



Percentage Average Occupancy & Capacity - 6 Additional Cars - June 2017

4.31 The percentage at which a parking stress is engaged is not clearly defined and the Council have failed to justify their opinion that 69% occupancy is considered to be high stress.

Turning to Appeal Decisions in the interest of consistent decision making, it is clear that site-specific circumstances and the number of spaces available are the most relevant considerations.

- 4.32 In determining the appeal at 12-14 Bentick Court (**Appendix 14**), the Inspector considered the Technical Parking Note submitted by the Appellant. Paragraphs 7 and 8 of this decision state as follows:

'I am conscious of the Transport Technical Note (dated November 2016) submitted by the appellant, based on comprehensive parking surveys of the area, which show that between 25 and 30 spaces were available in the immediate area on the nights that it was surveyed.'

- 4.33 It should be noted that the Technical Note references parking stress recorded by the surveys, carried out over two days demonstrate maximum stress of 85% at which point there were 137 parked cars and 25 spaces. The development related to the 9 residential units with 2 on-site parking spaces (although the Inspector considered that only 1 space could be provided). Assuming each unit owned a car, demand would be generated for 8 on-street spaces, resulting in a post-development parking stress of 88% the inspector held that the correct approach was to consider likely car ownership informed by census data, on this basis post development stress was considered to be 86%. The Inspector stated at paragraph 8 *'I consider that it has not been demonstrated that the modest additional demand for on-street parking caused by the development would lead to undue pressure for limited on-street space to the detriment of either highway safety or the transport network more generally'*.

- 4.34 It is critical to consider that not only did the Inspector allow the appeal at 12-14 Bentinck Court, but that a successful costs application was also made against LB Hillingdon. In determining the application for costs (**Appendix 14**) the Inspector found the following:

- 4.35 Paragraph 2: *The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.*

- 4.36 Paragraph 3: *The application for costs was brought because the Council failed to produce evidence to substantiate its reason for refusal, and secondly that the Council failed to determine similar cases in a consistent manner.*

- 4.37 Paragraph 5: *'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'.*

- 4.38 Paragraph 7: *'Whilst it is clear from the Officer Report on the scheme that the applicant's evidence in this respect has been taken into account, no compelling substantiated evidence has been presented by the Council to add weight to its assertion that the maximum parking standards set out within Policy AM14 of the Hillingdon Unitary Development Plan (adopted 1998) (the UDP), of 1.5 spaces per dwelling, or indeed a requirement of 1 space per dwelling should be adhered to in this scheme, or how any minor increases in parking that could arise from the use of these figures as opposed to those included within the applicant's Transport Technical Note would add to pressure for on-street parking in the area to the extent that it would not enable safe or suitable access to the site, or result in severe transport impacts. For these reasons, I find that the Council did not establish a robust evidential base to substantiate its reason for refusal.'*

- 4.39 Paragraph 8: *Whilst I note that the each planning proposal needs to be considered on its own merits, and that the development plan is a material consideration in the determination of applications for prior approval, the previous decision is nevertheless a material consideration of some weight and importance given the similarity of its subject matter. I therefore consider that in its failure to substantiate adequately its reason for refusal in terms of the severity of highways impacts of the scheme, the Council did not demonstrate that it had determined the planning application in a manner consistent with this previous appeal decision.*
- 4.40 Paragraph 9: *I consider that the Council acted unreasonably in its failure to produce evidence to substantiate its reasons for refusal, and in doing so it did not demonstrate that it had determined similar cases in a consistent manner. I find therefore that unreasonable behaviour, resulting in unnecessary or wasted expense in the appeal process, as described in the PPG has been established in this case and that a full award of costs is justified.*
- 4.41 We also draw the Inspector's attention to the following appeal decisions which again demonstrate that inspectors consider parking stress in excess of 80% to be acceptable in term of Highways impact:
- APP/Z5060/W/17/3176546, **Appendix 22** (parking survey showing max stress of 85%)
- APP/H5390/W/16/3158027, **Appendix 23** (parking survey showing max stress at 90%)
- APP/K5600/W/17/3171678, **Appendix 24** (parking survey showing 80%-90% stress)
- APP/H5390/W/16/3158169, **Appendix 17** (over 80% stress)
- 4.42 The Inspector is directed to page 8 of the accompanying Transport Technical Note by Kronen Ltd (June 2018) where examples of a further five planning decisions are referenced, which illustrate approvals where parking stress was up to 93%.
- 4.43 Consistency in decision making is a well-established principle in planning, which has been supported in many decisions by the courts. In *Butterworth v Secretary of State for Communities and Local Government & Anor [2015]*, the single ground of challenge was that the Inspector failed to have proper regard to two previous appeal decisions for similar developments on nearby buildings.

Impact of Existing and Other Permitted Uses

- 4.44 In the determination of the prior approval application, the Council failed to consider the impact of the existing use and other permitted uses. The base line impact of the existing and other lawful uses should be attributed significant weight when assessing highways impact. Based on the above methodology and referring to the "HCA's Employment Density Guide" as the lawful B8 use the building would likely be occupied by 4 employees with further customers and suppliers visiting the site sporadically. Based on car ownership data referenced in the 2011 Census this would likely result in 2 employees requiring parking spaces, with customers and suppliers requiring a further 2 spaces. It is material to consider that under Class I of the GPDO the building could have changed use from B8 to B1(a) without the need for prior approval; referring to the "HCA's Employment Density Guide" and the "Mayor of London's 2014 London Office Floor Space Projections" the likely number of employees would be up to 30 members of staff. This would result in the need for up to 15 spaces and a further 2 for

visitors. There were historically 3 parking spaces on site hence the likely over spill would have been around 14 cars. Whilst it is noted that the subject premises is in a CPZ there are number of roads in close proximity without parking management schemes (Wallingford Road, Cowley Mill Road) where employees could park.

- 4.45 The Council did not consider the above when deciding prior approval application 1654/APP/2017/2801 and when imposing Condition 1. Notwithstanding the availability of parking in the vicinity as demonstrated in the submitted parking survey, clearly the potential demand created by 6 residential units in relation to car parking and highways impact is significantly less than that of other lawful commercial uses that could have been implemented at the site. It should also be noted that the trip generation created by lawful commercial uses is likely to exceed that of the consented six residential units.
- 4.46 Councils need to consider base line highway impacts created by the existing lawful use of any proposal and other uses not requiring planning consent or prior approval. In appeal decision APP/W5780/W/15/313677 (**Appendix 21**) the Inspector considered that the likely parking demand created by the existing lawful use would not be greater than that of the proposed residential use and allowed the appeal. The inspector referred to the “Mayor of London’s 2014 London Office Floor Space Projections” in considering the impact of the existing use and commented “*I am unconvinced that the demand for parking spaces outside the CPZ would be significantly higher than for the office use*”. The principle of giving weight to permitted development rights when considering highways impacts is established, and the “fall-back position” is a strong material consideration. This is summed up in appeal reference APP/F5540/W/16/3144162 (**Appendix 25**), where the Inspector concludes that a condition requiring details to restrict parking permits for future occupiers was not reasonable or necessary on the basis that the building benefited from rights under Class G of the GPDO for the conversion to two flats, without any restrictions.
- 4.47 **Requirement to Provide Evidence**
- 4.48 During course of the Prior Approval application, the Council consistently referred to the presence of high parking stress at the site, yet provided no evidence or justification to substantiate such conclusions. The Council have a duty to provide evidence or strong justification to back up planning decisions, particularly if that decision or position deviates from the established approach in past decisions. In determining the Prior Approval, the Council failed to provide intelligible and adequate reasons to explain their unwavering view that an unacceptable level of highways stress existed at the appeal site, instead providing only vague and ambiguous anecdotes of local residents’ concern.
- 4.49 This lack of any tangible evidence is further undermined by the clear evidence submitted by the applicant during the course of the Prior Approval application, which followed adopted methodology.
- 4.50 This is clearly demonstrated in Appeal Decision reference APP/R5510/W/15/3140974 (**Appendix 15**) where at paragraph 6 the Inspector comments ‘*I note the Council’s comments that there is a congestion hotspot nearby, but I am not aware of its exact location or have details of how the proposal might effect it*’. Determining an appeal in Hammersmith and Fulham (APP/H5390/A/14/2215126, Appendix 26), the Inspector commented ‘*The Council have not produced any evidence regarding the existing ‘significant on-street parking stress’*

referred to in the reason for refusal. On this basis, I consider the evidence from these surveys and my site visit to be a reasonable reflection on the evening parking availability'.

- 4.51 For the reasons set out within this statement, the clear evidence provided and material considerations that should be attributed significant weight. We respectfully request that Condition 1 if found by the Inspector as unnecessary.

5 CONCLUSIONS

- 5.1 Condition 1 attached the prior approval decision fails to meet the tests set out at paragraph 206 of the NPPF as it is not necessary to make the development acceptable in planning terms.
- 5.2 The purpose of Condition 1 is to secure on-site parking for three of the 6 x 1 bedroom units on site. The evidence provided within this statement demonstrates that the Council's decision making rationale during the course of the application was deeply flawed, based on unsubstantiated opinions, deviated from adopted policy and failed to have proper regard or give weight to material considerations. For these reasons, this decision is the subject of a separate application for costs submitted alongside this appeal.
- 5.3 In support of the appeal, the salient points relevant to the determination are as follows:
- The site is an 11 minute walk from Uxbridge Tube Station (0.95km/0.6miles) and a 10 minute walk from the amenities of the town centre (0.08km/0.5miles) which includes a wide variety of high street shops, cafes and banks. These site specific circumstances make the proposed units suitable for occupation without reliance on private vehicles.
 - The site has a manual PTAL of 3 which best represents the site's accessibility. In addition to the public transport options close to the site, secure and covered cycle parking is provided on site on a 1:1 basis, plus a visitor cycle parking space.
 - Census data for the ward area based on 1-3 room units demonstrates that typical car ownership is 0.54 per dwelling, therefore the 6 units could reasonably be expected to generate on-street demand for 3 additional cars.
 - Taking into account the existing and permitted uses, the building could have generated demand for up to 14 on-street spaces as Use Class B1(a).
 - Unit mix is relevant to the assessment of likely parking demand and given the units comprise one bedroom properties, the likelihood of individual car ownership is further reduced. This is reinforced by census data that shows car ownership levels is reduced for smaller properties.
 - Policy sets out maximum standards for parking and the provision of no parking does not contravene local, regional or national policy.
 - Clear and compelling evidence was provided during the course of the application, which demonstrated that at the maximum level parking stress within 200m of the site was at 69% (42 spaces available). Additional parking surveys from March 2018 reinforce that typical parking uptake is between 70-78% during the key evening and overnight survey times. Even taking the peak stress of 82% (a single and unsustained occurrence) a surplus of 27 parking spaces remained available. Aforementioned appeal decisions consistently find that parking stress between 85-90% does not amount to harmful highways impacts.
- 5.4 Based on the original submission documents and the additional information submitted, we respectfully request that the Inspector allows this Appeal.

APPENDIX 1



Lotte Hirst
Jaspar Group
Stanmore House
15-19 Church Road
Stanmore HA7 4AR

Application Ref: 1654/APP/2017/2801

**The Town and Country Planning (General Permitted Development)
(England) Order 2015**

The Council of the London Borough of Hillingdon as the Local Planning Authority hereby confirm that their **PRIOR APPROVAL IS REQUIRED AND GIVEN** for the proposed development at the address shown below, as described by the description shown below, and in accordance with the approved details shown below:

Address of the proposed development:

44 Waterloo Road Uxbridge

Description of proposed development:

Change of use from Use Class B8 (Storage or Distribution Centre) to Use Class C3 (dwellinghouse) for 6 x 1 bed flats (Prior Approval).

Date of application:

07 August 2017

Plan Numbers:

Covering Letter/Planning Statement Updated October 2017 - received 06 Oct 2017

Transport Statement October 2017 - received 06 Oct 2017

Site Location Plan - received 07 Aug 2017

Existing and Proposed Roof Plans - received 07 Aug 2017

Proposed Ground Floor & First Floor Plan - received 07 Aug 2017

Existing Ground Floor & First Floor Plan - received 07 Aug 2017

Proposed Site Block Plan - received 07 Aug 2017

Air Quality Assessment May 2017 - received 31 Jul 2017

Environmental Noise Survey and Noise Impact Assessment Report June 2017 - received 31 Jul 2017

Phase 1 Preliminary Risk Assessment - received 31 Jul 2017

Flood Risk Report June 2017 - received 31 Jul 2017

JM043 - BPS - GA - 900 Proposed Ground Floor (incorporating Site Plan) - received 23 Nov 2017

pdecpsd

Conditions:

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.

REASON

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).

Notwithstanding the hereby approved drawing ref: JM043 - BPS - GA - 900, 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 storage shall be carried out as agreed and remain in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

REASON

To ensure appropriate refuse storage is provided on site, to safeguard highway safety, and to safeguard the free flow of traffic, in accordance with policies AM2 and AM7 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and policy 5.17 of the London Plan (2016).

Prior to occupation of the development, a Parking Allocation Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the parking shall be for residential use of the flats hereby approved and as agreed within the Parking Allocation Plan unless otherwise agreed in writing by the Local Planning Authority.

REASON

To ensure availability and management of parking, in accordance with policies AM2, AM7 and AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and policies 6.3 and 6.13 of the London Plan (2016).

Prior to any works being carried out, a Phase 2 Environmental Site Investigation and an asbestos refurbishment survey shall be undertaken and the results shall be submitted and approved in writing by the Council.

REASON

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy OE11 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and policy 7.21 of the London Plan (2016).

INFORMATIVES:

1. It is a requirement of the above condition A.4 that the development shall be carried out in accordance with the information that the developer provided to the local planning authority, unless the local planning authority and the developer agree otherwise in writing.

2. Please ensure that a Building Regulations application is submitted for this work, please visit Hillingdon Building Control website for the application forms.

Additional Informative:

Nuisance from demolition and construction works is subject to control under The Control of Pollution Act 1974, the Clean Air Acts and other related legislation. In particular, you should ensure that the following are complied with:-

A. Demolition and construction works which are audible at the site boundary shall only be carried out between the hours of 08.00 and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank or Public Holidays.

B. All noise generated during such works shall be controlled in compliance with British Standard Code of Practice BS 5228:2009.

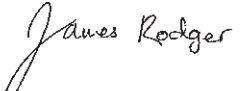
C. Dust emissions shall be controlled in compliance with the Mayor of London's 'Best Practice Guidance' The Control of dust and emissions from construction and demolition.

D. No bonfires that create dark smoke or nuisance to local residents.

You are advised to consult the Council's Environmental Protection Unit (www.hillingdon.gov.uk/noise Tel. 01895 250155) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the 'Saved' UDP 2007, Local Plan Part 1, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

END OF SCHEDULE


James Rodger
Head of Planning and Enforcement

Date: 6 December 2017

Address:
Residents Services
London Borough of Hillingdon
3 North Civic Centre, High Street, Uxbridge UB8 1UW
Tel: 01895 250230
www.hillingdon.gov.uk

APPENDIX 2

DELEGATED DECISION

**Prior Approval Application under Part 3, Class P of
The Town and Country (General Permitted
Development) (England) Order 2015**

**Class P – storage or distribution centre to
dwellinghouses**

The delegation powers schedule has been checked. Director of Residents Services can determine this application.

Case Officer

Katherine Mills

Signature:

Date: 5th December 2017

A delegated decision is appropriate and the recommendation, conditions/reasons for refusal and informatives are satisfactory.

Team Manager:

Signature:

Date:

The decision notice for this application can be issued.

**Director / Member of Senior
Management Team:**

Signature:

Date:

NONE OF THE ABOVE DATES SHOULD
BE USED IN THE PS2 RETURNS TO THE
ODPM

Report of the Head of Planning, Transportation and Regeneration

Address 44 WATERLOO ROAD UXBRIDGE

Development: Change of use from Use Class B8 (Storage or Distribution Centre) to Use Class C3 (dwellinghouse) for 6 x 1 bed flats (Prior Approval).

LBH Ref Nos: 1654/APP/2017/2801

Drawing Nos: Covering Letter/Planning Statement Updated October 2017
Transport Statement October 2017
Site Location Plan
Existing and Proposed Roof Plans
Proposed Ground Floor & First Floor Plan
Existing Ground Floor & First Floor Plan
Proposed Site Block Plan
Air Quality Assessment May 2017
Environmental Noise Survey and Noise Impact Assessment Report June 2017
Phase 1 Preliminary Risk Assessment
Flood Risk Report June 2017
JM043 - BPS - GA - 900 Proposed Ground Floor (incorporating Site Plan)

Date Plans Received: 28/07/2017 **Date(s) of Amendment(s):** 06/10/2017
Date Application Valid: 07/08/2017 31/07/2017
23/11/2017

1. RECOMMENDATIONS

1.1 Recommendations

PRIOR APPROVAL IS REQUIRED AND GIVEN

CONDITIONS

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.

REASON

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).

Notwithstanding the hereby approved drawing ref: JM043 - BPS - GA - 900, 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 storage shall be carried out as agreed and remain in perpetuity, unless otherwise agreed in writing by

the Local Planning Authority.

REASON

To ensure appropriate refuse storage is provided on site, to safeguard highway safety, and to safeguard the free flow of traffic, in accordance with policies AM2 and AM7 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and policy 5.17 of the London Plan (2016).

Prior to occupation of the development, a Parking Allocation Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the parking shall be for residential use of the flats hereby approved and as agreed within the Parking Allocation Plan unless otherwise agreed in writing by the Local Planning Authority.

REASON

To ensure availability and management of parking, in accordance with policies AM2, AM7 and AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and policies 6.3 and 6.13 of the London Plan (2016).

Prior to any works being carried out, a Phase 2 Environmental Site Investigation and an asbestos refurbishment survey shall be undertaken and the results shall be submitted and approved in writing by the Council.

REASON

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INFORMATIVES

- 1 Nuisance from demolition and construction works is subject to control under The Control of Pollution Act 1974, the Clean Air Acts and other related legislation. In particular, you should ensure that the following are complied with:-

A. Demolition and construction works which are audible at the site boundary shall only be carried out between the hours of 08.00 and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank or Public Holidays.

B. All noise generated during such works shall be controlled in compliance with British Standard Code of Practice BS 5228:2009.

C. Dust emissions shall be controlled in compliance with the Mayor of London's Best Practice Guidance' The Control of dust and emissions from construction and demolition.

D. No bonfires that create dark smoke or nuisance to local residents.

You are advised to consult the Council's Environmental Protection Unit (www.hillingdon.gov.uk/noise Tel. 01895 250155) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

- 2 In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the 'Saved' UDP 2007, Local Plan Part 1, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

2.0 SUMMARY

The application seeks prior approval for the Change of Use from Use Class B8 (Storage or Distribution Centre) to Use Class falling within Class C3 (dwellinghouses).

The proposal falls to be considered within Schedule 2, Part 3, Class P of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) which allows for such development subject to a determination by the Local Planning Authority as to whether Prior Approval will be required. The application is not seeking full planning permission and Schedule 2, Part 3, Class P of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) only permits the Local Planning Authority to take the following factors into consideration in the determination of such an application:

- (i) impacts of air quality on the intended occupiers of the development;
- (ii) transport and highways impacts of the development,
- (iii) contamination risks in relation to the building,
- (iv) flooding risks in relation to the building,
- (v) noise impacts of the development, and
- (vi) where the authority considers the building to which the development relates is located in an area that is important for providing storage or distribution services or industrial services or a mix of those services, whether the introduction of, or an increase in, a residential use of premises in the area would have an adverse impact on the sustainability of the provision of those services,

The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.

The application has been assessed against the above criteria and subject to relevant conditions the application is recommended for approval.

3.0 PLANNING CONSIDERATIONS

Site and Locality

The application site is situated on the western side of Waterloo Road and comprises of a part two storey part single storey warehouse unit (No. 44 Waterloo Road) on a site with an area of 0.0284 hectare, accessed via the existing shared vehicle access way serving various works buildings and garages behind.

The surrounding area is predominantly residential fronting Waterloo Road with a mix of semi-detached dwellings, terraces and flats. To the rear of the houses/flats on the western side of the road are a row of wharfs, warehouses and industrial works units alongside the Grand Union Canal, all with access from Waterloo Road. This area up to the St. John's Road bridge forms part of the designated Uxbridge Moor Conservation Area.

Proposed Scheme

The application has been submitted to establish whether prior approval is required for the conversion of an existing two storey warehouse unit Class B8 (Storage or Distribution Centre) situated on the western side of Waterloo Road (accessed via the existing shared vehicle access way serving various works buildings and garages behind) to Use Class C3 (Residential), comprising of 6 x 1 bed flats. The scheme also proposes three on-site parking spaces and seven cycle parking spaces.

Comments on Public Consultation

EXTERNAL

The Canal & River Trust:

Based upon the information available we have no comment to make.

INTERNAL

Highways:

This prior approval application is for the change of use of an existing B8 use (storage) in Waterloo Road Uxbridge to 6x1b flats.

Waterloo Road is a local distributor road and the site is within a CPZ that operates Monday to Friday 9am to 5pm. The street is subject to significant levels of parking stress as few properties have off-street car parking. Next door to the subject property is two old blocks of flats (36 flats) with no off-street car parking provided.

According to TfL's webcat tool the subject site has a PTAL value of 0 (very poor) which suggests there will be very strong reliance on private car trips to and from the site which is certainly supported by the level of local parking stress.

The site has a recent history of applications for changing the existing use to residential and they have been refused. In a recent (2014) application for the change of use to 6x1b flats one of the refusal reasons was lack of off-street car parking. In this latest application there is no off-street car parking associated with the proposal for 6x1b flats on the site. This would suggest the development is car free.

The existing residents of Waterloo Road and adjoining streets would suffer further parking stress if the development was approved without off-street car parking. The applicant has submitted a Transport Statement (TS) by Cottee (July 2017) in support of the application.

The TS says that the site is a B8 storage unit with associated car parking to the west but the conversion is for 6x1b flats with no car parking proposed on site as the car parking area is used for other purposes.

The TS cites the TfL webcat PTAL value of 0 and then goes on to carry out a site calculation that suggests that the site has a value of 2 (poor) which re-inforces the reliance on private car use with the nearest station over 900m away. In a recent development approved by the Council at Waterloo Wharf in Waterloo Road at a site with a TfL Webcat PTAL of 3 the Council accepted an on-site car parking provision of approximately 0.8 car parking spaces per flat.

In the case of no on-site car parking the TS has included the results of car parking stress surveys taken over 2 days in an area within 200m of the site which included Waterloo Road, Fray's Way and Austin's Way. Those surveys showed that there were sections of Waterloo Road that were subject to 74% parking stress. This high level of parking stress is suffered in the area from just a two day snapshot of car parking. The TS suggests that each unit should be allowed 1 car parking permit which indicates that the development is not car free but residents will be adding another 6 cars on street where very few spaces are available in close proximity to the site. This arrangement would mean concentrated parking

stress in the vicinity of the site.

Local residents objected to the Waterloo Wharf scheme in Waterloo Road on the grounds of the impact of the development on local parking stress. The TS suggests that 7 cycle parking spaces will be provided on site but limited details are provided. Similarly refuse/recycling bins are mentioned and limited details are provided. Both of these issues can be conditioned.

I am concerned that in an area with a poor PTAL score and existing high levels of parking stress that no off-street car parking is being provided. The applicant wishes to develop a site that would undoubtedly cause greater concern to local residents that already have to search for on-street car parking spaces.

On the basis of the above comments I suggest that you should refuse the application on the grounds of no off-street car parking being provided.

Officer comments:

The proposed development has been amended to include three on-site parking spaces which is considered acceptable.

Floodwater Management Officer:

RECOMMENDATIONS: No Objection

A corner of the site on Waterloo Road slightly falls into Flood Zone 2 which can be found on the Environment Agency Website. A Flood Risk Assessment by RPS ref: HLEF52952/001R dated June 2017 has been submitted. This has adequately demonstrated that the proposal will be safe from the risk of fluvial flooding.

Comments on Planning Application:

Finished floor levels of the proposal will be 31.49 m AOD. The modelled flood levels are 31.79m AOD. The risk to the site is considered to be low as the majority of the site is located in Flood Zone 1. A small section of the site is located in Flood Zone 2 although this is unlikely to impact on the property. Safe access and egress is available from the properties through the front or rear entrances.

There is no objection to this change of use.

Environmental Protection Unit:

No comments provided

4.0 PLANNING CONSIDERATIONS

Building Details

P.1 Development is not permitted by Class P if-

- (a) the building was not used solely for a storage or distribution centre use on 19th March 2014 or in the case of a building which was in use before that date but was not in use on that date, when it was last in use
- (b) the building was not used solely for a storage or distribution centre use for a period of at least 4 years before the date development under Class P begins
- (c) the use of the building falling within Class C3 (dwellinghouses) of that Schedule was begun after 15th April 2018
- (d) the gross floor space of the existing building exceeds 500 square metres;
- (e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;
- (f) less than 1 year before the date the development begins (i) an agricultural tenancy over

the site has been terminated, and (ii) the termination was for the purpose of carrying out development under this Class, unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural purposes;

(g) the building is within

(i) an area of outstanding natural beauty;

(ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981(a);

(iii) the Broads; or

(iv) a National Park;

(v) a World Heritage Site;

(h) the site is, or forms part of

(i) a site of special scientific interest;

(ii) a safety hazard area;

(iii) a military explosives storage area;

(i) the building is a listed building or is within the curtilage of a listed building; or

(j) the site is, or contains, a scheduled monument.

Conditions

P.2 Development is permitted by Class P subject to the condition that before beginning the development, the developer must

(a) submit a statement, which must accompany the application referred to in paragraph

(b), to the local planning authority setting out the evidence the developer relies upon to demonstrate that the building was used solely for a storage or distribution centre use on the date referred to in paragraph P.1(a) and for the period referred to in paragraph P.1(b);

(b) apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to

(i) impacts of air quality on the intended occupiers of the development;

(ii) transport and highways impacts of the development,

(iii) contamination risks in relation to the building,

(iv) flooding risks in relation to the building,

(v) noise impacts of the development, and

(vi) where the authority considers the building to which the development relates is located in an area that is important for providing storage or distribution services or industrial services or a mix of those services, whether the introduction of, or an increase in, a residential use of premises in the area would have an adverse impact on the sustainability of the provision of those services,

and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

Interpretation of Class P

P.3 For the purposes of Class P curtilage (except in paragraph P.1(i)) means

(a) the piece of land, whether enclosed or unenclosed, immediately beside or around the building in storage or distribution centre use, closely associated with and serving the purposes of that building, or

(b) an area of land immediately beside or around the building in storage or distribution centre use no larger than the land area occupied by the building, whichever is the lesser;

general industrial use means a use falling within Class B2 (general industrial) of the Schedule to the Use Classes Order;

industrial service means services provided from premises with a light industrial use or general industrial use;

light industrial use means a use falling within Class B1(c) (light industrial) of the Schedule to the Use Classes Order;

storage or distribution centre use means a use falling within Class B8 (storage or distribution) of the Schedule to the Use Classes Order; and storage or distribution services

means services provided from premises with a storage or distribution centre use.

The application is supported by a declaration from RPS stating the existing use of the building is for storage and distribution.

The application building is considered to accord with the above criteria.

Impacts of Air Quality on Intended Occupiers

The Council's Environmental Protection Unit were consulted on the proposals and raised no objections. The proposal is therefore deemed acceptable in terms of air quality.

Transport and Highways Impacts

The application site is located within an area with a PTAL of 1b (poor) and is located within a Controlled Parking Zone (CPZ) which restricts parking between the hours of 0900 and 1700 Monday to Friday. In addition, Waterloo Road also has Pay and Display (maximum 2 hours) shared parking bays for residents and visitors. It is noted that few properties have off-street car parking, requiring residents to park on the road, through the provision of parking permits.

Given that Waterloo Road has a low PTAL, there is a strong reliance on private car trips which results in significant levels of parking stress on Waterloo Road and the surrounding roads. A Transport Statement, submitted as part of this application, included an on-street parking survey carried out over two days which showed that Waterloo Road was subject to 74% parking stress.

The proposed development would provide 6 new residential units; three parking spaces would be provided within the rear yard of the site. It is noted that during the public consultation no objections were received in regards to parking.

Whilst the proposed development would not provide one to one parking for the proposed development, it is considered that the provision of three parking spaces within the site would be acceptable given the site's location within a Controlled Parking Zone (CPZ) and the requirement for parking permits.

A condition to secure the three on-site parking spaces and seven cycle parking spaces shall be added to any consent granted. In addition, a condition requiring the provision of a parking allocation plan shall be included in order to ensure that the three on-site parking spaces are allocated to three of the proposed flats and not for separate sale or rent.

Subject to the proposed conditions the highways impact of the development is acceptable.

Contamination Risk in Relation to the Building

The applicants have submitted a preliminary contamination risk assessment for the proposed conversion of the building to six residential dwellings. The proposed conversion to residential units would not lead to a risk of contamination, although the risk assessment advises that a Phase 2 Environmental Site Investigation and an asbestos refurbishment survey should be undertaken prior to any works being carried out; this can be secured by way of a condition on any consent granted. No objection was raised by the Environmental Health Officer; therefore there are no contamination concerns.

Flooding Risks in Relation to the Building

The Council's Floodwater Management Officer has assessed the Flood Risk Assessment submitted as part of this application and has raised no objection to the proposed conversion of the building to six residential dwellings. The risk to the site is considered to be low as the

majority of the site is located in Flood Zone 1. A small section of the site is located in Flood Zone 2; although this is unlikely to impact on the property.

Noise Impacts of the Development

The Council's Environmental Protection Unit were consulted on the proposals and raised no objections. The proposal is therefore deemed acceptable in terms of noise impacts.

Impact on Sustainability

The application site is not located in an area that is considered by the Local Planning Authority to be important for providing storage or distribution services or industrial services or a mix of those services. As such no concerns are raised to the proposed loss of this use in this locality.

5.0 RELEVANT PLANNING HISTORY

1654/A/86/1107 Japanese Car Autos, 44 Waterloo Road Uxbridge
Change of use from vacant building to light industrial use.

Decision Date: 09-01-1987 ALT

1654/APP/2013/2512 Japanese Car Autos, 44 Waterloo Road Uxbridge

We are looking for planning permission for fitting spare parts supply & fit in Black Horse Yard. We got engineering company and body shop garage. Our place is situated in Waterloo Road. This place were used as industrial purpose since 1980 as boat repair yard. 1993 the planning permission was for storage and distribution as spare parts. The business is very bad, we are unable to pay rent & tax. So we have to depend on fitting the parts as well

Decision Date: 11-09-2013 NFA

1654/APP/2014/1211 Japanese Car Autos, 44 Waterloo Road Uxbridge

We are looking for change of view. We sale car parts used and new. We are looking to introduce supply and fit for car parts in order to increase sale. In our area BLACK HORSE YARD we got engineering company and body shop garage. This place were used as industrial purpose since 1980 as boat repair yard. In 1993 the planning permission was for storage and distribution of spare parts

Decision Date: 19-05-2014 NFA

1654/APP/2014/3716 The Old Mission Hall 44 Waterloo Road Uxbridge

Change of use from, Class B8 (Storage and Distribution) to C3 (Dwellings) and 6 x 1-bed dwellings (Application for Outline Permission with all matters reserved)

Decision Date: 15-12-2014 Refused

1654/APP/2015/753 The Old Mission Hall 44 Waterloo Road Uxbridge

Demolition of existing buildings and erection of 2 x semi detached dwellings (Application for Outline Permission with all matters reserved)

Decision Date: 27-04-2015 Refused

1654/B/92/0153 44 Waterloo Road Uxbridge

Change of use from Church Hall to Class B8 (storage and distribution of used car spares) (retrospective application)

Decision Date: 27-11-1992 Refused

1654/D/93/0467 44 Waterloo Road Uxbridge

Change of use from church hall to Class B8 (storage and distribution of used car spares)

(retrospective application)

Decision Date: 02-07-1993 Approved

Comment on Planning History

None

6.0 REFERENCE DOCUMENTS

The Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)
Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Contact Officer: Katherine Mills

Telephone No: 01895 250230

APPENDIX 3

Job No: AE/LH/JCG23131

E-mail: alun.evans@cgms.co.uk

Date: 21st September 2017

Mr John Preston
Planning Department
2W/04
Civic Centre
High Street
Uxbridge
Middlesex
UB8 1UW

Dear John

SITE: 44 WATERLOO ROAD, UXBRIDGE, UB8 2QX

PRIOR APPROVAL APPLICATION FOR CHANGE OF USE FROM USE CLASS B8 TO USE CLASS C3

APPLICATION REFERENCE: 1654/APP/2017/2801

I am writing on behalf of our client, Uxbridge Property Ltd, in relation to the above application for prior approval. We note from your email dated 1st September that the Council's Highways Officer has expressed that the development is unacceptable based on the low PTAL score. In an additional phone conversation on 12th September 2017 between myself and the Highways Officer, parking stress and pressure from Councillors and residents were cited as additional reasons why the development would cause unacceptable highways impacts.

We do not agree that the development will result in unacceptable highways impacts. The key points in support of this application are:

- The manual PTAL is 3 (not 0 as indicated by the automatic PTAL online tool).
- The relevance of PTAL is limited as we are not proposing a car-free development, although the applicant would be amenable to 3 of the 6 houses proposed to be restricted as car-free based on the medium PTAL rating of 3 and 11 minute walk to Uxbridge Tube Station. The remaining 3 homes will be entitled to apply for on street residents' permits.
- Waterloo Road has capacity for on-street parking - for the majority of the survey period relied up in our transport statement the parking stress did not exceed 50% and there were more than **50 available on street parking spaces** within 200m of the site.
- At the highest stress level recorded on a single occasion, there were still 27 available parking spaces.

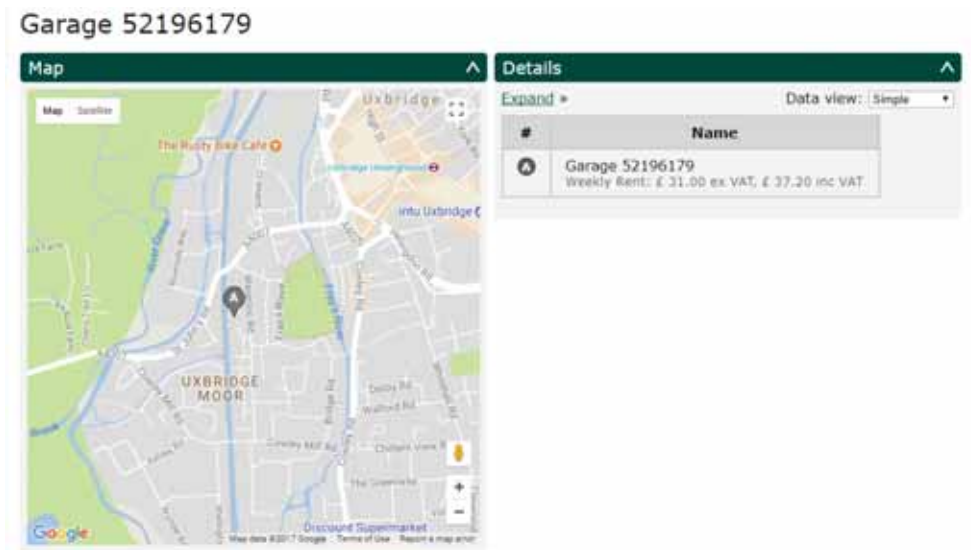
The initial proposal was to seek 6 on street permits, however the applicant respectfully requests that the Council consider the option of 3 car-free houses and 3 houses with on street parking permits.

The Transport Assessment and Parking Survey by Cottee Transport Consultants submitted with the application documents includes the parking survey data which provides clear and unequivocal evidence to demonstrate that Waterloo Road does not suffer from parking stress.

Furthermore, there are a number of garages to the immediate rear of the application site which are owned by the Council. At present, there are 5 garages (out of 13) available for rent at the site for £31 per week (excluding VAT). It is a reasonable assertion that if considerable on street parking stress existed, few/no private parking spaces would be available to rent. The images below are taken from the Council's website and include the Garage Reference Numbers, map showing the location and the weekly rental cost.

In addition to the garages at Waterloo Road, there are three garages at Austin Waye (3 minute walk/170m from the application site), with Garage Reference Numbers 52104705, 52105513 and 52105775. This evidence, in isolation but particularly when taken together with the data from the parking survey, is a clear indication there is no evidence of severe parking stress surrounding the site.

<u>53920137</u>	<u>WATERLOO ROAD</u>	<u>UXBRIDGE</u>
<u>52195785</u>	<u>WATERLOO ROAD</u>	<u>UXBRIDGE</u>
<u>52196043</u>	<u>WATERLOO ROAD</u>	<u>UXBRIDGE</u>
<u>52195811</u>	<u>WATERLOO ROAD</u>	<u>UXBRIDGE</u>
<u>52196179</u>	<u>WATERLOO ROAD</u>	<u>UXBRIDGE</u>



Based on the Council's website, within the Uxbridge ward there are a total of 43 Council garages available to rent. This is more than the total number in the remainder of the Borough, which given the relatively limited geographical area of Uxbridge in comparison to the remainder of the Borough (Uxbridge North and South wards highlighted in red below), indicates that whilst there may be some areas of parking stress, the need within Uxbridge and particularly the need surrounding the site itself, is not so great that all local Council garages are at capacity. In the context of the site the fact that there are 8 available in a 170m radius of the site further support our transport assessments conclusion that parking is not stressed.



Town	Available Council parking spaces
Uxbridge	43
Eastcote	7
Harefield	8
Hayes	5
Ikenham	1
Northwood	7
Ruislip	9

Map of London Borough of Hillingdon with Uxbridge North and Uxbridge South shaded red; Table showing number of available parking spaces in Hillingdon

Impact on Prior Approval Submission

The parking survey undertaken by Cottee Transport Consultants indicates there is capacity for future residents to be granted parking permits without the risk of parking stress. However, the applicant would also agree to restricting 3 of the 6 units to car-free, secured by planning condition or legal agreement. This would mean that the maximum number of additional on-street vehicles would be 3, in the event that the future occupiers of these one-bedroom units all had cars. Occupiers of the remaining car-free units would be restricted from applying for parking permits, but would have the opportunity to rent one of the available Council garages to the immediate rear of the site, make the 11 minute walk or 4 minute cycle to Uxbridge Tube Station, or seek further alternative private parking arrangements.

I trust this letter is self-explanatory but if you have any questions do not hesitate to contact either myself or Lotte Hirst at this office.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Alun Evans', followed by a long horizontal line.

Alun Evans
Director

APPENDIX 4

DELEGATED DECISION

Prior Approval Application under Part 4, Class J of Part 4 of The Town and Country (General Permitted Development) (England) Order 2013

Class J

Development consisting of a change of use of a building and any land within its curtilage to use a falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order from a use falling within Class B1(a) (offices) of that Schedule.

The delegation powers schedule has been checked. Director of Residents Services can determine this application.

Case Officer

Signature:

Date:

A delegated decision is appropriate and the recommendation, conditions/reasons for refusal and informatives are satisfactory.

Team Manager:

Signature:

Date:

The decision notice for this application can be issued.

Director / Member of Senior Management Team:

Signature:

Date:

NONE OF THE ABOVE DATES SHOULD BE USED IN THE PS2 RETURNS TO THE ODPM

Report of the Head of Planning, Sport and Green Spaces

Address 44 WATERLOO ROAD UXBRIDGE

Development: Change of use from use Class B8 (Storage or Distribution Centre) to use Class C3 (dwellinghouse) (Prior Approval)

LBH Ref Nos: 1654/APP/2017/2801

Drawing Nos: Location Plan
Existing and Proposed Roof Plans
Proposed Ground and First Floor
Existing Ground and First Floor
Proposed Block Plan
Air Quality Assessment
Noise Impact Assessment
Preliminary Risk Assessment
Flood Risk Assessment
Transport Statement

Date Plans Received: 28/07/2017 **Date(s) of Amendment(s):** 31/07/0017
Date Application Valid: 07/08/2017 31/07/2017

1. RECOMMENDATIONS

1.1 Recommendations

PRIOR APPROVAL REFUSED

REASONS FOR REFUSAL

It is considered that proposed change of use in an area with a poor PTAL score and existing high levels of parking stress without provision of off-street car parking would undoubtedly concentrate parking stress in the vicinity of the site. Therefore the proposal is contrary to Policies AM14 and AM17 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012).

Notwithstanding the above, insufficient evidence has been provided to enable the authority to establish whether the proposed development complies with criterion (a) and (b) of Schedule 2, Part 3, Class P of the new Town and Country Planning (General Permitted Development) Order 2015 (as amended).

2.0 Planning Considerations

Prior notification for change of use from Storage or distribution centre (UseClass B8) to dwellinghouse(s) (Use Class C3). This is not a planning application because it relates to development that is permitted by Government Regulation.

It will not therefore be reported to a Planning Committee but considered by officers under delegated powers. Comments received will be considered but if notification of a decision is not made to the Applicant within 56 days of the date of registration of the proposal, it can proceed. If Officers confirm that the Development can proceed, the use of the building falling within Class C3 must be begun by 15th April

2018.

The application has been submitted to establish whether prior approval is required for the conversion of an existing two storey warehouse unit Class B8 (Storage or Distribution Centre) situated on the Western side of Waterloo Road (accessed via the existing shared vehicle access way serving various works buildings and garages behind) to use Class C3 residential, comprising of 6 x 1 bed flats.

The proposal falls for consideration within Schedule 2, Part 3, Class P of the new Town and Country Planning (General Permitted Development) Order 2015 which came into effect on 15th April 2015 which allows for such development subject to a determination by the Local Planning Authority as to whether Prior Approval will be required in respect of the transport and highways impacts of the development or the contamination and flooding risks on the site whilst also taking into account any representations received within the 21 day consultation period from adjoining occupiers notified.

The following paragraphs analyse the submitted details to determine whether the proposal is permitted development or not.

P.1 Development is not permitted by Class P if -

- (a) the building was not used solely for a storage or distribution centre use on 19th March 2014 or in the case of a building which was in use before that date but was not in use on that date, when it was last in use;
- (b) the building was not used solely for a storage or distribution centre use for a period of at least 4 years before the date development under Class P begins;
- (c) the use of the building falling within Class C3 (dwellinghouses) of that Schedule was begun after 15th April 2018;
- (d) the gross floor space of the existing building exceeds 500 square metres;

(g) the building is within -

- (i) an area of outstanding natural beauty;
- (ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981(a);
- (iii) the Broads; or
- (iv) a National Park;
- (v) a World Heritage Site;
- (h) the site is, or forms part of -

- (i) a site of special scientific interest;
- (ii) a safety hazard area;
- (iii) in a military explosives storage area;
- (i) the building is a listed building or within the curtilage of a listed building; or
- (j) the site is, or contains, a scheduled monument.

P.2 Development is permitted by Class P subject to the condition that before beginning the development, the developer must -

- (a) submit a statement, which must accompany the application referred to in paragraph (b), to the local planning authority setting out the evidence the developer relies upon to demonstrate that the building was used solely for a storage or distribution centre use on the date referred to in paragraph P.1(a) and for the period referred to in paragraph P.1(b);

(b) apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to -

- (i) impacts of air quality on the intended occupiers of the development;
- (ii) transport and highways impacts of the development,
- (iii) contamination risks in relation to the building,
- (iv) flooding risks in relation to the building,
- (v) noise impacts of the development, and
- (vi) where the authority considers the building to which the development relates is located in an area that is important for providing storage or distribution services or industrial services or a mix of those services, whether the introduction of, or an increase in, a residential use of premises in the area would have an adverse impact on the sustainability of the provision of those services, and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

Insufficient evidence/information has been provided to enable the authority to establish whether the proposed development complies with criterion (a) and (b), requiring the proof that the building was used solely for a storage or distribution centre use within specific period of time while the street images (google street view) are provided to meet these criteria.

The Council should consider the following issues when determining this prior notification application:

- (a) Impacts of air quality on the intended occupiers of the development;
- (b) transport and highways impacts of the development,
- (c) contamination risks in relation to the building,
- (d) flooding risks in relation to the building,
- (e) noise impacts of the development, and
- (f) where the authority considers the building to which the development relates is located in an area that is important for providing storage or distribution services or industrial services or a mix of those services, whether the introduction of, or an increase in, a residential use of premises in the area would have an adverse impact on the sustainability of the provision of those services.

See below the assessments of criteria (a), (b), (c) and (d)

(e) Noise impacts - There are no noise concerns relating to the proposals by virtue of its location in a wholly residential area.

(f) Loss of the B8 use and the potential impact of the residential use - The building is not located in an area that is typically associated with B8 units and the land is not designated as employment land. The loss of the B8 use is therefore not considered to have a detrimental impact on the local area as it is mainly a residential area. The change to residential is therefore considered to be an appropriate use within this area, which is wholly residential.

From the comments of the Highways Officer, who was consulted on this application for a prior approval as a statutory requirement is clear that the development as proposed is likely to result in a material increase and a material change in the character of traffic in the vicinity of the site.

Therefore the proposed use does not meet the conditions set out in the legislation and will result in unacceptable impacts in terms of highways.

Notwithstanding the above, insufficient evidence has been provided to enable the authority to establish whether the proposed development complies with criterion (a) and (b) of Schedule 2, Part 3, Class P of the new Town and Country Planning (General Permitted Development) Order 2015.

As such proposal is recommended for refusal.

3.0 CONSULTATIONS

Traffic Impacts

The proposal would provide 6 x 1 bed flats with no car parking proposed on site as the adjacent car parking area is used for other purposes, as such would mean concentrated parking stress in the vicinity of the site.

See the comments of Transport Officer below.

Contamination

Contamination risks - There are no known contamination risks associated with this building. No objection was raised by the Environmental Health Officer therefore there are no contamination concerns.

Flooding

See comments of Flood and Water Management, Planning Specialists Team below.

Consultee Comments

Flood and Water Management, Planning Specialists Team:

RECOMMENDATIONS: No Objection

A corner of the site on Waterloo Road slightly falls into Flood Zone 2 which can be found on the Environment Agency Website.

A Flood Risk Assessment by RPS ref: HLEF52952/001R dated June 2017 has been submitted. This has adequately demonstrated that the proposal will be safe from the risk of fluvial flooding.

Comments on the Planning Application:

Finished floor levels of the proposal will be 31.49 m AOD. The modelled flood levels are 31.79 m AOD.

The risk to the site is considered to be low as the majority of the site is located in Flood Zone 1. A small section of the site is located in Flood Zone 2 although this is unlikely to impact on the property. Safe access and egress is available from the properties through the front or rear entrances.

There is no objection to this change of use.

Highways (Transportation/Traffic)

Waterloo Road is a local distributor road and the site is within a CPZ that operates Monday to Friday 9 am to 5 pm. The street is subject to significant levels of parking stress as few properties have off-street car parking. Next door to the subject property is two old blocks of flats (36 flats) with no off-street car parking provided.

According to TfL's webcat tool the subject site has a PTAL value of 0 (very poor) which suggests there will be very strong reliance on private car trips to and from the site which is certainly supported by the level of local parking stress.

The site has a recent history of applications for changing the existing use to residential and they have been refused. In a recent (2014) application for the change of use to 6 x 1 b flats one of the refusal reasons was lack of off-street car parking.

In this latest application there is no off-street car parking associated with the proposal for 6 x 1 b flats on the site. This would suggest the development is car free.

The existing residents of Waterloo Road and adjoining streets would suffer further parking stress if the development was approved without off-street car parking.

The applicant has submitted a Transport Statement (TS) by Cottee (July 2017) in support of the application.

The TS says that the site is a B8 storage unit with associated car parking to the West but the conversion is for 6 x 1 b flats with no car parking proposed on site as the car parking area is used for other purposes.

The TS cites the TfL webcat PTAL value of 0 and then goes on to carry out a site calculation that suggests that the site has a value of 2 (poor) which re-inforces the reliance on private car use with the nearest station over 900m away.

In a recent development approved by the Council at Waterloo Wharf in Waterloo Road at a site with a TfL Webcat PTAL of 3 the Council accepted an on-site car parking provision of approximately 0.8 car parking spaces per flat.

In the case of no on-site car parking the TS has included the results of car parking stress surveys taken over 2 days in an area within 200 m of the site which included Waterloo Road, Fray's Way and Austin's Way. Those surveys showed that there were sections of Waterloo Road that were subject to 74% parking stress. This high level of parking stress is suffered in the area from just a two day snapshot of car parking. The TS suggests that each unit should be allowed 1 car parking permit which indicates that the development is not car free but residents will be adding another 6 cars on street where very few spaces are available in close proximity to the site. This arrangement would mean concentrated parking stress in the vicinity of the site.

Local residents objected to the Waterloo Wharf scheme in Waterloo Road on the grounds of the impact of the development on local parking stress.

The TS suggests that 7 cycle parking spaces will be provided on site but limited details are provided. Similarly refuse/recycling bins are mentioned and limited details are provided.

Both of these issues can be conditioned.

I am concerned that in an area with a poor PTAL score and existing high levels of parking stress that no off-street car parking is being provided. The applicant wishes to develop a site that would undoubtedly cause greater concern to local residents that already have to search for on-street car parking spaces.

On the basis of the above comments I suggest that you should refuse the application on the grounds of no off-street car parking being provided.

1654/B/92/0153

44 Waterloo Road Uxbridge

Change of use from Church Hall to Class B8 (storage and distribution of used car spares)
(retrospective application)

Decision Date: 27-11-1992

Refused

1654/D/93/0467

44 Waterloo Road Uxbridge

Change of use from church hall to Class B8 (storage and distribution of used car spares)
(retrospective application)

Decision Date: 02-07-1993 **Approved**

Contact Officer: Maria Tomalova

Telephone No: 01895250320

APPENDIX 5

Job No: AE/LH/JCG23131

E-mail: alun.evans@cgms.co.uk

Date: 3rd October 2017

Mr John Preston
Planning Department
2W/04
Civic Centre
High Street
Uxbridge
Middlesex
UB8 1UW

Dear John

SITE: 44 WATERLOO ROAD, UXBRIDGE, UB8 2QX

PRIOR APPROVAL APPLICATION FOR CHANGE OF USE FROM USE CLASS B8 TO USE CLASS C3

APPLICATION REFERENCE: 1654/APP/2017/2801

In response to the draft Officer Report and ahead of this afternoon's meeting, we provide some additional information to demonstrate compliance with clause a) and b) of Class P, Part 3, Schedule 2 of the GPDO 2015 (as emended).

For reference, development is not permitted by Class P if:

(a) the building was not used solely for a storage or distribution centre use on 19th March 2014 or in the case of a building which was in use before that date but was not in use on that date, when it was last in use;

(b) the building was not used solely for a storage or distribution centre use for a period of at least 4 years before the date development under Class P begins;

It is the case that the use falls within Use Class B8 and that the building will have been used solely for storage and distribution purposes for in excess of 4 years prior to the date of development. Within this letter we provide clear and unequivocal evidence to demonstrate that building is Use Class B8 and has endured for in excess of 4 years. The evidence includes:

- Governing planning consent is for Use Class B8 (LPA Ref: 1654/D/93/0467) to allow storage and distribution of used car spares;
- The occupier from 1993 – 2014;
- The building after this time has been unoccupied and marketed and no change to the lawful use has occurred.

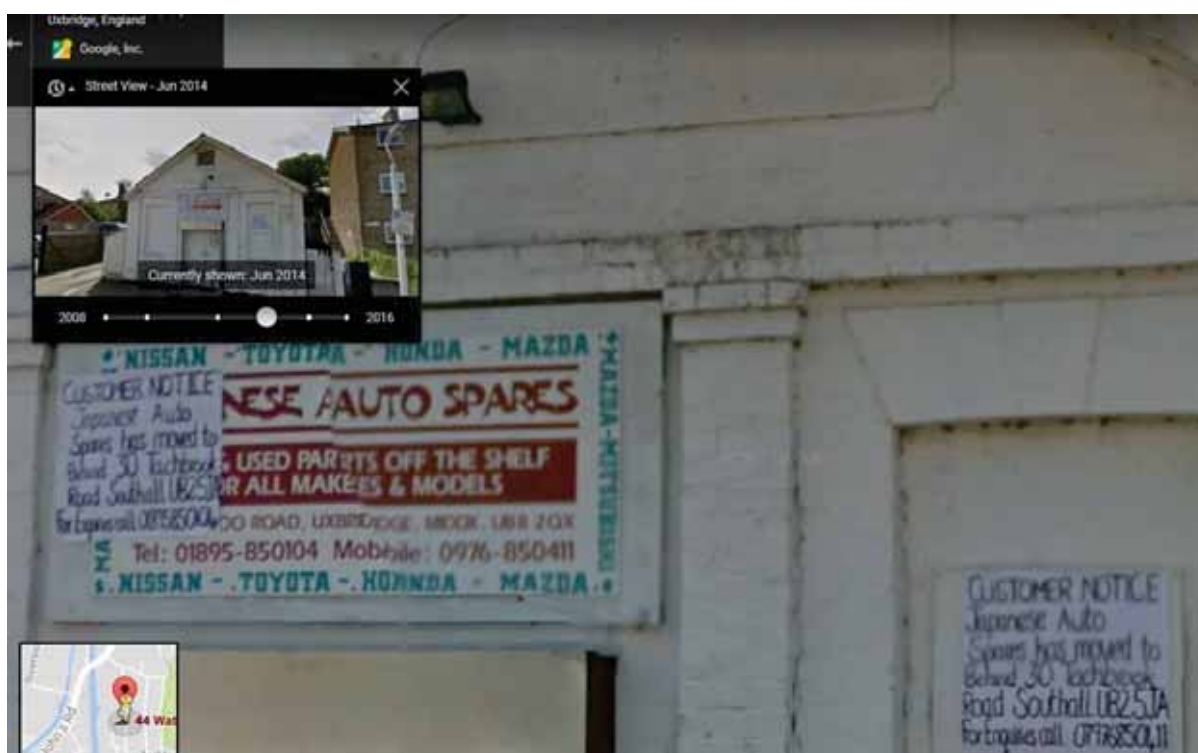
Further details on the lawful use are provided below.

Planning History

LPA Reference Number: 1654/D/93/0467

Change of use from church hall to Class B8 (storage and distribution of used car spares) - Approved on 17th March 1993 (Decision Notice accompanies this letter at **Appendix A**).

This consent allowed the use of the building to be use for the storage and distribution of used car spares and the same occupier remain present at the building between 1993 – 2014. The Google Street View images show the site was vacated in 2014 as car parts business relocated to new premises, as demonstrated by the signs on the streetview image below, dated 2014.



Google Streetview dated 2014 showing signs to say the car parts business has relocated

More recent planning history shows that the Council have considered the site as Use Class B8 for the purposes of assessing recent planning applications, including:

LPA Reference Number: 1654/APP/2014/3716

Change of use, Class B8 (Storage and Distribution) to C3 (Dwellings) and 6 x 1-bed dwellings (Application for outline permission with all matters reserved)
Refused 15th December 2014 (Decision Notice and application documents included at Appendix B).

LPA Reference Number: 1654/APP/2015/753

Demolition of existing buildings and erection of 2 x semi-detached dwellings (Application for outline permission with all matters reserved).

Refused 27th April 2015 (Decision Notice and application documents included at **Appendix C**).

Business Rates Records

The image below shows that the rates paid on the building have been for a property described as a warehouse.

Summary valuation for

44, Waterloo Road, Uxbridge, Middx, UB8 2QX

Valuation

Other valuations

Similar properties

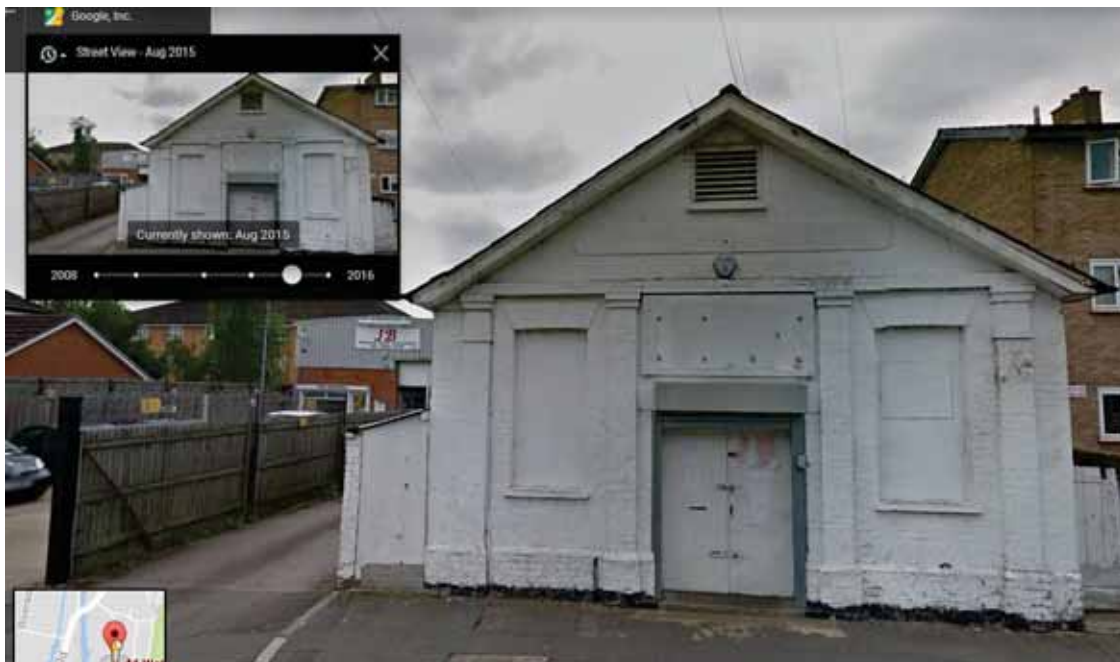
Local authority Hillingdon

Local authority reference 6666529

Description	Rateable value	Date applied	Appeals	Transitional Relief certificate issued	
Warehouse and premises	£15,000	1 April 2017	0	No ?	View
Warehouse and premises	£15,000	1 April 2010	1	No ?	View

Google Streetview

The car parts storage and distribution business vacated the building in 2014. Following this, images from 2015 and 2016 show the site was vacant in 2015 and then marketed in 2016.



Google Streetview dated 2015 showing vacant building



Google Streetview dated 2016 showing building being marketed

Overall, it is abundantly clear from the evidence provided that the lawful use of the site in 2014 was solely for storage and distribution services falling within Use Class B8. The use of the building has not changed, therefore the Use Class B8 will have endured at the site for 4 years prior to development under Class P.

We trust the supplementary evidence within this letter addresses concerns, however, should you require additional information, we would be pleased to provide this.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Alun Evans', followed by a long horizontal line.

Alun Evans
Director

APPENDIX 6

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Registered in England no: 3861025

From: John Preston [mailto:jpreston@hillingdon.gov.uk]
Sent: 01 November 2017 13:23
To: Lotte Hirst; Alun Evans; Peter Loveday; Nicola Gooch
Cc: Maria Tomalova; Lance Calder
Subject: Re: [EXT] Re: 654/APP/2017/2801: [44 Waterloo Road, Uxbridge UB8 2QX](#)

Lotte

Update

I understand that there is a complaint and a Local Government Ombudsman investigation concerning the complete preclusion of someone being able to apply for a parking permit. Those concern other cases.

A consequence of that is that LBH are now unkeen on giving any form of prior approval with a condition and a related UU and that we are required to bring such a case before Committee for a decision.

The next available Committee to which this can be referred is Central and South Committee on 23 November.

Can I take it that you want the case reporting to that Committee so that we try to get a decision? If so, are you happy to agree an extension of time to cover the period up to that date and for the issue of a decision with a section 106 (and other legal powers), which would be some while after the actual Committee date?

Kind regards

APPENDIX 7

From: John Preston
To: [Lotte Hirst](#)
Cc: [Lance Calder](#); [Maria Tomalova](#); Nicola.Gooch@IrwinMitchell.com
Subject: Re: [EXT] Re: 654/APP/2017/2801: 44 Waterloo Road, Uxbridge UB8 2QX
Date: 17 November 2017 14:49:21
Attachments: [image005.png](#)
[image001.png](#)
[image006.png](#)

Good afternoon Lotte

Sorry, I had chased this case yesterday, but have now been given a message that the Head of Planning James Rodger is not accepting a report that recommends approval of a car free scheme in an area with a low/poor PTAL score.

I understand that the case will be taken back "in house" for LBH officers to deal with.

James Rodger is not in work today, but will be back on Monday 20 Nov and will communicate with you then.

Whilst I can understand that this will be a surprise, to put it mildly, I thought that I at least owe you and your colleagues this update today.

Yours faithfully

John Preston

On 17 November 2017 at 09:06, Lotte Hirst <lotte@jaspargroup.co.uk> wrote:

Hi Maria

Can we expect a draft of your report today? Please also chase your legal department for a draft UU. The Committee is now less than a week away so time is of the essence.

Kind Regards

Lotte Hirst

Planning Director



T: [020 8954 5731](tel:02089545731)

F: 020 8954 9279

E: lotte@jaspargroup.co.uk



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From: Lotte Hirst

Sent: 13 November 2017 15:42

To: Lance Calder <lance@jaspargroup.co.uk>; John Preston <jpreston@hillingdon.gov.uk>;
Maria Tomalova <mtomalova@hillingdon.gov.uk>

Cc: Nicola.Gooch@IrwinMitchell.com

Subject: RE: [EXT] Re: 654/APP/2017/2801: [44 Waterloo Road, Uxbridge UB8 2QX](#)

Hi Maria

We are conscious that we are yet to receive a draft of the UU, which we were originally expecting prior to the 6th November. Please can you chase your legal team to see when we can expect a draft of this document?

Please can you also send over a draft committee report as soon as this is finalised.

We look forward to hearing back from you at your earliest convenience.

Kind Regards

Lotte Hirst

Planning Director



T: [020 8954 5731](tel:02089545731)

F: 020 8954 9279

E: lotte@jaspargroup.co.uk



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From: Lance Calder

Sent: 06 November 2017 14:23

To: John Preston <jpreston@hillingdon.gov.uk>

Cc: Lotte Hirst <lotte@jaspargroup.co.uk>; Nicola.Gooch@IrwinMitchell.com; Maria Tomalova <mtomalova@hillingdon.gov.uk>

Subject: RE: [EXT] Re: 654/APP/2017/2801: [44 Waterloo Road, Uxbridge UB8 2QX](#)

Dear John,

The extension is agreed until the 11th December 2017. The solicitor acting for in relation to the legal agreement is Nicola Gooch copied in, her details are below.

Nicola Gooch
Senior Associate
Irwin Mitchell LLP

DDI: 01293 742868
Mobile: 07747 773258
Phone: 0370 1500 100 Extension: 372868

Could you please confirm the details of the person dealing with this matter in your legal team?
We also look forward to receiving the draft committee report.

On a separate note we are keen to engage the pre app process in relation to external changes we are proposing, Lotte will arrange something as soon as possible. All the best

Kind Regards,
Lance Calder
Development Director



T: [020 8954 5731](tel:02089545731)
F: [020 8954 9279](tel:02089549279)
E: lance@jaspargroup.co.uk



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Registered in England no: 3861025

From: John Preston [<mailto:jpreston@hillingdon.gov.uk>]

Sent: 06 November 2017 14:11

To: Lance Calder

Cc: Lotte Hirst; Nicola.Gooch@IrwinMitchell.com; Maria Tomalova

Subject: Re: [EXT] Re: 654/APP/2017/2801: [44 Waterloo Road, Uxbridge UB8 2QX](#)

Good afternoon Lance

We do need to agree a further AET this afternoon please.

Our legal team are effectively on stand by at present.

Maria is working on the Committee report; I will seek to let you have a draft copy of that when it is completed, although that will probably not be this afternoon.

Kind regards

John Preston

On 3 November 2017 at 07:53, Lance Calder <lance@jaspargroup.co.uk> wrote:

Thanks John understood

We are of course disappointed, but I can understand why the Council would want to take the matter to committee.

Would you be able to instruct your lawyers to start working on the legal agreement now? We clearly want to minimise delays as much as possible and if we fast track the legal agreement that will help. If acceptable I will send you my solicitors details who can give undertaking for their fees.

All the best

Kind Regards,

Lance Calder

Development Director

T: [020 8954 5731](tel:02089545731)

F: [020 8954 9279](tel:02089549279)

E: lance@jaspargroup.co.uk

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On 1 Nov 2017, at 17:03, John Preston <jpreston@hillingdon.gov.uk> wrote:

Lance

23 Nov is a Thursday; Cttee mtg is in the evening.

So if we assume two weeks after that (possibly optimistic) but take it to a following Monday, then that would suggest Monday 11 Dec.

John

On 1 November 2017 at 16:43, Lance Calder <lance@jaspargroup.co.uk>

wrote:

[Hi John,](#)

[Thanks for your time earlier. Would you be able to confirm a date you would look to extend determination until? I appreciate it may be difficult to estimate timescales for the legals to be completed should the committee vote in line with officers recommendation however obviously we can't leave it indefinitely open. Should it go beyond your estimate we can deal with extensions with the legal team I assume and agree as necessary?](#)

Kind Regards,

Lance Calder

Development Director

—

T: 020 8954 5731

F: 020 8954 9279

E: lance@jaspargroup.co.uk

—

[<image004.png> <image005.png>](#)

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From: John Preston [<mailto:jpreston@hillingdon.gov.uk>]

Sent: 01 November 2017 13:23

To: Lotte Hirst; Alun Evans; Peter Loveday; Nicola Gooch

Cc: Maria Tomalova; Lance Calder

Subject: Re: [EXT] Re: 654/APP/2017/2801: [44 Waterloo Road, Uxbridge UB8 2QX](#)

[Lotte](#)

[Update](#)

I understand that there is a complaint and a Local Government Ombudsman investigation concerning the complete preclusion of someone being able to apply for a parking permit. Those concern other cases.

A consequence of that is that LBH are now unkeen on giving any form of prior approval with a condition and a related UU and that we are required to bring such a case before Committee for a decision.

The next available Committee to which this can be referred is Central and South Committee on 23 November.

Can I take it that you want the case reporting to that Committee so that we try to get a decision? If so, are you happy to agree an extension of time to cover the period up to that date and for the issue of a decision with a section 106 (and other legal powers), which would be some while after the actual Committee date?

Kind regards

John Preston

On 31 October 2017 at 12:09, Lotte Hirst <lotte.hirst@cgms.co.uk> wrote:

Hi Maria, John,

I've not managed to reach you by phone this morning – I trust we are still on track for a decision by the 6th Nov and that the UU is in motion.

You will appreciate that timescales are critical here because of the April 2018 expiry of this particular PD right, by which time the residential use needs to have been engaged, hence why we are keen to conclude this process without further delay.

Thanks both with your help so far and we look forward to hearing back from you. Don't hesitate to call if you have any queries.

[Kind regards](#)

[Lotte](#)

[Lotte Hirst](#)
[Senior Planner - RPS CgMs](#)
[140 London Wall.](#)
[London, EC2Y 5DN.](#)
[United Kingdom](#)

[Tel:](#) [+44 \(0\) 20 7583 6767](#)
[Direct:](#) [+44 \(0\) 20 7796 5008](#)
[Mobile:](#) [+44 \(0\) 7483904870](#)
[Email:](#) lotte.hirst@cgms.co.uk
[www:](#) www.cgms.co.uk

[From:](#) [Lotte Hirst](#)
[Sent:](#) 30 October 2017 12:17
[To:](#) 'Maria Tomalova'
[Subject:](#) RE: [EXT] Re: 654/APP/2017/2801: [44 Waterloo Road, Uxbridge UB8 2QX](#)

[Thanks Maria – we look forward to hearing back from you today.](#)

[Kind regards](#)

[Lotte](#)

[Lotte Hirst](#)
[Senior Planner - RPS CgMs](#)
[140 London Wall.](#)
[London, EC2Y 5DN.](#)
[United Kingdom](#)

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[Mobile:](#) [+44 \(0\) 7483904870](#)
[Email:](#) lotte.hirst@cgms.co.uk
[www:](#) www.cgms.co.uk

From: Maria Tomalova [<mailto:mtomalova@hillingdon.gov.uk>]
Sent: 27 October 2017 17:49
To: Lotte Hirst
Subject: Re: [EXT] Re: 654/APP/2017/2801: [44 Waterloo Road, Uxbridge UB8 2QX](#)

Hi Lotte,

Please accept my apology for my absence in this communication.

As you are aware, I was out of office and later on catching gradually with duties.

We will be in touch on Monday when John is in office as well.

Kind regards

Maria

Maria Tomalova

Planning Officer

Resident Services | London Borough of Hillingdon

3N, Civic Centre | London Borough of Hillingdon

Tel: 07872 674587

www.hillingdon.gov.uk

On 27 October 2017 at 17:11, Lotte Hirst <lotte.hirst@cgms.co.uk> wrote:

John,

At our meeting, we discussed aspirations to enhance the aesthetic of the building to ensure the quality of the new dwellings is maximised and to improve the building within the street scene. These works fall outside the scope of prior

[approval and we are intending to submit a planning application to account for external changes that we hope you agree are desirable. The quality of the building has degraded over time and we think this is a good opportunity to enhance the external appearance.](#)

[We discussed this briefly at the meeting and you kindly said you'd cast your eyes over the draft scheme. We would be grateful to hear any constructive feedback on the plans in order for us to incorporate any comments you may have at submission stage.](#)

[I look forward to hearing back from you.](#)

[We are also keen to see a draft of the UU as the deadline of the 6th Nov is fast approaching. When do you anticipate we will receive this.](#)

[Kind regards](#)

[Lotte Hirst](#)
[Senior Planner - RPS CgMs](#)
[140 London Wall,](#)
[London, EC2Y 5DN,](#)
[United Kingdom](#)

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[Email:](#) lotte.hirst@cgms.co.uk
[www:](#) www.cgms.co.uk

[From:](#) [Lotte Hirst](#)
[Sent:](#) [25 October 2017 14:10](#)
[To:](#) [Maria Tomalova](#)
[Cc:](#) [Alun Evans; John Preston](#)
[Subject:](#) [RE: \[EXT\] Re: 654/APP/2017/2801: 44 Waterloo Road, Uxbridge UB8 2QX](#)

[Hi Maria](#)

I hope you're well.

Are you able to provide an update on the UU and when we can expect the draft?

Should your legal team wish to contact Nicola directly, her details are as follows:

- **Nicola Gooch**
Senior Associate
Irwin Mitchell LLP

Nicola Gooch <Nicola.Gooch@IrwinMitchell.com>

- **DDI: 01293 742868**
Mobile: 07747 773258
Phone: 0370 1500 100 Extension: 372868

We look forward to receiving a copy.

Many thanks

Lotte

Lotte Hirst
Senior Planner - RPS CgMs
140 London Wall,
London, EC2Y 5DN,
United Kingdom

Tel: +44 (0) 20 7583 6767
Direct: +44 (0) 20 7796 5008
Mobile: +44 (0) 7483904870
Email: lotte.hirst@cgms.co.uk
www: www.cgms.co.uk

From: Lance Calder [<mailto:lance@jaspargroup.co.uk>]
Sent: 19 October 2017 20:43
To: John Preston
Cc: Alun Evans; Lotte Hirst; Maria Tomalova; ploveday@hillingdon.gov.uk; Nicola Gooch
Subject: Re: [EXT] Re: 654/APP/2017/2801: 44 Waterloo Road, Uxbridge UB8 2QX

Hi John,

Thanks for your reply. The revised wording seems fine.

I'll leave Nicola, our solicitor, to comment on the specifics of UU once it has been prepared. If required she can give an undertaking for the legal fees.

The requested time extension to the 6th November 2017 is confirmed. I am however keen that a decision notice is issued no later than this date; as you are aware the permitted development rights being relied upon are temporary. I agree it would be sensible to have site of the UU prior to a decision notice being issued however should this not be available prior to 6th November I request the decision notice is issued regardless. In this scenario the final draft can be agreed prior to occupation in line with the proposed condition.

I look forward to hearing back from you in due course.

All the best

Kind Regards,

Lance Calder

Development Director

T: 020 8954 5731

F: 020 8954 9279

E: lance@jaspargroup.co.uk

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On 19 Oct 2017, at 17:02, John Preston <jpreston@hillingdon.gov.uk> wrote:

Update on 1654/APP/2017/2801 44 WATERLOO ROAD UXBRIDGE

I thought it sensible to provide the following.

I am taking advice from colleagues in LBH Legal about the suggested condition; in particular I do not think the final words of the last sentence " unless otherwise agreed in writing ..." is legally acceptable as such tailpiece conditions are frowned upon nowadays. If a change is desired it is applied for using the non material or material amendment route. The last part of the sentence can just be deleted.

LBH legal have to be provided with in house instructions to produce the UU, and I have set in train that request via the section 106 and CIL Officer. (Rebecca Yee)

I think it is preferable for you to have sight of the draft UU before the decision on the prior approval is issued, both in general but also because you will need to see the definitions being used. I further understand that the section 106 agreements being agreed (and which are going to Committee for decision) include a requirement on prior approval cases for contributions to public realm improvements; these are typically around £1,000 per unit. It will also have a Heads of Terms precluding future occupiers applying for parking permits.

It follows that, being realistic, I need to ask for a further extension of time, which will otherwise expire on Monday 23 Oct.

Can I ask that you agree a further extension of time until Monday 6 November 2017 please?

Thank you

John Preston

On 17 October 2017 at 11:00, Lance Calder
<lance@jaspargroup.co.uk> wrote:

Hi John,

Many thanks for coming back to me.

We are happy to give a unilateral undertaking, could your legal team draft the UU for our solicitor's comments? Please confirm how you would like us to make payment of £1,000?

Is it not possible to have a condition worded as follows to allow the legal teams time to agree all the documents and hopefully not require a further extension of time? Please see below:

Prior to first occupation arrangements must be made to secure the development as 'car-free' with a detailed legal agreement which has been approved in writing by the local planning authority. The approved scheme/agreement should ensure that all future occupiers of the approved development cannot apply for or obtain an on-street parking permit to park a vehicle on the public highway and shall be implemented prior to the occupation of the development hereby permitted and shall be so maintained unless otherwise agreed in writing by the Local Planning Authority.

The above approach has been acceptable in a number of other boroughs we have worked with. We also are aware of the time it can take to agree legal documents and given the time constraints we are under the above condition makes sense and would require a legal agreement to be completed before we can occupy the development.

Kind Regards,

Lance Calder

Development Director

—

T: 020 8954 5731

F: 020 8954 9279

E: lance@jaspargroup.co.uk

—

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Registered in England no: 3861025

From: John Preston [<mailto:jpreston@hillingdon.gov.uk>]

Sent: 17 October 2017 10:35

To: Alun Evans

Cc: Lotte Hirst; Lance Calder; Maria Tomalova;

ploveday@hillingdon.gov.uk; Nicola Gooch

Subject: Re: [EXT] Re: 654/APP/2017/2801: [44 Waterloo Road, Uxbridge UB8 2QX](#)

Update

Maria is now back and I ask that she brings the draft report up to date to reflect on the material submitted recently.

I have rechecked about what the options are in respect of an approval.

This can be via a multilateral S106, but that has to go to Committee.

LBH can accept a Unilateral Undertaking but if LBH draft this the cost is £1,000 or if LBH legal comment on a draft from an applicant the LBH legal cost is £500.

I know that you were pressing for a condition but I understand the LBH legal view is that an agreement gives greater controls.

I therefore need to understand what route we are going down so that Maria can finalise a positive recommendation to suit.

Kind regards

John Preston.

On 12 October 2017 at 06:53, Alun Evans
<alun.evans@cgms.co.uk> wrote:

Dear John

...

[Message clipped]

--

John Preston

Contract Planning Manager
Resident Services | London Borough of Hillingdon

3N, Civic Centre | London Borough of Hillingdon

Tel: 01895 250230

Planning Guarantee

Hillingdon are committed to ensure the best possible service provision to all of our applicants. In order to ensure this, we will not be able to facilitate negotiation which would result in an application being determined outside of statutory timeframes, unless the applicant has entered into a Planning Performance Agreement.

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--

John Preston
Contract Planning Manager
Resident Services | London Borough of Hillingdon
3N, Civic Centre | London Borough of Hillingdon

Tel: 01895 250230

Planning Guarantee

Hillingdon are committed to ensure the best possible service provision to all of our applicants. In order to ensure this, we will not be able to facilitate negotiation which would result in an application being determined outside of statutory timeframes, unless the applicant has entered into a Planning Performance Agreement.

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APPENDIX 8

From: [Lance Calder](#)
To: [John Preston](#); [Lotte Hirst](#)
Cc: [Maria Tomalova](#); Nicola.Gooch@IrwinMitchell.com
Subject: RE: [EXT] Re: 654/APP/2017/2801: 44 Waterloo Road, Uxbridge UB8 2QX
Date: 17 November 2017 15:18:48
Attachments: [image001.png](#)
[image003.png](#)
[image004.png](#)

Thanks for the update John. We have booked in for a pre app to discuss the external changes and perhaps it would be sensible that as part of the discussion we agree how to deal with this issue.

I'm surprised by James Roger's comments given the evidence we submitted showing the manual PTAL to be 3. I have no issues with this being dealt with as a delegated decision however if this results in a refusal we will of course be extremely unhappy.

This is now the 3rd time the borough has back tracked on a previously agreed way of forward and in the event of a refusal we will of course appeal and bring this to the attention of the inspector when dealing with an award of costs. Our appeal would be based on the originally submitted scheme seeking on street car parking. I am also concerned the Borough may have deliberately delayed issuing a decision in order for the PD rights we rely on to time out; in effect abusing process to deprive us of our legal rights. Should a refusal be issued we will in addition to any appeal, investigate if this has occurred. We are seeking counsels advice on recourse for this scenario.

We are keen to avoid the above and given the determination has been delayed until 11th December 2017, may I suggest an urgent meeting is held with James to discuss what we have already been through with you? There is perhaps a solution allowing onsite parking for some units (up to 3 of 6) however this would only be offered without prejudice and on the basis consent is granted prior to 11th December 2017. Please revert at your earliest convenience.

Kind Regards,

Lance Calder

Development Director



T: 020 8954 5731
F: 020 8954 9279
E: lance@jaspargroup.co.uk



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From: John Preston [mailto:jpreston@hillington.gov.uk]

Sent: 17 November 2017 14:49

To: Lotte Hirst

Cc: Lance Calder; Maria Tomalova; Nicola.Gooch@IrwinMitchell.com

Subject: Re: [EXT] Re: 654/APP/2017/2801: 44 Waterloo Road, Uxbridge UB8 2QX

Good afternoon Lotte

Sorry, I had chased this case yesterday, but have now been given a message that the Head of Planning James Rodger is not accepting a report that recommends approval of a car free scheme in an area with a low/poor PTAL score.

I understand that the case will be taken back "in house" for LBH officers to deal with.

James Rodger is not in work today, but will be back on Monday 20 Nov and will communicate with you then.

Whilst I can understand that this will be a surprise, to put it mildly, I thought that I at least owe you and your colleagues this update today.

Yours faithfully

John Preston

On 17 November 2017 at 09:06, Lotte Hirst <lotte@jaspargroup.co.uk> wrote:

Hi Maria

Can we expect a draft of your report today? Please also chase your legal department for a draft UU. The Committee is now less than a week away so time is of the essence.

Kind Regards

Lotte Hirst

Planning Director



T: [020 8954 5731](tel:02089545731)

F: 020 8954 9279

E: lotte@jaspargroup.co.uk



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From: Lotte Hirst

Sent: 13 November 2017 15:42

To: Lance Calder <lance@jaspargroup.co.uk>; John Preston <jpreston@hillingdon.gov.uk>; Maria Tomalova <mtomalova@hillingdon.gov.uk>

Cc: Nicola.Gooch@IrwinMitchell.com

Subject: RE: [EXT] Re: 654/APP/2017/2801: [44 Waterloo Road, Uxbridge UB8 2QX](#)

Hi Maria

We are conscious that we are yet to receive a draft of the UU, which we were originally expecting prior to the 6th November. Please can you chase your legal team to see when we can expect a draft of this document?

Please can you also send over a draft committee report as soon as this is finalised.

We look forward to hearing back from you at your earliest convenience.

Kind Regards

Lotte Hirst

Planning Director



T: [020 8954 5731](tel:02089545731)

F: 020 8954 9279

E: lotte@jaspargroup.co.uk



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From: Lance Calder

Sent: 06 November 2017 14:23

To: John Preston <jpreston@hillingdon.gov.uk>

Cc: Lotte Hirst <lotte@jaspargroup.co.uk>; Nicola.Gooch@IrwinMitchell.com; Maria Tomalova <mtomalova@hillingdon.gov.uk>

Subject: RE: [EXT] Re: 654/APP/2017/2801: [44 Waterloo Road, Uxbridge UB8 2QX](#)

Dear John,

The extension is agreed until the 11th December 2017. The solicitor acting for in relation to the legal agreement is Nicola Gooch copied in, her details are below.

Nicola Gooch
Senior Associate
Irwin Mitchell LLP

DDI: 01293 742868
Mobile: 07747 773258
Phone: 0370 1500 100 Extension: 372868

Could you please confirm the details of the person dealing with this matter in your legal team?
We also look forward to receiving the draft committee report.

On a separate note we are keen to engage the pre app process in relation to external changes we are proposing, Lotte will arrange something as soon as possible. All the best

Kind Regards,

Lance Calder

Development Director



T: 020 8954 5731
F: 020 8954 9279
E: lance@jaspargroup.co.uk



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From: John Preston [<mailto:jpreston@hillingdon.gov.uk>]
Sent: 06 November 2017 14:11
To: Lance Calder
Cc: Lotte Hirst; Nicola.Gooch@IrwinMitchell.com; Maria Tomalova
Subject: Re: [EXT] Re: 654/APP/2017/2801: [44 Waterloo Road, Uxbridge UB8 2QX](#)

Good afternoon Lance

We do need to agree a further AET this afternoon please.

Our legal team are effectively on stand by at present.

Maria is working on the Committee report; I will seek to let you have a draft copy of that when it is completed, although that will probably not be this afternoon.

Kind regards

John Preston

On 3 November 2017 at 07:53, Lance Calder <lance@jaspargroup.co.uk> wrote:
Thanks John understood

We are of course disappointed, but I can understand why the Council would want to take the matter to committee.

Would you be able to instruct your lawyers to start working on the legal agreement now? We clearly want to minimise delays as much as possible and if we fast track the legal agreement that will help. If acceptable I will send you my solicitors details who can give

undertaking for their fees.

All the best

Kind Regards,
Lance Calder
Development Director

T: [020 8954 5731](tel:02089545731)
F: [020 8954 9279](tel:02089549279)
E: lance@jaspargroup.co.uk

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On 1 Nov 2017, at 17:03, John Preston <jpreston@hillingdon.gov.uk> wrote:

Lance

23 Nov is a Thursday; Cttee mtg is in the evening.

So if we assume two weeks after that (possibly optimistic) but take it to a following Monday, then that would suggest Monday 11 Dec.

John

On 1 November 2017 at 16:43, Lance Calder <lance@jaspargroup.co.uk> wrote:

Hi John,

-

Thanks for your time earlier. Would you be able to confirm a date you would look to extend determination until? I appreciate it may be difficult to estimate timescales for the legals to be completed should the committee vote in line with officers recommendation however obviously we can't leave it indefinitely open. Should it go beyond your estimate we can deal with extensions with the legal team I assume and agree as necessary?

-
Kind Regards,

Lance Calder

Development Director

-
T: 020 8954 5731
F: 020 8954 9279
E: lance@jaspargroup.co.uk

-
[<image004.png>](#) [<image005.png>](#)

-
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-
From: John Preston [<mailto:jpreston@hillingdon.gov.uk>]

Sent: 01 November 2017 13:23

To: Lotte Hirst; Alun Evans; Peter Loveday; Nicola Gooch

Cc: Maria Tomalova; Lance Calder

Subject: Re: [EXT] Re: 654/APP/2017/2801: [44 Waterloo Road, Uxbridge UB8 2QX](#)

-
[Lotte](#)

-
[Update](#)

-
[I understand that there is a complaint and a Local Government Ombudsman investigation concerning the complete preclusion of someone being able to apply for a parking permit. Those concern other cases.](#)

-
[A consequence of that is that LBH are now unkeen on giving any form of prior approval with a condition and a related UU and that we are required to bring such a case before Committee for a decision.](#)

-
[The next available Committee to which this can be referred is Central and South Committee on 23 November.](#)

-
[Can I take it that you want the case reporting to that Committee so that we try to get a decision? If so, are you happy to agree an extension of time to cover the period up to that date and for the issue of a decision with a section 106 \(and other legal powers\), which would be some while after the actual Committee date?](#)

-
[Kind regards](#)

-
[John Preston](#)

-
[On 31 October 2017 at 12:09, Lotte Hirst <\[lotte.hirst@cgms.co.uk\]\(mailto:lotte.hirst@cgms.co.uk\)> wrote: Hi Maria, John,](#)

-
[I've not managed to reach you by phone this morning – I trust we are still on track](#)

for a decision by the 6th Nov and that the UU is in motion.

-
You will appreciate that timescales are critical here because of the April 2018 expiry of this particular PD right, by which time the residential use needs to have been engaged, hence why we are keen to conclude this process without further delay.

-
Thanks both with your help so far and we look forward to hearing back from you.
Don't hesitate to call if you have any queries.

-
Kind regards
Lotte

Lotte Hirst
Senior Planner - RPS CgMs
140 London Wall,
London, EC2Y 5DN,
United Kingdom
Tel: +44 (0) 20 7583 6767
Direct: +44 (0) 20 7796 5008
Mobile: +44 (0) 7483904870
Email: lotte.hirst@cgms.co.uk
www: www.cgms.co.uk

From: Lotte Hirst
Sent: 30 October 2017 12:17
To: 'Maria Tomalova'
Subject: RE: [EXT] Re: 654/APP/2017/2801: 44 Waterloo Road, Uxbridge UB8 2QX

-
Thanks Maria – we look forward to hearing back from you today.

-
Kind regards
Lotte

Lotte Hirst
Senior Planner - RPS CgMs
140 London Wall,
London, EC2Y 5DN,
United Kingdom
Tel: +44 (0) 20 7583 6767
Direct: +44 (0) 20 7796 5008
Mobile: +44 (0) 7483904870
Email: lotte.hirst@cgms.co.uk
www: www.cgms.co.uk

From: Maria Tomalova [<mailto:mtomalova@hillingdon.gov.uk>]
Sent: 27 October 2017 17:49
To: Lotte Hirst
Subject: Re: [EXT] Re: 654/APP/2017/2801: 44 Waterloo Road, Uxbridge UB8 2QX

-
Hi Lotte,

-
Please accept my apology for my absence in this communication.
As you are aware, I was out of office and later on catching gradually with duties.

-
We will be in touch on Monday when John is in office as well.

-
Kind regards

-
Maria

-
Maria Tomalova
Planning Officer
Resident Services | London Borough of Hillingdon
3N, Civic Centre | London Borough of Hillingdon
Tel: 07872 674587
www.hillingdon.gov.uk

-
On 27 October 2017 at 17:11, Lotte Hirst <lotte.hirst@cgms.co.uk> wrote:
John,

-
At our meeting, we discussed aspirations to enhance the aesthetic of the building to ensure the quality of the new dwellings is maximised and to improve the building within the street scene. These works fall outside the scope of prior approval and we are intending to submit a planning application to account for external changes that we hope you agree are desirable. The quality of the building has degraded over time and we think this is a good opportunity to enhance the external appearance.

-
We discussed this briefly at the meeting and you kindly said you'd cast your eyes over the draft scheme. We would be grateful to hear any constructive feedback on the plans in order for us to incorporate any comments you may have at submission stage.

-
I look forward to hearing back from you.

We are also keen to see at draft of the UU as the deadline of the 6th Nov is fast approaching. When do you anticipate we will receive this.

-
Kind regards

-
Lotte Hirst
Senior Planner - RPS CgMs
140 London Wall,
London, EC2Y 5DN,
United Kingdom
Tel: +44 (0) 20 7583 6767
Direct: +44 (0) 20 7796 5008
Mobile: +44 (0) 7483904870
Email: lotte.hirst@cgms.co.uk
www: www.cgms.co.uk

-

From: Lotte Hirst
Sent: 25 October 2017 14:10
To: Maria Tomalova
Cc: Alun Evans; John Preston
Subject: RE: [EXT] Re: 654/APP/2017/2801: 44 Waterloo Road, Uxbridge UB8 2QX

-
Hi Maria

-
I hope you're well.

-
Are you able to provide an update on the UU and when we can expect the draft?

-
Should your legal team wish to contact Nicola directly, her details are as follows:

-
Nicola Gooch
Senior Associate
Irwin Mitchell LLP

Nicola Gooch <Nicola.Gooch@IrwinMitchell.com>

-
DDI: 01293 742868
Mobile: 07747 773258
Phone: 0370 1500 100 Extension: 372868

-
We look forward to receiving a copy.

-
Many thanks
Lotte

-

Lotte Hirst
Senior Planner - RPS CgMs
140 London Wall,
London, EC2Y 5DN,
United Kingdom
Tel: +44 (0) 20 7583 6767
Direct: +44 (0) 20 7796 5008
Mobile: +44 (0) 7483904870
Email: lotte.hirst@cgms.co.uk
www: www.cgms.co.uk
-

-

From: Lance Calder [<mailto:lance@jaspargroup.co.uk>]
Sent: 19 October 2017 20:43
To: John Preston
Cc: Alun Evans; Lotte Hirst; Maria Tomalova; ploeday@hillington.gov.uk; Nicola Gooch
Subject: Re: [EXT] Re: 654/APP/2017/2801: 44 Waterloo Road, Uxbridge UB8 2QX

-
Hi John,

-
Thanks for your reply. The revised wording seems fine.

-
I'll leave Nicola, our solicitor, to comment on the specifics of UU once it has been prepared. If required she can give an undertaking for the legal fees.

-
The requested time extension to the 6th November 2017 is confirmed. I am however keen that a decision notice is issued no later than this date; as you are aware the permitted development rights being relied upon are temporary. I

agree it would be sensible to have site of the UU prior to a decision notice being issued however should this not be available prior to 6th November I request the decision notice is issued regardless. In this scenario the final draft can be agreed prior to occupation in line with the proposed condition.

- I look forward to hearing back from you in due course.

- All the best

- **Kind Regards,**

Lance Calder

Development Director

T: 020 8954 5731

F: 020 8954 9279

E: lance@jaspargroup.co.uk

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On 19 Oct 2017, at 17:02, John Preston <jpreston@hillingdon.gov.uk> wrote:

Update on 1654/APP/2017/2801 44 WATERLOO ROAD UXBRIDGE

- I thought it sensible to provide the following.

-
I am taking advice from colleagues in LBH Legal about the suggested condition; in particular I do not think the final words of the last sentence " unless otherwise agreed in writing ..." is legally acceptable as such tailpiece conditions are frowned upon nowadays. If a change is desired it is applied for using the non material or material amendment route. The last part of the sentence can just be deleted.

-
LBH legal have to be provided with in house instructions to produce the UU, and I have set in train that request via the section 106 and CIL Officer.(Rebecca Yee)

-
I think it is preferable for you to have sight of the draft UU before the decision on the prior approval is issued, both in general but also because you will need to see the definitions being used. I further understand that the section 106 agreements being agreed (and which are going to Committee for decision) include a requirement on prior approval cases for contributions to public realm improvements; these are typically around £1,000 per unit. It will also have a Heads of Terms precluding future occupiers applying for parking permits.

-
It follows that, being realistic, I need to ask for a further extension of time, which will otherwise expire on Monday 23 Oct.

-
Can I ask that you agree a further extension of time until Monday 6 November 2017 please?

-
Thank you

-
John Preston

-
On 17 October 2017 at 11:00, Lance Calder <lance@jaspargroup.co.uk> wrote:
Hi John,

-
Many thanks for coming back to me.

-
We are happy to give a unilateral undertaking, could your legal team draft the UU for our solicitor's comments? Please confirm how you would like us to make payment of £1,000?

-
Is it not possible to have a condition worded as follows to allow the legal teams time to agree all the documents and hopefully not require a further extension of time? Please see below:

-
Prior to first occupation arrangements must be made to secure the development as 'car-free' with a detailed legal agreement which has been approved in writing by the local planning authority. The approved scheme/agreement should ensure that all future occupiers of the approved development cannot apply for or obtain an on-street parking permit to park a vehicle on the public highway and shall be implemented prior to the occupation of the development hereby permitted and shall be so maintained unless otherwise agreed in writing by the Local Planning Authority.

-
The above approach has been acceptable in a number of other

boroughs we have worked with. We also are aware of the time it can take to agree legal documents and given the time constraints we are under the above condition makes sense and would require a legal agreement to be completed before we can occupy the development.

-
Kind Regards,

Lance Calder

Development Director

-
T: 020 8954 5731
F: 020 8954 9279
E: lance@jaspargroup.co.uk
-

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Registered in England no: 3861025

-
-
From: John Preston [<mailto:jpreston@hillingsdon.gov.uk>]

Sent: 17 October 2017 10:35

To: Alun Evans

Cc: Lotte Hirst; Lance Calder; Maria Tomalova;
ploveday@hillingsdon.gov.uk; Nicola Gooch

Subject: Re: [EXT] Re: 654/APP/2017/2801: [44 Waterloo Road, Uxbridge UB8 2QX](#)

-
Update

-
Maria is now back and I ask that she brings the draft report up to date to reflect on the material submitted recently.

-
I have rechecked about what the options are in respect of an approval.

-
This can be via a mutilateral S106, but that has to go to Committee.

-
LBH can accept a Unilateral Undertaking but if LBH draft this the cost is £1,000 or if LBH legal comment on a draft from an applicant the LBH legal cost is £500.

-
I know that you were pressing for a condition but I understand the LBH legal view is that an agreement gives greater controls.

-
I therefore need to understand what route we are going down so that Maria can finalise a positive recommendation to suit.
-

Kind regards

-
John Preston.

-
On 12 October 2017 at 06:53, Alun Evans

[<alun.evans@cgms.co.uk>](mailto:alun.evans@cgms.co.uk) wrote:

[Dear John](#)

-

...

[Message clipped]

--

John Preston

Contract Planning Manager

Resident Services | London Borough of Hillingdon

3N, Civic Centre | London Borough of Hillingdon

Tel: 01895 250230

Planning Guarantee

Hillingdon are committed to ensure the best possible service provision to all of our applicants. In order to ensure this, we will not be able to facilitate negotiation which would result in an application being determined outside of statutory timeframes, unless the applicant has entered into a Planning Performance Agreement.

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--

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From: [Lance Calder](#)
To: [John Preston](#); [Lotte Hirst](#)
Cc: [Maria Tomalova](#); Nicola.Gooch@IrwinMitchell.com
Subject: RE: [EXT] Re: 654/APP/2017/2801: 44 Waterloo Road, Uxbridge UB8 2QX
Date: 17 November 2017 15:18:48
Attachments: [image001.png](#)
[image003.png](#)
[image004.png](#)

Thanks for the update John. We have booked in for a pre app to discuss the external changes and perhaps it would be sensible that as part of the discussion we agree how to deal with this issue.

I'm surprised by James Roger's comments given the evidence we submitted showing the manual PTAL to be 3. I have no issues with this being dealt with as a delegated decision however if this results in a refusal we will of course be extremely unhappy.

This is now the 3rd time the borough has back tracked on a previously agreed way of forward and in the event of a refusal we will of course appeal and bring this to the attention of the inspector when dealing with an award of costs. Our appeal would be based on the originally submitted scheme seeking on street car parking. I am also concerned the Borough may have deliberately delayed issuing a decision in order for the PD rights we rely on to time out; in effect abusing process to deprive us of our legal rights. Should a refusal be issued we will in addition to any appeal, investigate if this has occurred. We are seeking counsels advice on recourse for this scenario.

We are keen to avoid the above and given the determination has been delayed until 11th December 2017, may I suggest an urgent meeting is held with James to discuss what we have already been through with you? There is perhaps a solution allowing onsite parking for some units (up to 3 of 6) however this would only be offered without prejudice and on the basis consent is granted prior to 11th December 2017. Please revert at your earliest convenience.

Kind Regards,

Lance Calder

Development Director



T: 020 8954 5731
F: 020 8954 9279
E: lance@jaspargroup.co.uk



Jaspar Group of Companies | 2nd Floor, Stanmore House, 15-19 Church Road | Stanmore | Middlesex | HA7 4AR

From: [Lance Calder](#)
To: james.rodger@hillingdon.gov.uk
Cc: jpreston@hillingdon.gov.uk; mtomalova@hillingdon.gov.uk; [Lotte Hirst](#); Nicola.Gooch@IrwinMitchell.com
Subject: Fwd: [EXT] Re: 654/APP/2017/2801: 44 Waterloo Road, Uxbridge UB8 2QX
Date: 17 November 2017 20:59:22
Attachments: [image001.png](#)
[image003.png](#)
[image004.png](#)
[image001.png](#)
[image003.png](#)
[image004.png](#)
[image001.png](#)
[image003.png](#)
[image004.png](#)
[image001.png](#)
[image003.png](#)
[image004.png](#)

Dear James,

I refer to the above application for prior approval under class P of the GPDO 2015 and the below emails.

Based on John Preston's email below it is my understanding that you have withdrawn the above application from the November committee as you will not recommend for approval.

I believe you have arrived at the above decision based on the fact the application seeks a car free agreement in an area claimed to have a low PTAL score. I ask you to please carefully review this decision including all previous correspondence.

In summary our initial position was that the scheme was acceptable, with regards to transport, as on street car parking could be provided in the immediate vicinity of the site. Despite a robust transport statement demonstrating that parking is not stressed in the area and additional evidence supporting this, your transport officer objected to the scheme on the basis of parking stress. We maintain parking is not stressed and would ask you review the transport statement submitted which clearly demonstrates this to be the case. It is fair to say that your officer's opinion was likely influenced by politics as opposed to a genuine belief that parking is stressed. Based on his opinion we were advised the application would be refused.

To avoid an appeal and in the spirit of compromise we met with your planning officers to discuss alternative options in relation to parking arrangements for the site. In this meeting it was agreed by all parties, including your transport officer that the scheme would be acceptable, if all units were car free and a mechanism was put in place to secure this. This is based on the fact that despite the site having a low grid based PTAL, when manually calculated the score is in fact 3; the property is a 10 min walk to the tube station. It was agreed at this meeting that a condition could be attached to the consent, requiring a legal agreement to be in place securing car free.

Since the above we have been informed initially that a condition would not be acceptable and a legal agreement would need to be entered into prior to the issue of a decision notice. We were subsequently informed that this would only be acceptable if the scheme went before a committee. Since the initial meeting we have agreed 3 extensions of time and are now being informed that despite all of the above the scheme is not being recommended for approval and being withdrawn from the committee. This has resulted in us incurring significant cost and delay and is wholly unsatisfactory.

We are advised based on the evidence that an appeal is likely to succeed with a strong

chance we will be awarded costs. We are further advised that in these circumstances we may be able to make a claim against the Borough for maladministration through the LGO, in the event a resolution can't be reached directly with the Borough.

We would of course much rather come to an agreement with the Borough and avoid all of the above, as they are unlikely to mitigate our costs if successful. As such I request an urgent meeting to discuss any of your concerns and agree a mutually satisfactory way forward. We have a number of schemes coming up in the Borough and have aspirations to deliver a 100 homes in Hillingdon over the next two years, hence we are keen to build and maintain good relations.

Please feel free to call me at your earliest convenience should you wish to discuss further. Alternatively please provide dates you will be available to meet in person. We have agreed an extension of time until 11th December 2017, for your reference.

I look forward to hearing from you.

Kind Regards,
Lance Calder
Development Director

T: [020 8954 5731](tel:02089545731)

F: [020 8954 9279](tel:02089549279)

E: lance@jaspargroup.co.uk

[Jaspar Group of Companies | 2nd Floor, Stanmore House,](#)

[15-19 Church Road | Stanmore | Middlesex | HA7 4AR](#)

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173-175 Cleveland Street | London | W1T 6QR.

From: [Lotte Hirst](#)
To: [Lance Calder](#); "[jrodger2@hillingdon.gov.uk](#)"; "[kmills2@hillingdon.gov.uk](#)"
Cc: [jpreston@hillingdon.gov.uk](#); [mtomalova@hillingdon.gov.uk](#); [Nicola.Gooch@IrwinMitchell.com](#)
Subject: RE: [EXT] Re: 654/APP/2017/2801: 44 Waterloo Road, Uxbridge UB8 2QX
Date: 20 November 2017 12:31:00
Attachments: [image001.png](#)
[image008.png](#)
[image009.png](#)
[170921_RPS_CgMs_Response_Letter.pdf](#)
[Appeal Decision Broadmead House.pdf](#)
Importance: High

Dear James,

This application was made valid on 7th August 2017 and the original date for determination was **2nd October 2017**. The technical considerations of Class P are satisfied, supported by evidence and to date there is no reasonable justification to withhold prior approval.

There are a range of options in relation to highways at the site, including on-street parking, car-free based on a good PTAL score and on-site parking. After meeting with LB Hillingdon's Officers (including Highways Officer Peter Loveday) , it was agreed that a car-free scheme was the most appropriate arrangement. You will appreciate that given the protracted negotiations to date - despite what was a well-considered and evidenced-based submission package (I refer you to the attached transport Assessment by Cottee Transport) this is extremely frustrating, particularly given the time-critical nature of the Class P right (the residential use needs to be engaged by April 2018). I attach a letter dated 21st September which helps to demonstrate the negotiations to date.

Please consider the course of the application to date and the facts set out below:

- The site is a 11 minute walk from Uxbridge Tube Station
- The site's manual PTAL is 3 (please refer to para 2.21 of the Transport Statement which justifies this calculation)
- On street parking capacity within 200m ranges from 69% (42 available parking spaces) at the point of highest stress to 36% (86 available spaces) at the lowest stress.
- Census data indicates that car ownership is low in the area with 39% not owning a vehicle (nearly double the Borough average of 23%)
- Vacant garages to the rear of the site, available to rent via Council.

Taken together, the evidence submitted and particular site context means there are multiple options to make the scheme acceptable in highways terms. We have provided very clear evidence to demonstrate that the scheme is acceptable with on-street parking, or alternatively with on-site parking.

Notwithstanding the compelling evidence demonstrating the absence of parking stress, if you are of the opinion that unconstrained development is not acceptable, we would be willing to explore options to accommodate parking, involving a combination of car-free, on street and on site parking; with the following ratio as an example:

- 3 on site
- 1 on street

- 2 car free

I attach a relevant appeal decision and direct your attention to paragraphs 30 and 31 wherein the Inspector finds that a combination of 'permit free' and on-street parking in a similar manner to that suggested above. The Inspector noted that as there was evidence to demonstrate available parking the vicinity, a condition restricting all 24 flats to 'permit free' would not be reasonable or necessary. It is of note that the Inspector concluded that an increase to parking stress of just over 80% was acceptable.

I would like to discuss this further with yourself or Katherine and would be grateful if you could provide me with a direct phone number to contact you. Alternatively, please call me in the office on the number below.

Kind Regards

Lotte Hirst

Planning Director



T: [020 8954 5731](tel:02089545731)

F: 020 8954 9279

E: lotte@jaspargroup.co.uk



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Registered in England no: 3861025

From: Lance Calder

Sent: 17 November 2017 20:59

To: james.rodger@hillingdon.gov.uk

Cc: jpreston@hillingdon.gov.uk; mtomalova@hillingdon.gov.uk; Lotte Hirst
<lotte@jaspargroup.co.uk>; Nicola.Gooch@IrwinMitchell.com

Subject: Fwd: [EXT] Re: 654/APP/2017/2801: 44 Waterloo Road, Uxbridge UB8 2QX

Job No: AE/LH/JCG23131

E-mail: alun.evans@cgms.co.uk

Date: 21st September 2017

Mr John Preston
Planning Department
2W/04
Civic Centre
High Street
Uxbridge
Middlesex
UB8 1UW

Dear John

SITE: 44 WATERLOO ROAD, UXBRIDGE, UB8 2QX

PRIOR APPROVAL APPLICATION FOR CHANGE OF USE FROM USE CLASS B8 TO USE CLASS C3

APPLICATION REFERENCE: 1654/APP/2017/2801

I am writing on behalf of our client, Uxbridge Property Ltd, in relation to the above application for prior approval. We note from your email dated 1st September that the Council's Highways Officer has expressed that the development is unacceptable based on the low PTAL score. In an additional phone conversation on 12th September 2017 between myself and the Highways Officer, parking stress and pressure from Councillors and residents were cited as additional reasons why the development would cause unacceptable highways impacts.

We do not agree that the development will result in unacceptable highways impacts. The key points in support of this application are:

- The manual PTAL is 3 (not 0 as indicated by the automatic PTAL online tool).
- The relevance of PTAL is limited as we are not proposing a car-free development, although the applicant would be amenable to 3 of the 6 houses proposed to be restricted as car-free based on the medium PTAL rating of 3 and 11 minute walk to Uxbridge Tube Station. The remaining 3 homes will be entitled to apply for on street residents' permits.
- Waterloo Road has capacity for on-street parking - for the majority of the survey period relied up in our transport statement the parking stress did not exceed 50% and there were more than **50 available on street parking spaces** within 200m of the site.
- At the highest stress level recorded on a single occasion, there were still 27 available parking spaces.

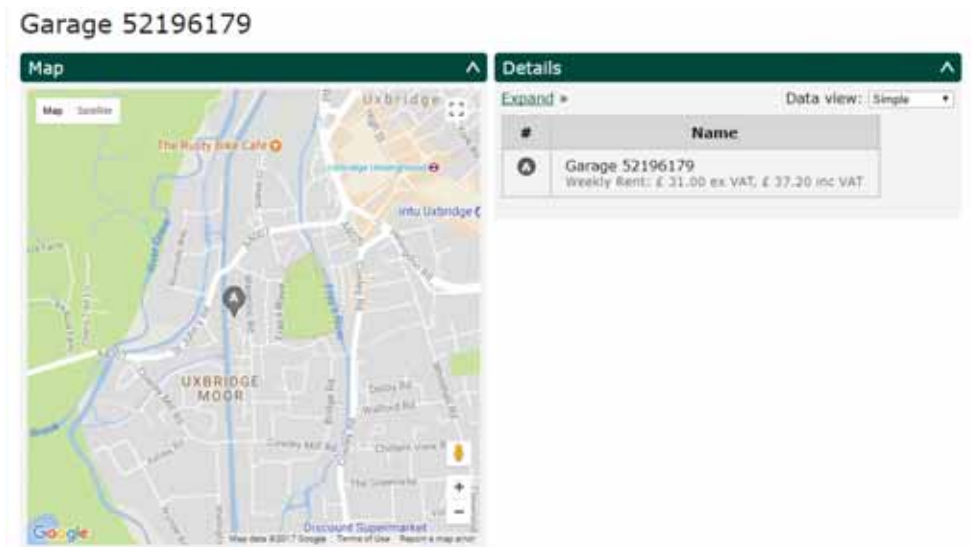
The initial proposal was to seek 6 on street permits, however the applicant respectfully requests that the Council consider the option of 3 car-free houses and 3 houses with on street parking permits.

The Transport Assessment and Parking Survey by Cottee Transport Consultants submitted with the application documents includes the parking survey data which provides clear and unequivocal evidence to demonstrate that Waterloo Road does not suffer from parking stress.

Furthermore, there are a number of garages to the immediate rear of the application site which are owned by the Council. At present, there are 5 garages (out of 13) available for rent at the site for £31 per week (excluding VAT). It is a reasonable assertion that if considerable on street parking stress existed, few/no private parking spaces would be available to rent. The images below are taken from the Council's website and include the Garage Reference Numbers, map showing the location and the weekly rental cost.

In addition to the garages at Waterloo Road, there are three garages at Austin Waye (3 minute walk/170m from the application site), with Garage Reference Numbers 52104705, 52105513 and 52105775. This evidence, in isolation but particularly when taken together with the data from the parking survey, is a clear indication there is no evidence of severe parking stress surrounding the site.

<u>53920137</u>	<u>WATERLOO ROAD</u>	<u>UXBRIDGE</u>
<u>52195785</u>	<u>WATERLOO ROAD</u>	<u>UXBRIDGE</u>
<u>52196043</u>	<u>WATERLOO ROAD</u>	<u>UXBRIDGE</u>
<u>52195811</u>	<u>WATERLOO ROAD</u>	<u>UXBRIDGE</u>
<u>52196179</u>	<u>WATERLOO ROAD</u>	<u>UXBRIDGE</u>



Based on the Council's website, within the Uxbridge ward there are a total of 43 Council garages available to rent. This is more than the total number in the remainder of the Borough, which given the relatively limited geographical area of Uxbridge in comparison to the remainder of the Borough (Uxbridge North and South wards highlighted in red below), indicates that whilst there may be some areas of parking stress, the need within Uxbridge and particularly the need surrounding the site itself, is not so great that all local Council garages are at capacity. In the context of the site the fact that there are 8 available in a 170m radius of the site further support our transport assessments conclusion that parking is not stressed.



Town	Available Council parking spaces
Uxbridge	43
Eastcote	7
Harefield	8
Hayes	5
Ikenham	1
Northwood	7
Ruislip	9

Map of London Borough of Hillingdon with Uxbridge North and Uxbridge South shaded red; Table showing number of available parking spaces in Hillingdon

Impact on Prior Approval Submission

The parking survey undertaken by Cottee Transport Consultants indicates there is capacity for future residents to be granted parking permits without the risk of parking stress. However, the applicant would also agree to restricting 3 of the 6 units to car-free, secured by planning condition or legal agreement. This would mean that the maximum number of additional on-street vehicles would be 3, in the event that the future occupiers of these one-bedroom units all had cars. Occupiers of the remaining car-free units would be restricted from applying for parking permits, but would have the opportunity to rent one of the available Council garages to the immediate rear of the site, make the 11 minute walk or 4 minute cycle to Uxbridge Tube Station, or seek further alternative private parking arrangements.

I trust this letter is self-explanatory but if you have any questions do not hesitate to contact either myself or Lotte Hirst at this office.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Alun Evans', followed by a horizontal line.

Alun Evans
Director

From: [Lotte Hirst](#)
To: [Lance Calder](#); "[jrodger2@hillingdon.gov.uk](#)"; "[kmills2@hillingdon.gov.uk](#)"
Cc: "[jpreston@hillingdon.gov.uk](#)"; "[mtomalova@hillingdon.gov.uk](#)"; "[Nicola.Gooch@IrwinMitchell.com](#)"
Subject: RE: [EXT] Re: 654/APP/2017/2801: 44 Waterloo Road, Uxbridge UB8 2QX
Date: 20 November 2017 15:33:00
Attachments: [1744-05.pdf](#)
[PTAL Spreadsheet Guide.pdf](#)
[image001.png](#)
[image004.png](#)
[image005.png](#)

Hi Katherine

Thank you for your time on the phone this morning and I appreciate you are trying to find some time to look over this case.

We have taken further advice from our transport consultants who are very clear that the site's PTAL is 3 and confirmed that to date, they have not come across a situation where a manual PTAL calculation has not been accepted.

TfL provide the PTAL spreadsheet macro that allows users to modify the WebCAT service PTAL calculation when it is considered that a PTAL is not representative of a site. This is generally when the PTAL tool calculation incorrectly interprets walking distances to service access points, or does not include service access points (relevant in this instance).

You may be aware of the TfL guidance but please find attached the guidance that accompanies the spreadsheet macro, section 4 of which demonstrates how to modify a PTAL rating that doesn't correctly reflect a site's accessibility. I refer you to Appendix C of the transport statement which shows that the WebCAT PTAL is inaccurate in the generated data, and how this is remedied by the manual input relating to walking distance to bus stops.

I have attached a plan that further illustrates the close proximity of service access points as explained in the Transport Statement.

This application has been well-considered and we are optimistic that you will agree once you've had chance to review.

We are obviously very keen to avoid a missed opportunity for the application to be determined at planning committee on the 23rd Nov (unless you are content that an alternative solution is appropriate) and hope that you are able to prioritise accordingly.

Please don't hesitate to call with any queries.

Kind Regards

Lotte Hirst

Planning Director



PTAL Spreadsheet Guide

1. Introduction

WebCAT provides pre-calculated PTAL values using a grid of points at 100m intervals across London. We recognise that under certain circumstances this level of detail is not sufficient for your purposes. For this reason we have developed the PTAL spreadsheet. The spreadsheet includes some sample PTAL calculations as well as a macro that allows you to import individual PTAL calculation reports from WebCAT and convert them to an Excel format. You can then modify the data to satisfy your own requirements. For example you could alter the walk times in the calculation to represent a precise location or you could include new transport routes to see what impact they have on the PTAL.

Section 2 provides an overview of the PTAL spreadsheet

Section 3 provides a step-by-step guide to downloading a PTAL calculation report and importing it into Excel.

Section 4 provides guidelines to on how to modify a PTAL calculation.

Section 5 provides contact details for further information.

2. PTAL spreadsheet overview

TfL's PTAL Calculator

PTAL (Public Transport Access Level)

PTAL is a detailed measure of the connectivity of a location to the public transport network, taking into account walk access time and service availability. The method provides a measure of the density of the public transport network for any location within Greater London.

This spreadsheet is designed to give you the opportunity to calculate your own PTALs. It includes sample worksheets that you could use as the basis for your own calculations, as well as a macro that can import a "WebCAT calculation report" text file into Excel and inserts all the necessary formulas.

How to use the "PTAL Report Converter"

1. Select a specific location on the WebCAT PTAL map and download the PTAL calculation report to your device.
2. Click on the "PTAL Report Converter" button (right) and select a PTAL calculation report.
3. Save the report in Excel format.
4. If you want to alter the location on which the calculation is based. Define the new point-of-interest and re-calculate the walk distances to the public transport access points (bus stops, station entrances, etc). Update the walk distances in Column D which in turn will update the total Access Index (AI) value given below the calculation.
5. Use the PTAL table (right) to convert the AI to the PTAL.

PTAL Report Converter

PTAL	Access Index range	Map colour
0 (worst)	0	
1a	0.01 – 2.50	
1b	2.51 – 5.0	
2	5.01 – 10.0	
3	10.01 – 15.0	
4	15.01 – 20.0	
5	20.01 – 25.0	
6a	25.01 – 40.0	
6b (best)	40.01 +	

Further Information

Have a look at the accompanying worksheets in this spreadsheet to see some sample PTAL calculations:

Example 1	Standard PTAL calculation
Example 2	Sample PTAL calculation for a site with a new scheme (Crossrail)
Example 3	Sample PTAL calculation for a site with a modified walk network

Additional information on PTAL calculations are given in the "PTAL Spreadsheet guide" and the "Assessing Transport Connectivity in London" guide - both available on the "Planning WebCAT" page.

If you have any additional queries please contact the WebCAT team: WebCAT@tfl.gov.uk

Figure 1: PTAL Spreadsheet – Notes worksheet

The PTAL spreadsheet gives you the ability to import an existing calculation report from WebCAT and convert it into an Excel format. It also includes a number of sample worksheets so that you can see how these calculations are completed.

The spreadsheet includes the following items:

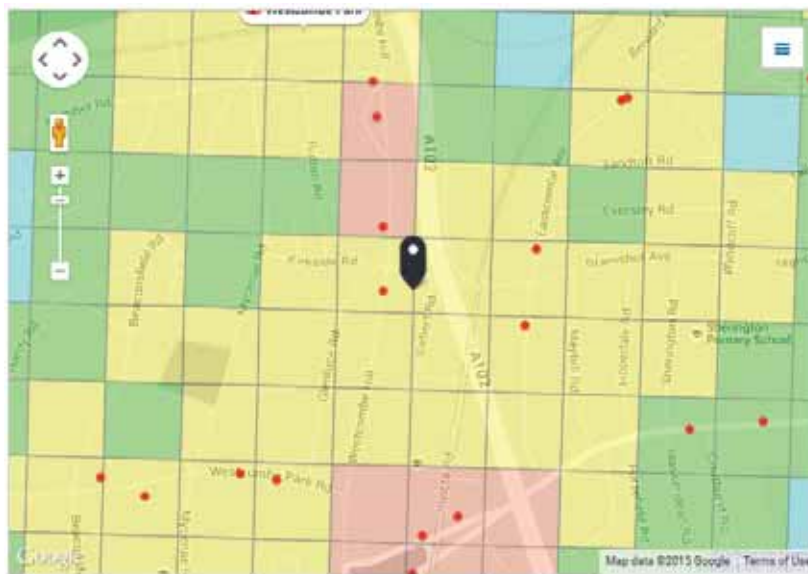
- **Notes:** Shown in Figure 1, provides general background information as well as a link to the "PTAL report converter" macro. Section of this guide explains how to do this
- **Example 1:** provides a standard PTAL calculation
- **Example 2:** includes PTAL calculations for a site with and without Crossrail services
- **Example 3:** includes two PTAL calculations for a site using the existing and new walk network

3. Using the PTAL Report Converter

In this section we explain how to export a PTAL calculation report from WebCAT and then import the results into an Excel spreadsheet.

a. Download a PTAL calculation report

WebCAT can provide a PTAL calculation report for each 100m grid cell in London. To extract the results for a specific location search or pan the PTAL map in WebCAT via the PTAL tab. Next, click on the map at your point of interest. If it is not already enabled, this will change the map's zoom level to display the PTAL grid similar to the example in Figure 2.



You can click anywhere on the map to change the selected location.

PTAL output for 2011 (Base year)

4

Easting: 540397, Northing: 177724

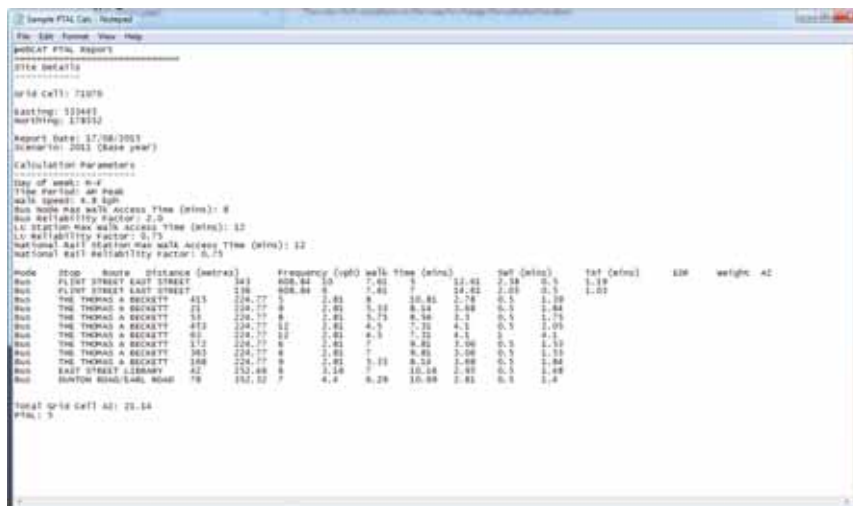
All public transport modes in London available in 2011
National Rail, London Overground, Tube, DLR, Tram, Buses

Reports and map downloads

Full PTAL report PDF	
PTAL map PNG	
PTAL Calculation report TXT	

Figure 2: PTAL grid cells display

The PTAL value for each grid square is based on its central point or centroid. The data needed to calculate this is stored in a database and can be downloaded as a "PTAL Calculation Report" (a tab delimited text file) for the selected location. An example report is given below in Figure 3. To generate a report click on the "PTAL Calculation report" link below the map and save the file to your device.



Sample PTAL Calc - Help

File Edit Format View Help

PODCAT PTAL Report

PTAL Calculation Report

Report Date: 17/08/2011
 Report Time: 17:00:00
 Report User: 170000

Calculation Parameters

Use of roads: all
 Time period: all
 Walk speed: 5.0 km/h
 Bus stop max walk access time (min): 8
 Bus reliability factor: 2.0
 L1 stop max walk access time (min): 12
 L2 reliability factor: 0.75
 National rail stop max walk access time (min): 12
 National rail reliability factor: 0.75

Mode	Stop	Route	Distance (metres)	Frequency (ph)	Wait time (min)	Walk (min)	Lat (min)	Lon	Weight	AT
Bus	FLINT STREET EAST STREET	141	408.64	5	7.62	5	13.62	2.58	0.5	1.19
Bus	FLINT STREET EAST STREET	141	408.64	5	7.62	5	13.62	2.58	0.5	1.19
Bus	THE THOMAS A BECKETT	415	224.77	5	2.85	8	10.85	2.78	0.5	1.29
Bus	THE THOMAS A BECKETT	21	224.77	5	2.85	5.12	8.14	1.88	0.5	1.44
Bus	THE THOMAS A BECKETT	51	224.77	5	2.85	5.73	8.58	2.1	0.5	1.71
Bus	THE THOMAS A BECKETT	419	224.77	10	2.85	4.5	7.35	4.1	0.5	1.09
Bus	THE THOMAS A BECKETT	61	224.77	10	2.85	4.5	7.35	4.1	0.5	1.09
Bus	THE THOMAS A BECKETT	119	224.77	5	2.85	7	8.85	3.08	0.5	1.33
Bus	THE THOMAS A BECKETT	103	224.77	5	2.85	7	8.85	3.08	0.5	1.33
Bus	THE THOMAS A BECKETT	108	224.77	5	2.85	5.12	8.14	1.88	0.5	1.44
Bus	RAIP STREET LIBRARY	42	224.77	5	2.85	5.12	8.14	1.88	0.5	1.44
Bus	BURTON ROAD/SARF ROAD	79	351.52	7	4.8	6.28	10.88	2.85	0.5	1.4

Total grid cell AT: 21.14
 PTAL: 3

Figure PTAL calculation report - text

b. Importing the calculation report to Excel

In the "PTAL Spreadsheet" select the "Notes" worksheet and click on the "PTAL Report Converter" button (See Figure 1). This will ask you to select an existing text report. Once selected the report is converted from text to an Excel spreadsheet with all the necessary formulas included (Columns F to K). On completion of the macro you will be asked to save the file. Ensure this is an Excel format to retain the formulas. Figure 4 shows Figure 3 converted into a spreadsheet format.

WebCAT PTAL Report										
=====										
Site Details										
=====										
Grid Cell: 71070										
Easting: 533445										
Northing: 178552										
Report Date: 04/09/2015										
Scenario: 2011 (Base year)										
Calculation Parameters										
=====										
Day of Week: M-F										
Time Period: AM Peak										
Walk Speed: 4.8 kph										
Bus Node Max Walk Access Time (mins): 8										
Bus Reliability Factor: 2.0										
LU Station Max Walk Access Time (mins): 12										
LU Reliability Factor: 0.75										
National Rail Station Max Walk Access Time (mins): 12										
National Rail Reliability Factor: 0.75										
Mode	Stop	Route	Distance (r	Frequency	Walk Time	SWT (mins	TAT (mins)	EDF	Weight	AI
Bus	THE THOM	453	224.77	12	2.809625	4.5	7.309625	4.104178	1	4.104178
Bus	THE THOM	63	224.77	12	2.809625	4.5	7.309625	4.104178	0.5	2.052089
Bus	THE THOM	21	224.77	9	2.809625	5.333333	8.142958	3.684165	0.5	1.842082
Bus	THE THOM	168	224.77	9	2.809625	5.333333	8.142958	3.684165	0.5	1.842082
Bus	THE THOM	53	224.77	8	2.809625	5.75	8.559625	3.504826	0.5	1.752413
Bus	THE THOM	172	224.77	6	2.809625	7	9.809625	3.058221	0.5	1.52911
Bus	THE THOM	363	224.77	6	2.809625	7	9.809625	3.058221	0.5	1.52911
Bus	EAST STR	42	252.46	6	3.15575	7	10.15575	2.953992	0.5	1.476996
Bus	DUNTON R	78	352.32	7	4.404	6.265714	10.68971	2.806436	0.5	1.403218
Bus	THE THOM	415	224.77	5	2.809625	8	10.80963	2.775304	0.5	1.387652
Bus	FLINT STR	343	608.84	10	7.6105	5	12.6105	2.37897	0.5	1.189485
Bus	FLINT STR	136	608.84	6	7.6105	7	14.6105	2.053318	0.5	1.026659
Total PTAL: 21.13508										

Figure 4 : PTAL calculation report in ported into Excel

c. Applying the PTAL

Below the calculation the "Total PTAL" (Access Index) value is given. This is the sum of the AI values given in column K. The total can be given a PTAL rating using the table in Figure 5.

Note: If you alter variables such as distance or frequency this will have an impact on the Access Index and the final PTAL.

PTAL	Access Index range	Map colour
0 (worst)	0	
1a	0.01 – 2.50	
1b	2.51 – 5.0	
2	5.01 – 10.0	
3	10.01 – 15.0	
4	15.01 – 20.0	
5	20.01 – 25.0	
6a	25.01 – 40.0	
6b (best)	40.01+	

Figure 5 : Converting the Access Index to a PTAL

4. Modifying the calculation

Now that you have a PTAL calculation worksheet you can modify it to reflect local conditions.

Examples may include:

- Changing the point-of-interest (and walk distances) to represent a different location to the WebCAT grid calculation.
- Changing walk distances to reflect more direct or indirect walk routes that are not defined in WebCAT.
- Including new services (e.g. a new bus service or rail route) into the calculation to see what impact it has on the PTAL score.

a) Modifying walk distances

Walk distances are measured from the calculation's point-of-interest to the service access points: bus stops or station entrances via the walk network.

Any changes to the walk network or the location of the calculation point will mean that walk distances in column D of the calculation worksheet will need to be checked and altered manually by the user.

Changes to the walk network and/or the point-of-interest could also mean that additional services are within range (640m for bus stops or 960m for all other modes) and will need to be included in the calculation. Likewise services that now fall outside these thresholds need to be deleted from the calculation.

b) Modifying service data

When adding additional service information the following "rules" should be adhered to:

- All routes are only entered once in the calculation. Some bus routes, for example, may have two stops that fall within the maximum walk distance. In the spreadsheet the route with the shortest walk distance from the POI is the one entered.

- For bus routes, although there may be minor variation in stopping patterns in either direction, to simplify the process bi-directional routes are considered equal and in the spreadsheet only the direction with the highest frequency is entered.
- Rail and LUL services are identified by their service stopping patterns. Where the pattern is duplicated in both directions only the service with the highest frequency is entered into the spreadsheet.

It is recommended that where possible additional service information is extracted from other W ebCAT PTAL calculation reports and incorporated into the calculation. Walk distances will need to be checked and altered to reflect the new location and any duplicate routes will need to be deleted.

c) Applying the mode based weighting

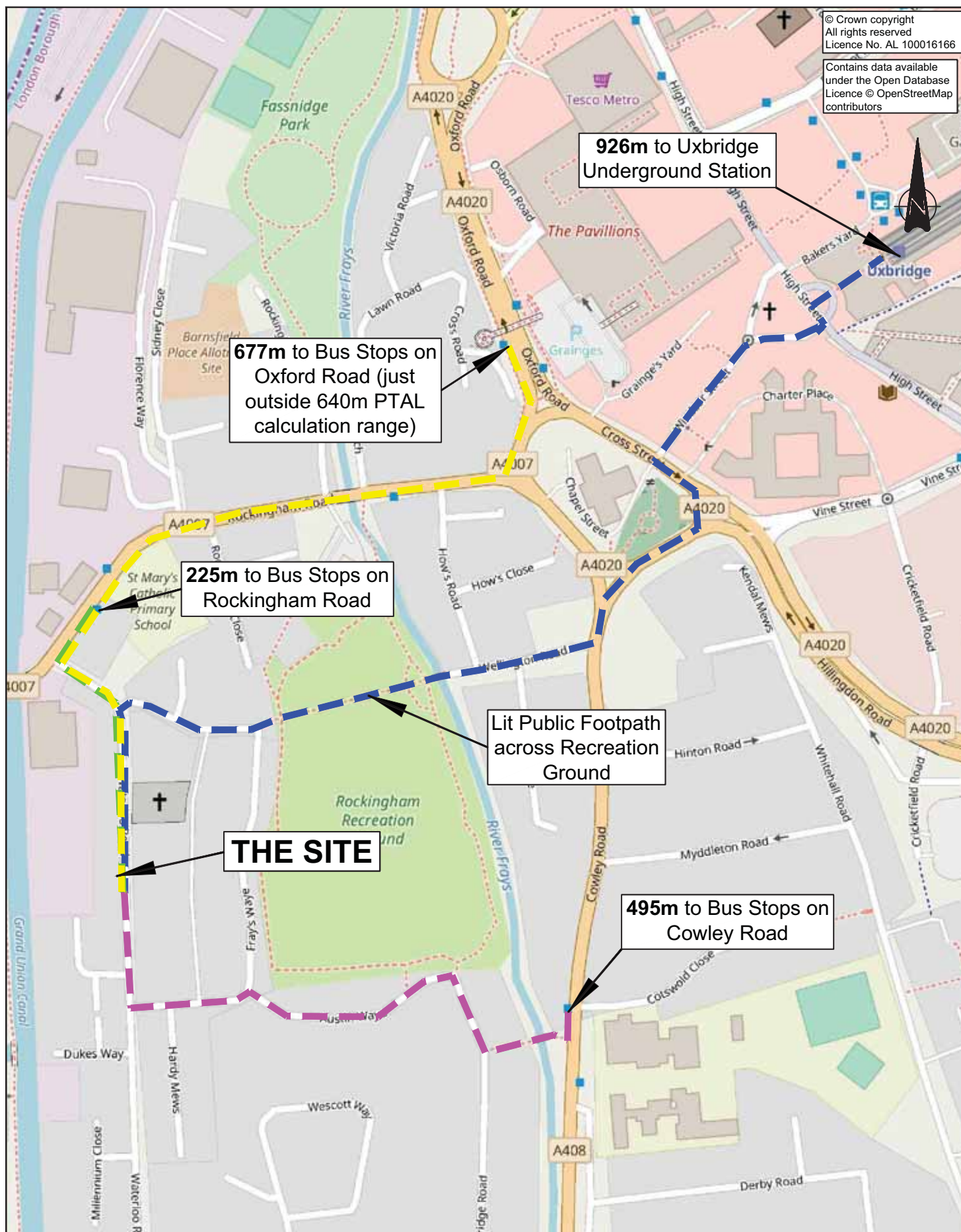
Any changes to the service definitions or walk distances in Column D will alter the calculation values in columns F to K. Remember that these changes will alter the EDF value (column I). Check that the weighting is applied correctly by mode in column J). For each mode (Bus, Rail, LU, etc.) the service with the highest EDF is given a value of 1 whilst the remainder are given a weighting of 0.5.

5. Further information

Further background information relating to the PTAL calculation can be found in our connectivity guide available on the "Planning with W ebCAT" web page.

Similarly if you have any queries regarding the calculation please contact the W ebCAT team : W ebCAT@ tfl.gov.uk.

October 2015



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contributors

Drawn		FPEC		Checked		AF			
Scale				NTS		Date		NOV 2017	
Drawing No.				1744/05					
Cottie Highway : Transportation Consultants Ltd. accept no responsibility for any unauthorised amendments to this drawing. Only figured dimensions are to be worked to.									
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Project
JASPAR GROUP OF COMPANIES
WATERLOO ROAD □ UXBIDGE
**WALKING DISTANCES TO
SERVICE ACCESS POINTS**

COTTEE Transport Planning
Fir Lodge
Threshelfords Business Park
Feering
Essex
CO5 9SE
Tel : 01376 573400
Fax : 01376 573480
email : info@cottee-tp.co.uk
www.cotteetransportplanning.co.uk

From: [Lotte Hirst](#)
To: [Lance Calder](#); "[jrodger2@hillingdon.gov.uk](#)"; "[kmills2@hillingdon.gov.uk](#)"
Cc: "[jpreston@hillingdon.gov.uk](#)"; "[mtomalova@hillingdon.gov.uk](#)"; "[Nicola.Gooch@IrwinMitchell.com](#)"
Subject: RE: [EXT] Re: 654/APP/2017/2801: 44 Waterloo Road, Uxbridge UB8 2QX
Date: 22 November 2017 13:10:00
Attachments: [image001.png](#)
[image004.png](#)
[image005.png](#)
Importance: High

James,

When can we expect an update?

We are on day 107 of what should be a 56 day process with no steer on the Council's position, despite prior meetings and agreement with senior staff and subsequent positive recommendation.

I appreciate you and your team are busy but we would be grateful if you could find time to review this application as a matter of urgency.

Kind Regards

Lotte Hirst

Planning Director



T: [020 8954 5731](tel:02089545731)

F: 020 8954 9279

E: lotte@jaspargroup.co.uk



[Jaspar Group of Companies | 2nd Floor, Stanmore House, 15-19 Church Road | Stanmore | Middlesex | HA7 4AR](#)

www.jaspargroup.co.uk

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Jaspar Group of Companies. Registered office: 173-175 Cleveland Street | London | W1T 6QR.
Registered in England no: 3861025

From: Lotte Hirst

Sent: 21 November 2017 15:49

To: Lance Calder <lance@jaspargroup.co.uk>; 'jrodger2@hillingdon.gov.uk' <jrodger2@hillingdon.gov.uk>; 'kmills2@hillingdon.gov.uk' <kmills2@hillingdon.gov.uk>

Cc: 'jpreston@hillingdon.gov.uk' <jpreston@hillingdon.gov.uk>; 'mtomalova@hillingdon.gov.uk' <mtomalova@hillingdon.gov.uk>; 'Nicola.Gooch@IrwinMitchell.com' <Nicola.Gooch@IrwinMitchell.com>

Subject: RE: [EXT] Re: 654/APP/2017/2801: 44 Waterloo Road, Uxbridge UB8 2QX

Hi Katherine,

Are you in a position to provide an update on this site?

I appreciate the case was only re-allocated to you on Friday, but I'm sure you understand our frustrations given the recent course of events. Please do get back to me as a matter of urgency.

Kind Regards

Lotte Hirst

Planning Director



T: 020 8954 5731

F: 020 8954 9279

E: lotte@jaspargroup.co.uk



Jaspar Group of Companies | 2nd Floor, Stanmore House, 15-19 Church Road | Stanmore | Middlesex | HA7 4AR

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Jaspar Group of Companies. Registered office: 173-175 Cleveland Street | London | W1T 6QR.
Registered in England no: 3861025

From: Lotte Hirst

Sent: 20 November 2017 12:31

To: Lance Calder <lance@jaspargroup.co.uk>; 'jrodger2@hillingdon.gov.uk'

Our Ref: JM053

**E-mail: lotte@jaspargroup.co.uk
Date: 23rd November 2017**

Mr James Rodger
Planning Department
Civic Centre
High Street
Uxbridge
UB8 1UW

Dear Mr Rodger

PRIOR APPROVAL APPLICATION FOR CHANGE OF USE FROM USE CLASS B8 (STORAGE OR DISTRIBUTION CENTRE) TO USE CLASS C3 (DWELLINGHOUSE) FOR 6 X 1 BED FLATS

SITE: 44 WATERLOO ROAD, UXBRIDGE UB8 2QX

APPLICATION REFERENCE: 654/APP/2017/2801

Further to our numerous correspondence, we are yet to receive any response or feedback in relation to application reference 654/APP/2017/2801.

The intention of prior approval rights is to expedite and streamline the planning process. Consent is automatically granted if a determination is not made within a 56 day period from receipt of a valid application and the intention of this part of the legislation is to encourage local authorities to determine these applications without delay.

In spite of the above, we have agreed a number of extensions of time in the spirit of cooperation to allow for LB Hillingdon to fully consider the application. We are now on day 108 of what should be a 56 day process and are yet to receive any justification as to why the application has not been approved.

Class P is a time-limited right and the use must be commenced by 15th April 2018, thus you will appreciate the need for this application to be reviewed as soon as possible. We appreciate that this is one of a high volume of cases currently being considered by your Officers, as such and in order to expedite matters, we propose a PPA is entered into relating to the pending Prior Approval application as well an application for external changes to the building (for which a pre-application enquiry has been submitted).

We were assured in an email dated Friday 17th November that you would be in contact on Monday 20th November. Please respond to this letter by close of business on Friday 24th November. Given the discourse of the application to date, we request a copy of LB Hillingdon's official complaints procedure, which we intend to pursue in the event that we don't receive a timely response.

Despite these recent issues, the Jaspar Group remains keen to work proactively with the Council to work towards a resolution in respect of this application, as well as on future developments within LB Hillingdon.

Yours sincerely,

Lotte Hirst

Planning Director

T: 020 8954 5731

APPENDIX 9

Our Ref: JM053

**E-mail: lotte@jaspargroup.co.uk
Date: 23rd November 2017**

Mr James Rodger
Planning Department
Civic Centre
High Street
Uxbridge
UB8 1UW

Dear Mr Rodger

PRIOR APPROVAL APPLICATION FOR CHANGE OF USE FROM USE CLASS B8 (STORAGE OR DISTRIBUTION CENTRE) TO USE CLASS C3 (DWELLINGHOUSE) FOR 6 X 1 BED FLATS

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Despite these recent issues, the Jaspar Group remains keen to work proactively with the Council to work towards a resolution in respect of this application, as well as on future developments within LB Hillingdon.

Yours sincerely,

Lotte Hirst

Planning Director

T: 020 8954 5731

APPENDIX 10

From: James Rodger
To: [Lotte Hirst](#)
Cc: [Lance Calder](#); kmills2@hillingsdon.gov.uk; jpreston@hillingsdon.gov.uk; mtomalova@hillingsdon.gov.uk; Nicola.Gooch@IrwinMitchell.com; [Alan Tilly](#)
Subject: Re: [EXT] Re: 654/APP/2017/2801: 44 Waterloo Road, Uxbridge UB8 2QX
Date: 23 November 2017 16:21:16
Attachments: [image001.png](#)
[image005.png](#)
[image004.png](#)
[44 Waterloo Road.pdf](#)

Dear Lotte,

The delay in responding to your e-mails was to enable further consideration of the highway impact of the proposals. However, the Council remains concerned regarding the proposal being car free.

The reason this has been raised when the prior approval has been subject to management consideration (in this case I must advise that it has been my intervention) is because I have been involved in virtually all the Councils planning committee decisions over the last 5 years. Part of my role when considering officer reports does involve drawing upon that knowledge, case officers and Council highway engineers may not have that background knowledge (unfortunately that has occurred with the processing of your prior approval application).

I have attached a plan to this e-mail which I believe illustrates why there is such a concern regarding the development being car free. There have been a number of major development proposals in the vicinity of Waterloo Road where because of a combination of resident feedback regarding parking stress (based on long term knowledge rather than a limited number of surveys), Transport Statements or Transport Assessments submitted with those applications and the highway engineer comments on those applications on site parking has been required. I was concerned regarding your proposals because I knew the site was located in a part of the Borough known to have parking stress and which has been the subject of various major development proposals in the past 5 years where a 1:1 parking ratio has been applied.

The development of Waterloo Wharf (at the junction of Waterloo Road with Rockingham Road) which is a recent permission (May 2017) for: *'Demolition of existing buildings. Erection of 4 storey building containing 52 apartments and commercial unit together with associated car parking, access and landscaping'* is a particularly relevant case.

The application reference is 43016/APP/2016/2840. This development has been approved with a 1:1 parking ratio and is now under construction. It has a PTAL of 3, the same as you are advising should apply for 44 Waterloo Road. The Waterloo Wharf site was the subject of a 2016 refused scheme where refusal reason 05 was:

5. The proposal does not make adequate provision for on-site car parking in accordance with the Council's adopted standards and is likely to result in increased overspill parking on the surrounding local roads.

The proposal is therefore contrary to the Council's adopted policies in particular policies AM7 and AM14 of the Hillingdon Local Plan, Part Two, Saved Policies (November 2012), policy BE1 of the adopted Local Plan Part 1

(2012) and was subject to an earlier refusal of permission for various reasons including.

This was because a parking ratio of 0.7 spaces per a unit was considered likely to give rise to parking stress and conditions prejudicial to highway safety.

The plan attached to this e-mail shows your proposed site in red and a number of nearby major development sites which were approved with on site parking. In contrast the plan also shows that recent decisions to allow car free development are clustered in Uxbridge Town Centre on sites with a PTAL of 5 or 6.

I am confident the Council can cross-reference a number of planning applications surrounding 44 Waterloo Road which demonstrate:

- That the Local Planning Authority has consistently considered the immediate area to suffer from parking stress
- That the Local Planning Authority has consistently required an appropriate level of parking to address concerns regarding parking stress on applications in the area surrounding 44 Waterloo Road.

I appreciate that the attached map does not give full planning references for all the sites surrounding 44 Waterloo Road, Katherine Mills, who is cc to this e-mail, can provide these.

In conclusion I can advise that the Council's position is that it will not accept a car free development proposal at 44 Waterloo Road.

We can either process the prior approval therefore as a refusal, or, if your client wishes to re-consider the proposals and provide access to parking on-site we can discuss this further. I am very mindful that you have previously given an agreed extension of time (in order for the Council to view the prior approval application favourably) so I would not wish to imply we will make a decision without recourse to further discussion, however if such discussions are seeking to further convince the Local Planning Authority to allow a car free development then I do not think there is any merit in further discussion's occurring.

I hope the above comments clarify the Council's position on this prior approval application.

Kind Regards

James Rodger,



Head of Planning and Enforcement

Residents Services

London Borough of Hillingdon

3S/03, Civic Centre, High Street

Uxbridge UB8 1UW

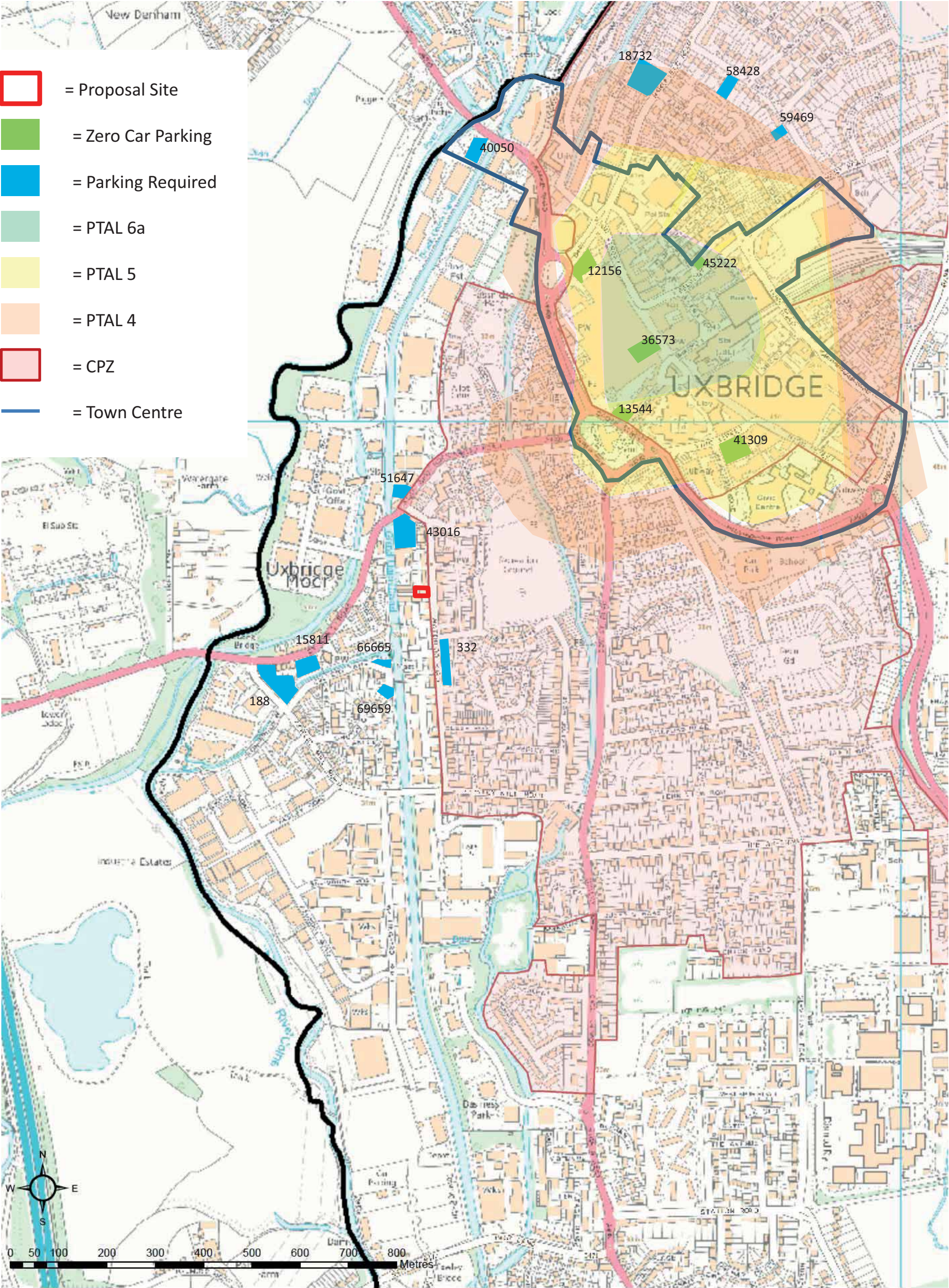
Telephone: 01895 277468

[Email:jrodger2@hillingsdon.gov.uk](mailto:jrodger2@hillingsdon.gov.uk)

On 23 November 2017 at 14:35, Lotte Hirst <lotte@jaspargroup.co.uk> wrote:

|

Parking arrangements for recently approved residential development.



APPENDIX 11

Historic Streetview images to illustrate consistent low levels of on-street parking along Waterloo Road, Uxbridge

June 2016



August 2015



June 2014



October 2012



From: [Lotte Hirst](#)
To: ["James Rodger"](#)
Cc: [Lance Calder](#); kmills2@hillington.gov.uk; jpreston@hillington.gov.uk; mtomalova@hillington.gov.uk; Nicola.Gooch@IrwinMitchell.com; [Alan Tilly](#)
Subject: RE: [EXT] Re: 654/APP/2017/2801: 44 Waterloo Road, Uxbridge UB8 2QX
Date: 23 November 2017 17:07:00
Attachments: [image001.png](#)
[image004.png](#)
[image005.png](#)
[PD existing anf proposed 3 spaces 1-GF site plan.pdf](#)

Hi James

Thank you for your response and for explaining the reasons for your concerns.

Whilst we understand that parking may be a sensitive issue for residents in the locality we are not of the opinion that your response has provided any objective evidence that parking stress exists within the immediate area surrounding the site. Our opinion remains that both on street and car free are appropriate for the subject property.

Notwithstanding the above we have always maintained a willingness to work with the Borough to reach an agreement on the issues without recourse to the appeal process. As per our previous emails we are able to provide 3 on site spaces. Based on census data car ownership in the output area is 61% that would mean the likely number of cars across the development will be 3.66; based on the above provision of 3 on site spaces the car parking ratio will be 0.82. The residual on street impact is there for de minimis. We are flexible on how you wish to deal with the remaining 3 units that cannot be provided off street parking under the above revised proposal. If you consider it necessary we are happy to meet to discuss.

We attach a plan showing the new site layout which we ask to be formally considered under this application. We are happy to provide an updated transport statement reflecting these changes should you require.

As per our letter of earlier today we are also keen to fast track the application for the external changes, we would welcome entering into a PPA with the Borough to allow a forthcoming application to be determined prior to 31st Jan 2017. Please confirm if you consider this a sensible way forward.

We do appreciate you coming back to us and look forward to receiving you response in relation to the above points raised.

Kind Regards

Lotte Hirst

Planning Director



T: [020 8954 5731](tel:02089545731)

F: 020 8954 9279

E: lotte@jaspargroup.co.uk

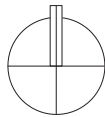


GROUND FLOOR (INCORPORATING SITE PLAN)
1: 200



2nd Floor
Stanmore House
15 - 19 Church Road
Stanmore
Middlesex HA7 4AR

T: 020 8954 5731
F: 020 8954 9279
E: info@jaspargroup.co.uk



0 3m

Rev	Description	Date	
All dimensions and levels to be checked on site by contractor prior to preparation of shop drawings and commencement of work on site. Do not scale from this drawing or reproduce without consent. This drawing and the design is the copyright and property of Jasper Group and may not be used in part or in whole without prior written consent. This drawing is to be read in conjunction with all relevant consultants and/or specialist's drawings/documents and any discrepancies or variations are to notified to Jasper Group before the affected work commences.			
PROJECT: The Old Mission House 44 Waterloo Road Uxbridge Middlesex UB8 2QX			
DRAWING: PERMITTED DEVELOPMENT Ground Floor (incorporating Site Plan)			
DWN: AM	CKD: -	DATE: 22/05/17	STATUS: PD
SCALE: 1:200@A3	DWG NO: JM043 - BPS - GA - 900	REV: -	

From: [Lotte Hirst](#)
To: ["James Rodger"](#)
Cc: [Lance Calder](#); ["kmills2@hillingdon.gov.uk"](#); ["jpreston@hillingdon.gov.uk"](#); ["mtomalova@hillingdon.gov.uk"](#); ["Nicola.Gooch@IrwinMitchell.com"](#); ["Alan Tilly"](#)
Subject: RE: [EXT] Re: 654/APP/2017/2801: 44 Waterloo Road, Uxbridge UB8 2QX
Date: 27 November 2017 13:53:00
Attachments: [image001.png](#)
[image004.png](#)
[image005.png](#)
[171127_Waterloo_Rd_Historic_Streetview.pdf](#)
[PD_existing_and_proposed_3_spaces_1-GF_site_plan.pdf](#)

Dear James,

Further to our email on Thursday, we have further looked into the points you have raised in relation to parking arrangements for previous developments in the Uxbridge area, which have informed your response to the pending application at 44 Waterloo Road. Our Transport Consultants have also reviewed your email.

Please take into account the points we raise below:

1. The consents you reference are major development proposals whereas this is a minor development of 6 units; it is therefore flawed to draw comparisons in terms of the approach to highways impacts as a larger scheme will naturally pose a greater threat to parking/highways stress, therefore an on-site ratio of 1:1 in these cases was entirely appropriate.
2. At least 5 of the developments (188, 15811, 66665, 69659, and 40050) referenced in your email are not comparable to the proposed as they are not within 200m of a CPZ, therefore no parking restrictions apply on surrounding streets.
3. Furthermore, 4 of the developments (188, 15811, 66665, and 69659) are to the west of the river and are located further away from public transport facilities such as the station, therefore will have a lower PTAL than the proposed site.
4. With regards to parking stress there appears to be only anecdotal evidence from residents. Having looked at the other developments on Waterloo Road and Rockingham Road (332, 43016, 51647) the following points are of note:
 - Neither parking stress surveys nor parking stress appear to have been mentioned in the accompanying Transport Statements / Assessments.
 - Had parking surveys been undertaken development 332 dates back to 2008, therefore survey data would be out of date.
 - If parking survey data is available for developments 43016 and 51647, then this would not include all roads within 200m of the proposed site, therefore would not be representative of parking stress in the immediate site vicinity on Waterloo Road.

We have seen no empirical evidence to date that suggests there is parking stress in the immediate area surrounding 44 Waterloo Road; this needs to be balanced against our tangible evidence, including a parking survey (Lambeth Methodology), historic/current Streetview images and surplus rental garages.

5. The site is within a CPZ with operating hours of 0900 – 1700. Residents would not be able to apply for a parking permit if the development is car free therefore on-street parking capacity would not be affected as residents would not be able to park on-street during these hours. The practicalities of only being able to park on-street during these hours would strongly discourage car ownership.
6. The key considerations regarding car ownership, parking capacity, walking distance of the station, and PTAL we have previously raised (see email dated 20 November 2017 12:31) should be given due consideration.
7. Hillingdon planning application ref 34463/APP/2017/2254 which has approved a change of use to an HMO for 6 occupants with a PTAL 2 car free site approved following car parking surveys being undertaken which show on-street capacity. This site is around 600m south east of the proposed site. Given the car-free approach was accepted in this instance, we see no real justification that car-free is not appropriate in this case. We have achieved numerous prior approval consents in outer London boroughs for car-free schemes, including an 8 unit scheme in LB Harrow (LPA P/5140/16).

In addition to the evidence we have previously provided please find attached a photographic record taken from Google Streetview, the photos are timestamped and show that over the last 5 years there is consistently free parking capacity in the immediate vicinity of the application site, which further supports our position that parking stress is not a significant issue. We ask that this evidence alongside our above comments and previous submissions are all formally considered in determining this application.

Notwithstanding the above, the revised proposal of the 3 on site spaces is the position we wish to be formally considered as per our previous email (we attach the revised plan for ease of reference). We hope this meets with your approval and look forward to hearing back from you at your earliest convenience.

Kind Regards

Lotte Hirst

Planning Director



T: [020 8954 5731](tel:02089545731)

F: 020 8954 9279

E: lotte@jaspargroup.co.uk



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www.jaspargroup.co.uk

APPENDIX 12

44 Uxbridge Road, Uxbridge, UB82QX

OPINION

1. On 28th July 2017 Uxbridge Property Ltd (“UPL”) made a prior approval application to Hillingdon LBC (“the Council”) in respect of the proposed change of use of 44 Waterloo Road, Uxbridge, from B8 to C3 use pursuant to Class P of the Town and Country Planning (General Permitted Development) (England) Order 2015 (“the GPDO”). The proposal comprises the conversion of the existing building on site into 6 residential units.
2. The application was supported by a transport assessment carried out by Cottee Transport Consultants. This shows that there would be ample on street parking for each unit, on the basis of one parking permit per unit: see paragraphs 3.8 – 3.12.
3. The Council’s Highways Officer expressed concerns that the proposal for on-street parking would be unacceptable on the basis (inter alia) that the area suffers from parking stress.
4. UPL pointed out to the Council that there was no evidence of parking stress (letter from CgMS dated 21st September) but nonetheless proposed that the scheme could be amended so that three of the 6 units would not be allowed to have on-street parking permits.
5. A meeting was subsequently held on 4th October 2017, attended by Maria Tomavola (Case Officer), John Preston (Planning Team Leader) and Peter Lovejoy (Highways) at which it was agreed that the scheme would be car-free. UPL commissioned a further transport assessment from Cottee which maintained the position that there is no parking stress in the area and that a car-free scheme would be unobjectionable in highways terms (paragraphs 3.9 – 3.12).
6. On 17th November 2017 the Council informed UPL that the Council’s Head of Planning (James Rodger) would not agree to the scheme being car free. UPL chased the Council for an explanation of its position. By email dated 23rd November 2017 Mr Rodger explained that there have been a number of major development proposals in the vicinity of Waterloo Road where “because of a combination of resident feedback regarding parking stress (based on long term knowledge rather than a limited number of surveys), Transport Statements or Transport Assessments submitted with those applications and the highway engineer comments on those applications on site parking has been required”. Mr Rodger further stated that he was

concerned about the scheme because he “knew the site was located in a part of the Borough known to have parking stress”. Mr Rodger then gave the example of the development of Waterloo Wharf which was approved with a 1:1 parking ratio, having previously been refused by the Council when the proposal was for 0.7 spaces per unit. Finally, Mr Rodger stated that he was confident that the Council could show that it “has consistently considered the immediate area to suffer from parking stress” and that it has “consistently required an appropriate level of parking to address concerns on parking stress on applications in the area”.

7. As can be seen from the above chronology, the 56 day period for the Council’s determination of the application has long since passed (an extension of time to 11th December has been agreed) and the Council is now insisting on on-site parking whereas previously it was insisting that the scheme should be car free. The Council’s approach, both in terms of the inordinate delay and its u-turn in respect of parking provision is plainly unsatisfactory and does not accord with the clear guidance in the paragraph 187 of the NPPF which requires Councils to work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.
8. The Council is due to determine the application by 11th December 2017. There are two points to make here.
9. First, the Council needs to determine the application on the basis of the evidence before it. The assessments undertaken by Cottee show that there is no parking stress in the area. It is notable that in the four months since the application was submitted the Council has never suggested that the Cottee appraisals are in any way unreliable, either in terms of their methodology or in terms of their analysis and conclusions. It would be unreasonable in my view for the Council to determine the applications on the basis of unsubstantiated assertions as to parking stress, e.g. the unspecified “long term knowledge” referred to by Mr Rodger.
10. Second, the fact that the Council has previously reached the view that the area suffers from parking stress is not of itself evidence that the area does suffer from parking stress. Similarly, the fact that the Council has previously insisted on on-site parking does not of itself evidence that on-street parking / car free would be unacceptable. In relation to on-street parking the NPPF is clear that proposals should only be refused on highway grounds if the impact is *severe*. The Cottee appraisals demonstrate that this would plainly not be the case. As to car-free (i.e. no permits) the Council would have to explain why this would be unacceptable given that on

the evidence residents who wanted a car would have the option of renting a garage in close proximity to the site.

11. Finally, in response to the Council's latest change of position, UPL has indicated that if the Council really thought that on-site parking was required then it could make three spaces available. This could be secured by condition. In those circumstances the Council would have to consider whether the grant of three on-street permits would cause any material increase in parking stress (the Cottee appraisals conclude that they would not) or, if no permits are to be issued, why that could be said to be problematic given that it cannot be assumed that all residents will have a car (see the census data) and in any event garage parking is available in the near vicinity.
12. Should the Council decide that the remaining three units will not be issued permits, there is no sound legal reason why this cannot be secured by a condition or unilateral undertaking and a decision issued under delegated powers on this basis.
13. As things stand in my view the Council would be at risk of a costs award in the event that it rejects the scheme.

Robert Walton

Landmark Chambers

30th November 2017.

APPENDIX 13

James,

It's disappointing that you were not available for the conference call we had agreed. I appreciate you may be busy, but so are we, and we made time to be available for this call. If you had other engagements a simple courtesy email could have been sent to rearrange. Were this an isolated incident I could understand, however this is consistent with the way this matter has been dealt with since it was withdrawn from the November committee. This is unacceptable.

I am puzzled how developers are going to be able to deliver much needed housing in the Borough when there is inconsistency of advice, a lack on meaningful engagement and failure to consider relevant evidence when arriving at decisions. This creates a complete lack of certainty when appraising potential development sites, when one has to assume that any planning consents required may not be dealt with appropriately.

We are available at 4pm, we are informed your diary is currently free at this time, we will send an updated diary note. Failing that, I request (for the 3rd time) details of your written complaints procedure.

Kind Regards,

Lance Calder

Development Director



T: [020 8954 5731](tel:02089545731)

F: [020 8954 9279](tel:02089549279)

E: lance@jaspargroup.co.uk



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From: James Rodger [<mailto:jrodger2@hillingdon.gov.uk>]

Sent: 01 December 2017 10:10

To: Lance Calder

Cc: John Preston; Lotte Hirst; Nicola Gooch; kmills2@hillingdon.gov.uk

Subject: Re: FW: [EXT] Re: 654/APP/2017/2801: 44 Waterloo Road, Uxbridge UB8 2QX

Dear Lance,

Further consideration of the application (including your Counsels opinion) will be given later today. I am doing member site visits 12-4pm and then have a late meeting, so if you or Lotte wished a catch up phone call Monday morning would be better.

Kind Regards

James Rodger,



Head of Planning and Enforcement

Residents Services

London Borough of Hillingdon

3S/03, Civic Centre, High Street

Uxbridge UB8 1UW

Telephone: 01895 277468

[Email:jrodger2@hillingdon.gov.uk](mailto:jrodger2@hillingdon.gov.uk)

Hi James,

We are in the office – please give us a call when you can.

Many thanks

Kind Regards

Lotte Hirst

Planning Director



T: 020 8954 5731

F: 020 8954 9279

E: lotte@jaspargroup.co.uk





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From: Lance Calder

Sent: 01 December 2017 11:03

To: James Rodger <jrodger2@hillingdon.gov.uk>

Cc: John Preston <jpreston@hillingdon.gov.uk>; Lotte Hirst <lotte@jaspargroup.co.uk>; Nicola Gooch <Nicola.Gooch@irwinmitchell.com>; kmills2@hillingdon.gov.uk

Subject: RE: FW: [EXT] Re: 654/APP/2017/2801: 44 Waterloo Road, Uxbridge UB8 2QX

Thanks James, I think a phone call would be sensible. Shall we diary for 10am? Please advise and we will issue a diary note. All the best.

Kind Regards,

Lance Calder

Development Director



T: [020 8954 5731](tel:02089545731)

F: [020 8954 9279](tel:02089549279)

E: lance@jaspargroup.co.uk



APPENDIX 14

Costs Decision

Site visit made on 5 June 2017

by G J Fort BA PGDip LLM MCD MRTPI

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

Decision date: 4 July 2017

Costs application in relation to Appeal Ref: APP/R5510/W/17/3171606 12-14 Bentinck Court, Bentinck Road, West Drayton UB7 7RQ

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Peter Ward (Keymat Technology Ltd) for a full award of costs against the Council of the London Borough of Hillingdon.
 - The appeal was against the refusal to grant approval required under Schedule 2, Part 3, Paragraph O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
-

Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
 3. This application for costs is brought on the grounds that firstly, the Council failed to produce evidence to substantiate its reason for refusal, and secondly that the Council failed to determine similar cases in a consistent manner.
 4. The planning application that led to this appeal was refused on the basis of the lack of on-site car-parking. For this type of prior approval application the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) sets out the criteria against which such applications can be assessed, which include, amongst others the transport and highways impacts of a proposed development. Paragraph W (10)(b) also establishes that the policies of the National Planning Policy Framework (the Framework) must be taken into account in the determination of prior approval applications "so far as relevant to the subject matter of the prior approval, as if the application were a planning application".
 5. In terms of the current application, my attention has been drawn, in particular to paragraph 32 of the Framework, which amongst other things establishes that decisions should take account of whether "safe and suitable access to the site can be achieved for all people" and that "development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".
-

6. In the current case, both the Council and applicant concurred that some overspill parking could be caused by the proposed development. The applicant supplied Transport Technical Notes, based on an established and robust methodology that assessed both the likely level of on-street additional parking demand that the proposed development would create, and the ability of on-street spaces in the surrounding area to accommodate this. The evidence concluded that due to the number of available on-street parking spaces within the appeal site's surroundings the proposed development would not lead to undue stress on their availability.
7. Whilst it is clear from the Officer Report on the scheme that the applicant's evidence in this respect has been taken into account, no compelling substantiated evidence has been presented by the Council to add weight to its assertion that the maximum parking standards set out within Policy AM14 of the Hillingdon Unitary Development Plan (adopted 1998) (the UDP), of 1.5 spaces per dwelling, or indeed a requirement of 1 space per dwelling should be adhered to in this scheme, or how any minor increases in parking that could arise from the use of these figures as opposed to those included within the applicant's Transport Technical Note would add to pressure for on-street parking in the area to the extent that it would not enable safe or suitable access to the site, or result in severe transport impacts. For these reasons, I find that the Council did not establish a robust evidential base to substantiate its reason for refusal.
8. I have been referred by the applicant to a previous appeal decision¹ in the Borough following the Council's refusal of prior approval for a change of use. In their decision the Inspector concluded that "Although the development plan policies referred to by the Council are noted, they do not demonstrate or substantiate an adverse impact in respect of transport and highway matters." Whilst I note that the each planning proposal needs to be considered on its own merits, and that the development plan is a material consideration in the determination of applications for prior approval, the previous decision is nevertheless a material consideration of some weight and importance given the similarity of its subject matter. I therefore consider that in its failure to substantiate adequately its reason for refusal in terms of the severity of highways impacts of the scheme, the Council did not demonstrate that it had determined the planning application in a manner consistent with this previous appeal decision.
9. As a result, I consider that the Council acted unreasonably in its failure to produce evidence to substantiate its reasons for refusal, and in doing so it did not demonstrate that it had determined similar cases in a consistent manner. I find therefore that unreasonable behaviour, resulting in unnecessary or wasted expense in the appeal process, as described in the PPG has been established in this case and that a full award of costs is justified.
10. Consequently, for the reasons given above, and having regard to all other matters raised, this application for costs succeeds.

Costs Order

11. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended,

¹ APP/R5510/A/14/2222105

and all other enabling powers in that behalf, IT IS HEREBY ORDERED that the Council of the London Borough of Hillingdon shall pay to Mr Peter Ward (Keymat Technology Ltd), the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.

12. The applicant is now invited to submit to the Council of the London Borough of Hillingdon, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

G J Fort

INSPECTOR

Appeal Decision

Site visit made on 5 June 2017

by G J Fort BA PGDip LLM MCD MRTPI

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

Decision date: 4 July 2017

Appeal Ref: APP/R5510/W/17/3171606

12-14 Bentinck Court, Bentinck Road, West Drayton UB7 7RQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Paragraph O of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).
 - The appeal is made by Mr Peter Ward (Keymat Technology Ltd) against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 70766/APP/2016/4283, dated 19 October 2016, was refused by notice dated 20 January 2017.
 - The development proposed is the conversion of the existing two storey B1 office accommodation to C3 residential use comprising 9 No 1 Bed apartments.
-

Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 3, Paragraph O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the conversion of the existing two storey B1 office accommodation to C3 residential use comprising 9 No 1 Bed apartments at 12-14 Bentinck Court, Bentinck Road, West Drayton UB7 7RQ in accordance with the terms of the application Ref 70766/APP/2016/4283, dated 19 October 2016, and the plans submitted with it subject to the conditions in Schedule 2, Part 3, Paragraph O.2 (2) and Paragraph W (12) (a) of the GPDO.

Application for costs

2. An application for costs was made by Mr Peter Ward (Keymat Technology Ltd) against the Council of the London Borough of Hillingdon. This application is the subject of a separate Decision.

Procedural matter

3. In the interests of clarity, the description of development given in the banner heading above is an abbreviated form of the one given within the application form¹.

¹ Which reads: "Conversion of the existing two storey B1 office accommodation to C3 residential use comprising 9 No 1 bed apartments including the provision of on site bin storage/refuse, cycle provision and 2 No. Visitor parking bays, all as detailed in the attached plans and documents. To support the application we have provided the following information (1) Transport Notes P1633 TN and P1532-TN/DC Produced by Crosby Transport Planning (2) Phase 1 Geo-Environmental Site Assessment Ref: 51700P1R1 produced by Rec Limited (3) Proposed layout plans-produced by WCEC Architects (4) Proposed development summary- produced by Lambert Smith Hampton"

Background and Main Issue

4. I have been supplied with no substantive evidence to suggest that the appeal property does not benefit from the permitted development right arising from paragraph O of the GPDO. However, this right is subject to the condition that before beginning the development the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to, amongst other things², the transport and highways impacts of the development. As the Council's Decision Notice focuses on the adequacy of the proposed parking arrangements for the appeal scheme, and there is no dispute regarding the other prior approval conditions, I therefore consider the main issue to be the transport and highways impacts of the proposed development.

Reasons

5. Part of a complex of buildings in commercial use not far from West Drayton railway station, the appeal premises is of two storeys, either end of its upper floor bridging the entrance and exit to the courtyard to its rear. The proposed development would convert the premises to provide 9 residential apartments. The submitted plans show two parking spaces to the rear along with cycle storage.
6. The proposed apartments would be of a modest size, which would limit the amount of occupants that could reasonably reside there. Moreover, the appeal property is close to West Drayton railway station, and I have been supplied with a Public Transport Accessibility Level (PTAL) assessment which establishes that the site has a PTAL rating of 3. I am also mindful that this accessibility rating is likely to improve further as a result of Crossrail services using West Drayton station in the future. Furthermore, the proposed development would supply accessible cycle parking. Taken together, these aspects of the proposed development would tend to limit car ownership at the site, and therefore it is reasonable to take the figure of the generation of 1 parking space per residential unit from the Officer Report as a basis for the likely level of parking demand arising from the appeal scheme. In arriving at this view, I note that the relevant development plan policy³ in respect of parking, whilst a material consideration in the assessment of schemes subject to the prior approval process, sets maximum rather than minimum parking levels.
7. The appeal property is within a controlled parking zone, which restricts the availability of on street spaces to those with parking permits. I saw that the proposed onsite parking space is constrained due to the presence of columns adjacent to it, and would thus, for practical purposes only be likely to accommodate one car on a day to day basis rather than the two spaces shown on plan. However, I am conscious of the Transport Technical Note (dated November 2016) submitted by the appellant, based on comprehensive parking surveys of the area, which show that between 25 and 30 spaces were available in the immediate area on the nights that it was surveyed. Moreover, at the time of my early evening site visit I saw that although there was limited space available on Bentinck Road adjacent to the appeal property, the availability of parking spaces in side streets near to the appeal building was much less

² Which are: contamination risks on the site; flooding risks on the site; and impacts of noise from commercial premises on the intended occupiers of the development.

³ Policy AM14 of the Hillingdon Unitary Development Plan (adopted 1998)

constrained. Whilst these observations were admittedly only snapshots, to my mind they add further weight to the findings of the Transport Technical Note.

8. Taking these matters together, I consider that it has not been demonstrated that the modest additional demand for on-street parking caused by the development would lead to undue pressure for limited on-street space to the detriment of either highway safety or the transport network more generally. In arriving at this view, I am mindful that developments elsewhere along Bentinck Road could increase demand for parking, but an absence of substantive evidence regarding the level of on-site provision at these developments limits the amount of weight that I attach to this observation in the overall planning balance.
9. Moreover, I am mindful that the proposed use of the appeal premises is likely to result in significantly less transport movements than that of its current use as a sales office, and I note from the Officer Report reference to the high reliance on car use of the current operation at the appeal premises. In this regard the proposed development would reduce considerably the appeal site's impacts to the transport network.
10. Furthermore, as the entrance and exit to the site would be unaltered as a result of the proposed development it would not materially change access or manoeuvrability around the site. I note comments about the proposed placement of cycle racks adjacent to an entrance to a neighbouring office building; however, it has not been demonstrated that this would substantially restrict the access to this door or impair its use. As a result, this is not a matter that alters my findings in this regard.
11. Accordingly, and mindful of the National Planning Policy Framework⁴, in this regard I consider that it has not been demonstrated that the proposed development would result in cumulatively severe transport impacts, or that a safe and suitable access could not be achieved. Thus, for the reasons given above, I conclude that the proposed development would not cause significantly harmful transport or highways impacts. The proposed development would thus meet the relevant condition of the GPDO in this regard.

Other Matters

12. I have no substantive evidence to suggest that the residential use of the building would cause a detrimental effect to adjacent businesses, or would diminish the security of the site more generally. Neither have I been supplied with any substantive data to suggest that there is an oversupply of flats in the area without the necessary infrastructure. Moreover, due to the provisions of the GPDO these matters do not form a basis for an assessment of the appeal.
13. I am also aware of comments regarding the desirability of retaining the appeal premises for small business use. However, the GPDO establishes that such a change of use is permitted development, and a consideration of this nature is not part of the criteria on which its prior approval can be assessed.

⁴ Paragraph W (10) (b) of the GPDO establishes that decision-takers are to have regard to the policies of the National Planning Policy Framework so far as relevant to the subject matter of the prior approval, as if the application were a planning application.

Conclusion

14. I have been supplied with no suggested conditions in respect of the proposed development by the Council. However, the GPDO includes the following standard conditions arising from Schedule 2, Part 3, Paragraph O.2 (2) and Paragraph W (12) (a):
- Development under Class O is permitted subject to the condition that it must be completed within a period of 3 years starting with the prior approval date.
 - The development must be carried out where prior approval is required, in accordance with the details approved by the local planning authority.
15. The proposed development would meet the relevant requirements of the GPDO. Consequently, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should succeed.

G J Fort

INSPECTOR

Costs Decision

Site visit made on 5 June 2017

by G J Fort BA PGDip LLM MCD MRTPI

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

Decision date: 4 July 2017

Costs application in relation to Appeal Ref: APP/R5510/W/17/3171606 12-14 Bentinck Court, Bentinck Road, West Drayton UB7 7RQ

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Peter Ward (Keymat Technology Ltd) for a full award of costs against the Council of the London Borough of Hillingdon.
 - The appeal was against the refusal to grant approval required under Schedule 2, Part 3, Paragraph O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
-

Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
 3. This application for costs is brought on the grounds that firstly, the Council failed to produce evidence to substantiate its reason for refusal, and secondly that the Council failed to determine similar cases in a consistent manner.
 4. The planning application that led to this appeal was refused on the basis of the lack of on-site car-parking. For this type of prior approval application the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) sets out the criteria against which such applications can be assessed, which include, amongst others the transport and highways impacts of a proposed development. Paragraph W (10)(b) also establishes that the policies of the National Planning Policy Framework (the Framework) must be taken into account in the determination of prior approval applications "so far as relevant to the subject matter of the prior approval, as if the application were a planning application".
 5. In terms of the current application, my attention has been drawn, in particular to paragraph 32 of the Framework, which amongst other things establishes that decisions should take account of whether "safe and suitable access to the site can be achieved for all people" and that "development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".
-

6. In the current case, both the Council and applicant concurred that some overspill parking could be caused by the proposed development. The applicant supplied Transport Technical Notes, based on an established and robust methodology that assessed both the likely level of on-street additional parking demand that the proposed development would create, and the ability of on-street spaces in the surrounding area to accommodate this. The evidence concluded that due to the number of available on-street parking spaces within the appeal site's surroundings the proposed development would not lead to undue stress on their availability.
7. Whilst it is clear from the Officer Report on the scheme that the applicant's evidence in this respect has been taken into account, no compelling substantiated evidence has been presented by the Council to add weight to its assertion that the maximum parking standards set out within Policy AM14 of the Hillingdon Unitary Development Plan (adopted 1998) (the UDP), of 1.5 spaces per dwelling, or indeed a requirement of 1 space per dwelling should be adhered to in this scheme, or how any minor increases in parking that could arise from the use of these figures as opposed to those included within the applicant's Transport Technical Note would add to pressure for on-street parking in the area to the extent that it would not enable safe or suitable access to the site, or result in severe transport impacts. For these reasons, I find that the Council did not establish a robust evidential base to substantiate its reason for refusal.
8. I have been referred by the applicant to a previous appeal decision¹ in the Borough following the Council's refusal of prior approval for a change of use. In their decision the Inspector concluded that "Although the development plan policies referred to by the Council are noted, they do not demonstrate or substantiate an adverse impact in respect of transport and highway matters." Whilst I note that the each planning proposal needs to be considered on its own merits, and that the development plan is a material consideration in the determination of applications for prior approval, the previous decision is nevertheless a material consideration of some weight and importance given the similarity of its subject matter. I therefore consider that in its failure to substantiate adequately its reason for refusal in terms of the severity of highways impacts of the scheme, the Council did not demonstrate that it had determined the planning application in a manner consistent with this previous appeal decision.
9. As a result, I consider that the Council acted unreasonably in its failure to produce evidence to substantiate its reasons for refusal, and in doing so it did not demonstrate that it had determined similar cases in a consistent manner. I find therefore that unreasonable behaviour, resulting in unnecessary or wasted expense in the appeal process, as described in the PPG has been established in this case and that a full award of costs is justified.
10. Consequently, for the reasons given above, and having regard to all other matters raised, this application for costs succeeds.

Costs Order

11. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended,

¹ APP/R5510/A/14/2222105

and all other enabling powers in that behalf, IT IS HEREBY ORDERED that the Council of the London Borough of Hillingdon shall pay to Mr Peter Ward (Keymat Technology Ltd), the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.

12. The applicant is now invited to submit to the Council of the London Borough of Hillingdon, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

G J Fort

INSPECTOR

APPENDIX 15

Appeal Decision

Site visit made on 19 April 2016

by Siobhan Watson BA(Hons) MCD MRTPI

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

Decision date: 14 June 2016

Appeal Ref: APP/R5510/W/15/3140974

50-52 High Street, Northwood, Hillingdon, HA6 1BL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr M Popat (Ambika Investments) against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 1711/APP/2015/3505, dated 18 September 2015, was refused by notice dated 23 November 2015.
 - The development proposed is the conversion of roof space and division of upper floors to create 5 self contained flats.
-

Decision

1. The appeal is allowed and planning permission is granted for is the conversion of roof space and division of upper floors to create 5 self contained flats at 50-52 High Street, Northwood, Hillingdon, HA6 1BL in accordance with the terms of the application, Ref 1711/APP/2015/3505, dated 18 September 2015, , subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the proposed development upon highway safety with particular regard to car parking.

Reasons

3. The proposal would create 3 additional flats with no off-street parking spaces. Policy AM14 of the London Borough of Hillingdon Unitary Development Plan (adopted 1998) Saved Policies (UDP) indicates that new development must accord with the Council's adopted car parking standards. This indicates a maximum provision of 1.5 car parking spaces per flat. As this is a maximum standard, there is no conflict with the policy by not providing any parking at all.
4. The area has a PTAL score of 2 which is fairly low but the Council has not provided any useful information about PTAL in respect of the specific issue of parking and highway safety and I note the advice in the Mayor's Supplementary Planning Guidance that low PTAL scores do not by themselves preclude development.
5. The appellant has drawn my attention to 2 bus routes, the H11 and 282 which run close to the site and provide frequent peak services from Harrow Bus Station and Ealing Hospital to Mount Vernon Hospital. The site is also between Northwood and Northwood Hills stations which are about 1km from the site. This information has not been disputed by the Council. In my opinion, the site

has reasonable access to public transport. Moreover, I noted the site is located within an urban area in a parade of shops amongst a wider shopping area and at my visit I noted a selection of shops, services and a school near the site. Therefore, given the site's location amongst such services and as it is within walking and cycling distance of trains and buses, it would not be necessary for the occupants of the dwellings to use a car to access day to day services.

6. I accept that parking is extremely limited on High Street especially as there are time-limiting parking restrictions in front of the site. However, I noted at my visit that there are surrounding streets without such restrictions. It is a small-scale proposal and I consider that the additional amount of on-street parking it would add to the surrounding streets would be small and would not have a material impact upon highway or pedestrian safety. I note the Council's comments that there is a congestion hotspot nearby but I am not aware of its exact location or how details of the proposal might affect it.
7. I therefore conclude that the proposal would not have a harmful effect upon highway or pedestrian safety. Consequently, I find no conflict with UDP Policy AM7 which seeks to protect highway safety.
8. I note the Council's reference to a dismissed appeal¹ nearby. However, that decision was made before the publication of the National Planning Policy Framework which, in Paragraph 32, says that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. For the above reasons, I do not consider that the impacts would be severe.

Other Matters

9. Although not a reason for refusal, the Council has mentioned that the proposal fails to demonstrate that the flats would achieve satisfactory combined floor areas for living/kitchen/dining space. However, this comment was in relation to an outdated Mayors Housing Supplementary Planning Guidance document and the space in the flats would be compliant with the current standards in the London Plan. I have considered all other matters raised but none outweigh the conclusions I have reached.
10. The Council is satisfied that the proposal is acceptable in respect of the living conditions of the occupiers of nearby dwellings and is acceptable in terms of the character and appearance of the area and I have no reason to find otherwise.

Conditions

11. I have considered the Council's suggested conditions in accordance with the Planning Practice Guidance. In addition to the standard implementation condition it is necessary, in the interests of precision, to define the plans with which the scheme should accord. A condition concerning external materials is required in the interests of the character and appearance of the area. Sound insulation is required in the interests of living conditions and this is a pre-commencement condition as it cannot be dealt with satisfactorily at any other time. I have not imposed a condition in relation to boundary treatment as I have no evidence that it would meet the test of necessity. I have imposed a

¹ APP/R5510/A/11/2163952

condition in relation to bin and cycle storage facilities as these are not sufficiently detailed on the plans.

Conclusion

12. Taking into account all the above I allow the appeal subject to the conditions below.

Siobhan Watson

INSPECTOR

Schedule

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 215023/ -01; -02; -03; 04A; -05; -06 & -07.
- 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
- 4) Before the commencement of development, details of a sound proofing scheme to protect the flats from noise between floors shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details before the first occupation of any dwelling hereby approved and the sound insulation shall remain thereafter.
- 5) Before any dwelling is occupied details of bin and cycle storage facilities shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details before the first occupation of any dwelling hereby approved and the storage facilities shall remain thereafter.

APPENDIX 16

Appeal Decision

Site visit made on 6 January 2015

by Claire Victory BA (Hons) BPI MRTPI

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

Decision date: 9 February 2015

Appeal Ref: APP/R5510/A/14/2227368

**Water Palace Chinese Restaurant, 131 High Street, Yiewsley,
West Drayton UB7 7QL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Oliver Tse (O'Caslina Ltd) against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 50382/APP/2014/281, dated 21 January 2014, was refused by notice dated 15 April 2014.
 - The development proposed is the raising of the roof in 3 sections to create 1 x 3 bed, 4 x 2 bed and 1 x 1 bed self-contained flats at first, second, and loft floor levels and alteration to shopfront of existing restaurant at ground floor level involving removal of first floor ancillary area.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant's company name has been confirmed as O'Caslina Ltd rather than the O'Casline Ltd as stated on the application form, and so I have used the former in the banner heading above.
3. Amended plans have been submitted with the appeal (ref WEDt-ga-100 to 104) which includes a new location for the parking turntable, and drawing no. WEDt ga 001A which shows a larger appeal site and indicates rights of way to the side access. However, I consider these changes to be significant and they have not been subject to public consultation. As such I consider the amended plans should be re-submitted to the local planning authority as a fresh application in the first instance. For the avoidance of doubt, I have not taken the amended plans into account in determining the appeal.
4. The Council's reasons for refusal included a lack of financial contribution towards education facilities in the vicinity. However, it has since confirmed that a Community Infrastructure Levy was adopted on 10 July 2014, after the application was refused. Accordingly the Council no longer seek to defend the ninth reason for refusal, relating to the aforementioned contribution.

Main Issues

5. The main issues in the appeal are the effect of the development on the living conditions of future occupiers and neighbouring residents, with regard to

privacy, noise and disturbance, outlook, and daylight and sunlight; and the effect of the development on highway safety.

Reasons

Living conditions

6. The appeal site is a detached building within the town centre, comprising a ground floor restaurant with storage at first and second floor level. Directly to the north is a cleared site currently in use for car sales. An alleyway lies between Nos 131 and 129. This ostensibly provides access to Nos 129a and 129b, two properties in residential use at the rear of the shop unit of No 129.
7. A staircase within the alleyway would provide access to the six residential units. The main window of a bedroom in unit 3 would look out over the alleyway and the staircase, and would in turn be overlooked from first floor windows in Nos 129a and 129b, and from the communal open space proposed at first floor level to serve the development. The use of the staircase entrance by occupants of all the flats would also be likely to give rise to an unacceptable level of noise and disturbance for future occupiers of this property from general comings and goings during the daytime and evenings. The appellant has suggested a condition to require the bricking up of the small secondary window of this bedroom, which would face out onto the communal area, but I do not consider such a condition would be sufficient to overcome the unacceptable impact on the privacy of future occupiers that the proposal would have.
8. The appellant submitted a daylight and sunlight analysis to show that minimum BRE guidelines would not be breached for the living room windows of units 1 and 2, in terms of the vertical sky component. Whilst no such analysis was provided for other rooms, in my judgement the limited depth of the communal amenity space, at less than 4m between the bedroom windows of units 2 and 5 and the two storey element of units 1 and 4, combined with the two/three storey height of these adjacent units mean that the sunlight penetrating the aforementioned bedroom windows would be severely restricted. The separation distance would also fall substantially below the Council's guideline of 15m, which aims to provide sufficient daylight and sunlight into and from habitable rooms. Thus the scheme would cause material harm to the future occupants of these properties in respect of inadequate daylight and sunlight, for the bedrooms referred to.
9. Furthermore, the adjacent site to the north west has been cleared, and the Council has stated it has the benefit of outline planning permission for a residential led scheme. Whilst I am not aware of the details of this scheme, and the site may not necessarily be developed in that precise form, it is feasible that any future development of this site could further compromise the outlook and levels of sunlight and daylight to habitable windows. This would add to the harm already identified.
10. The proposal would also involve the installation of extraction equipment at the rear of the ground floor restaurant. Units 3 and 6 are proposed to be located at the rear of the appeal site, above the restaurant kitchen area, and would both have terraces, with the terrace for unit 6 extending the full width of the rear elevation. In my view there would be limited scope for positioning the flue sufficiently distant from these amenity areas so as to avoid unacceptable noise and disturbance and potentially odours. Without details of the location, height

and technical specification of the flue it is not certain that it would not cause material harm to the living conditions of future occupants of these units. As such the imposition of a condition requiring the provision of details would not overcome the concern.

11. Turning to the effect on the occupants of Nos 129a and 129b, I saw that there were first floor windows in both properties which face the appeal site, and I was not able to confirm at the site visit that these windows do not serve habitable rooms. The first floor window of unit 1 and the second floor window of unit 4, which both serve living rooms, and which would be the main outlook for these rooms, would overlook the first floor windows of No 129a, and provide for oblique views towards first floor windows of No 129b. The staircase and first floor communal amenity space of the appeal scheme would also enable overlooking of these windows. I acknowledge that the appeal site lies within a town centre location, where a more relaxed approach to design guidelines may sometimes be appropriate, but the separation distances involved would be approximately half that of the 21m guideline set out in the Council's Design and Accessibility Statement (HDAS) - Residential Layouts Supplementary Planning Document (SPD). As a result the privacy of the occupants of Nos 129a and 129b would be unacceptably compromised.
12. With regard to the proposed turntable, the appellant has provided a letter from the supplier indicating that the noise emissions arising from the use of the turntable would be only slightly above that of the background noise level. I accept that the alley is just off the High Street and there would be a level of ambient noise commensurate with a busy town centre. However, the turntable would be very close to the entrance to No 129b. Notwithstanding the lack of clarity over rights of access to the alley, the position of the turntable would cause considerable inconvenience and disturbance to the occupiers of No 129b whilst it is in use. Whilst my decision does not turn on this matter it adds weight to the harm I have already identified.
13. The Council are also concerned about the impact of the proposed three storey elements of the development on Nos 129a and 129b. However, although the property would have a greater size and bulk overall than at present, due to the gaps between the three storey elements formed by the amenity spaces, and the closest ground floor windows in No 129b to the three storey element above the existing garage being small and obscure glazed, I consider that the development would not be unacceptably overbearing when viewed from these properties.
14. For all of the above reasons I conclude that the proposal would cause material harm to living conditions of future occupiers with respect to outlook, daylight sunlight and privacy and noise and disturbance, and to the residents of Nos 129a and 129b with regard to privacy and noise and disturbance. It would be contrary to the design and amenity objectives of Policies BE19, BE20, BE21 and BE24 of the Hillingdon Local Plan: Part Two – UDP Saved Policies (LP)(November 2012). These policies are consistent with the National Planning Policy Framework insofar as it requires a good standard of amenity for all existing and future occupiers of land and buildings.

Highway Safety

15. LP Policy AM14 states that new development will only be permitted where it is in accordance with the Council's adopted Car Parking Standards, as set out in Annex 1 to the LP. The Council have stated that 5-6 car parking spaces would be required for the development.
16. Two off-street car parking spaces are proposed for the 6 flats, which would result in a shortfall of 3-4 car parking spaces for the scheme. The appellant contends that in practice the shortfall would be more like 3 off-street car parking spaces, given that there good bus and rail connections within easy walking distance, and a lower level of car ownership in the area compared with the borough average¹. From my observations on the site visit I concur that the use of public transport would be a realistic alternative to the private car for some residents. I have also taken into consideration that the Council's parking standards are expressed as maxima, and thus allow for flexibility in locations which are accessible to those walking, cycling or arriving by public transport.
17. The appeal site lies within a Controlled Parking Zone (CPZ), and the appellant's parking survey indicates the occupancy levels of resident's permit parking spaces on nearby roads range from 0%-50% during the day (surveyed at 1000, 1300, and 1600 hours) to 58%-75% in the early morning (0500 hours). The Council considers there is high demand for on-street parking spaces both during the day and evening within the area, and I acknowledge that levels of parking demand will inevitably fluctuate at different times. However, the Council has not stated whether pressure for parking is currently at a level above which further demand would cause a risk to highway safety.
18. Whether the shortfall of off-street car parking spaces would be 3 or 4, there is nothing before me to indicate that the additional demand arising from the appeal proposal could not be met within a reasonable walking distance by the spaces available, including those for resident's only parking. Furthermore, the Council have not indicated that future residents of the proposed scheme would be prevented from applying for parking permits. Consequently material harm to highway safety has not been demonstrated.
19. The access between No 131 and No 129 is not shown as part of the appeal site on the application drawings, so I cannot be certain that these parking spaces would be available to future occupiers of the development. The appellant has suggested that a Grampian condition could be imposed if the appeal proposal would be acceptable in all other respects, to prevent the occupation of the proposed residential units until suitable access was provided. The Council considers a condition could also be imposed to ensure a separate pedestrian walkway within the alleyway. I agree that were planning permission to be granted, such conditions could be imposed to address these issues.
20. Taking all of the above into account I conclude that the development would not cause material harm to highway safety. As such it would not conflict with LP policy AM14, and the Hillingdon Design and Accessibility Statement (HDAS) - Residential Layouts Supplementary Planning Document (SPD).

¹ Census data from Transport Study - appendix 3

Conclusion

21. I have found in the appellant's favour in respect of the effect on highway safety, but this absence of harm would not outweigh or negate the significant harm that would be caused to the living conditions of neighbouring residents and future occupiers of the development, in respect of privacy, noise and disturbance, daylight and sunlight and outlook. I have considered other matters raised, including the sustainability of the location and proposed design, the need for new homes, and that the site is undeveloped for the surrounding context, but none of these matters, either individually or cumulatively, would alter my overall conclusions.
22. For the above reasons I conclude that the appeal should be dismissed.

Claire Victory

INSPECTOR

APPENDIX 17

Appeal Decision

Hearing held on 6 February 2017

Site visit made on 6 February 2017

by R J Jackson BA MPhil DMS MRTPI MCMi

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

Decision date: 03 March 2017

Appeal Ref: APP/H5390/W/16/3158169

Broadmead House, 10-24 Auriol Road, London W14 0SS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Permaform Ltd against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2016/00254/FUL, dated 20 January 2016, was refused by notice dated 22 April 2016.
 - The development proposed is demolition of the unlisted existing buildings on site containing 17 existing residential units (Class C3) and construction of a 5 storey building with lower ground floor comprising 24 residential units (Class C3), car and cycle parking, refuse storage, amenity space and landscaping.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of existing four storey building and ancillary structures to the rear and erection of a replacement 5 storey plus basement level building comprising 24 self-contained residential flats (Class C3); with rear roof terraces, cycle parking, refuse storage, external amenity space, landscaping and two off-street car parking spaces at Broadmead House, 10-24 Auriol Road, London W14 0SS in accordance with the terms of the application, Ref 2016/00254/FUL, dated 20 January 2016, subject to the Undertaking made under Section 16 of the Greater London Council (General Powers) Act 1974 (as amended) dated 6 February 2017, and subject to the conditions in the Schedule to this decision.

Procedural matters

2. When the Council registered the application it set out a different description of development to that given on the application form which I have used in the heading. On the decision notice refusing the application the Council utilised a different description again. The main parties agreed that the use of that last description was appropriate and I have used it in the formal decision.
3. The Council notified interested parties of the appeal when it was first lodged and a number of representations were received. It then sent out a second letter advising of the arrangements for the Hearing. In accordance with the relevant legislation¹ this should have been sent out at least two weeks prior to the Hearing, but the letter was only sent out one week in advance. Three

¹ The Town and Country Planning (Hearings Procedure) (England) Rules 2000

members of the public attended the Hearing and, in response to my question, confirmed that their attendance was as a result of the second letter from the Council. I therefore took the view that as members of the public had received the communication and had been able to attend there would be no prejudice in continuing with the Hearing.

4. After the Hearing, a third party, who had written at the application and appeal stage on behalf of the owners of an adjoining property, wrote indicating that he had only just received the second notification letter and the failure to send out the second letter in accordance with the Rules prejudiced local residents and landowners. Given that some local residents had attended following the second notification letter it is clear that this communication was, at least, partially successful. In order to avoid any prejudice this third party was given an additional period in which to make any further additional written comments he wanted and these were circulated to the appellant and the Council for final comment and I have taken all of this correspondence into account in this decision. In light of this I consider that the interests of the local landowners who instructed the third party were not prejudiced by the second notification letter being sent late.
5. The appellant promoted amended plans as part of the appeal process. These would have the effect of leaving the northern vehicular access in its existing location rather than moving it, and shortening the length of two single storey elements on either end of the building. Public consultation was undertaken by the appellant on these changes allowing interested parties to make representations as part of the appeal process. The proposed changes are not significant and those who may have wanted to comment were given the opportunity to do so, and some did, and would not be disadvantaged by the changes. I therefore accepted these amended plans for consideration at this appeal stage.
6. The application drawings did not include a southern elevation of the proposal. One was submitted as part of the appeal process, and as it was a 'hand' of the northern elevation and all parties, including members of the public, who attended the Hearing accepted that this could have been implied from the original documentation. I am satisfied that no party would be disadvantaged by me using that plan in my consideration and I intend to do so.
7. Once I had agreed that the amended and additional plans would be used as the basis of my consideration the Council formally withdrew two of the reasons for refusal. These related to the effect of the development on the Gunter Estate Conservation Area (the GECA) and the settings of the Fitzgeorge and Fitzjames Conservation Area (the FFCA) and the Dorcas Estate Conservation Area (the DECA), and the effect of the development on the living conditions of the occupiers of adjoining properties. However, local residents who attended the Hearing, and written representations submitted at the appeal stage, maintained their objections to the proposal because of, as they saw it, the effect on the living conditions of the occupiers of adjoining properties.
8. At the Hearing the appellant submitted two legal documents relating to how the development would take place, both by way of Unilateral Undertaking and dated 6 February 2017. One, under Section 106 of the Town and Country Planning Act 1990 (as amended), related to a contribution towards the provision of affordable housing and the other, under Section 16 of the Greater

London Council (General Powers) Act 1974 (as amended), related to parking. I will discuss them below.

9. At the site visit, which took place towards the end of but part of the Hearing, the Council accepted that the current use of the existing building on site was as dwellinghouses², rather than as Houses in Multiple Occupation³ (HMOs), as had been the case in the past. The appellant also accepted that there were only 16 such dwellinghouses and not 17 as given on the description of the proposal on the application form and set out in the heading. Although not formally withdrawn as a reason for refusal the Council's acceptance of the existing use as dwellinghouses meant that its opposition to the proposal on the basis that it represented the undesirable loss of HMOs fell away as there were no HMOs on site.
10. In addition to the formal site visit, which took place when the Controlled Parking Zone (CPZ) covering the area including the appeal site was in operation, I also, informally, visited the vicinity of the appeal site during the afternoon of the previous day, a Sunday, when the CPZ was not in operation.

Main Issues

11. That being the case the main issues have been reduced from those I set out at the opening of the Hearing and are:
 - the effect on highway safety and the convenience of residents of nearby properties in terms of parking;
 - whether the proposal makes adequate provision for affordable housing; and
 - the effect on the living conditions of the occupiers of adjoining properties, in particular but not limited to 8 and 26 Auriol Road and in Munden Street, by reason of privacy, light and outlook.

Reasons

Parking

12. The appeal site lies in an area where parking is regulated through a CPZ. This restricts where and when parking can take place in the area. The proposal provides for two spaces on site; whether only for those with 'Blue Badges' or as unrestricted parking I will discuss later.
13. The appellant and the Council undertook surveys in the area covering different distances from the appeal site and utilised different periods of collection for the data with each criticising the others approach. However, in reality both surveys showed similar results. These were that there were approximately 32 to 34 spare on-street parking spaces from 62 within 100 m of the appeal site during evening hours when the CPZ was not in operation. For convenience and given that the figures are dynamic, changing as people move their cars, I will use the 'average' figure of 33 spaces.

² As defined in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (the UCO)

³ As defined in Class C4 of the UCO

14. Local residents maintained that these figures underestimated the amount of parking available in the area, particularly referring to the nearby Olympia exhibition and events centre, which they indicated exacerbated their concerns. This had been made the more so since the recent closure of the Earl's Court Exhibition Centre and the relocation of events to Olympia. However, while these events do take place on a regular basis the appeal site is some distance from Olympia and while some customers of Olympia will attend by car, I am satisfied that the surveys provide a robust base against which to consider parking stress, and reflected what I saw at my site visits.
15. The appellant based their consideration of the likely need for parking generated by the development on the 2011 Census data across the whole of the Borough but factored up to a 2020 figure based on the Department of Transport's TEMPRO (Trip End Model Program) analysis. This, it asserted, would give rise to a need for 11 spaces⁴ from the development, meaning that when the two on-site spaces were accounted for there would be a need for 9 cars to be parked on the public highway.
16. Development Plan Policies for parking are contained in both the London Plan (the LP) and the Hammersmith and Fulham Development Management Local Plan (the DMLP) and utilise the same parking standards set out in Table 6.2 of the LP. This indicates that in areas of good public transport accessibility in all parts of London developments should aim for significantly less than 1 space per unit. However, it indicates that adequate parking spaces for disabled people must be provided on site and that 20% of spaces should be for electric vehicles.
17. The National Planning Policy Framework (the Framework) indicates that in setting local parking standards for residential development local authorities should take account of the accessibility of the development, the type, mix and use of development, the availability of and opportunities for public transport, local car ownership levels, and an overall need to reduce the use of high-emission vehicles. In addition account should be taken of the Written Ministerial Statement of 25 March 2015 which indicates that local planning authorities should only impose local parking standards for residential and non-residential development where there is clear and compelling justification that it is necessary to manage their local road network
18. The main parties agree that the site is very well located in relation to public transport having a Public Transport Accessibility Level (PTAL) of 6a representing an excellent level of accessibility to public transport.
19. The proposed development mix would be six 1-bedroom, ten 2-bedroom and eight 3-bedroom dwellings. When compared with the size of dwellings set out in the LP and the nationally described space standard (the NDSS) all are generous⁵. All of the proposed flats exceed the NDSS with only two of the 1-bedroom flats and four of the 2-bedroom flats being within 10% of the national standard. The six 3-bedroom 'City Houses' all exceed the NDSS standard by over 90%⁶, and four others⁷ exceed the NDSS by over one-third. These 3-

⁴ 24 dwellings at 0.457 spaces per dwelling.

⁵ Figures set out in paragraph 4.19 of the Council's Statement

⁶ The reduction in size of these properties through the amended plans would reduce the floor areas when compared to the figures in the Council's Statement by just over 4 m²

⁷ Flats 14 to 17 inclusive

bedroom properties are therefore highly likely to be occupied by families, and the 2-bedroom properties are likely to be occupied by families.

20. The Council has referred to the Small Output Area (SOA) data from the 2011 Census for different types of occupier. This indicates that of married or same-sex civil partnership couples with dependent children 76.98% have at least one car, and for cohabiting couples with dependent children this is 63.94%. As the Council emphasised these are an 'at least' figure with some households having more than one car.
21. Neither the appellant figure nor the Council case takes account of the different sizes of the dwellings, rather using an average. The approaches therefore do not fully accord with the Framework to take account of the mix of the properties. In any case, the need for parking will depend on the needs of the individuals and families who would occupy the dwellings and will vary over time. Overall, because of the generous size of the individual units and the size of the 3-bedroom units⁸ in particular, and that the census data is derived on an 'at least' basis I conclude that a figure of 0.7698 spaces per dwelling would be appropriate across the whole development. Rounding down this would give rise to a need for 18 car parking spaces.
22. Currently the curtilage of the existing building is used for parking. The parties disagreed as to how many vehicles could be parked in the area as it was not formally laid out. The appellant considered that 18 spaces were available and the Council 22 spaces. My own view was that 20 cars could be parked which also is the average of these two figures.
23. The parking is currently used by those unconnected with the occupation of the existing dwellings, although there is nothing to prevent occupation by the residents. The evidence to the Hearing was that eleven spaces are let out, with four being to a department store for its staff and seven to a local business. This parking would therefore be displaced. The appellant argued that other, commercial, parking would be utilised instead, but inevitably there would be some displacement.
24. The occupants of the recent previous use of the building as HMOs were less likely to use cars than the occupiers of the current use as flats. The change of use to dwellings has only recently taken place and the surveys pre-dated the change of use. Therefore, there should not be any credit based on the existing use of the building.
25. At a worst case all 20 spaces would be displaced onto the local network, but taking account of the current occupation and the date of the surveys my view is that a figure of 11 spaces would be appropriate to include in the final assessment.
26. Finally, there is the nature of the proposed two on-site parking spaces. There was some confusion as to the precise intention of the appellant for these spaces. In the discussions in the section of the Hearing dealing with conditions in the event that the appeal was to be allowed, it was indicated that these spaces should only be for those with disabilities, but also an acknowledgment that if these were not needed by such residents then it would be undesirable for them to be left unoccupied. It was also accepted that the two spaces did

⁸ Flats 14, 17 and the City Houses

not meet the space requirements for parking for those with disabilities as there was insufficient circulation space around them. My overall conclusion is that although they might be used by those with disabilities, and one of them should be of a size so that it could be so used, these two spaces should be considered as conventional parking, and are likely to be utilised by occupiers of the dwellings on site.

27. Taking this all together my view is that the development would give rise to a need for 18 spaces, 2 of which are provided on site. However, on top of this should be the 11 spaces displaced. This would mean that there would be another 27 cars on the network seeking parking spaces.
28. The Council took the view that if the level of parking exceeded 80% of the available spaces within 100m then parking stress would occur, meaning that local residents would be unable to easily find parking spaces detrimental to their living conditions and that double parking while unloading, or other undesirable behaviours would occur detrimental to highway safety. The appellant took the view that this would occur at 90%.
29. Starting from the 62 spaces within 100 m, the surveys show 33 empty spaces. Reducing this by the 27 cars would lead to 6 empty spaces, which would mean that there would be just over 90% utilisation. I therefore consider that unconstrained the development would lead to unacceptable parking stress in the area. This evidence appears to me to be clear and compelling.
30. In the event that I concluded that there would be parking stress the appellant submitted a Unilateral Undertaking under Section 16 of the Greater London Council (General Powers) Act 1974 (as amended). This states that the occupiers of certain flats would be prevented as part of their leases from applying for a parking permit. The Council was content with this as a mechanism to prevent parking stress and accepted that this Undertaking would be enforceable. I note local residents concern that such a scheme would be enforceable, but this approach is used in many locations and I am satisfied that such a scheme would be practical.
31. The Undertaking gave three alternative figures as to the number of dwellings which would be 'permit free'. The first of these was 8, being based on the difference between the number of existing flats and those proposed. However, as I have identified the existing flats should not be taken into account. The third was that all 24 flats should be 'permit free', but the evidence shows that there are spaces within the local vicinity which are available, and such a restriction would not be reasonable or necessary. The second option was that 16 of the units would be 'permit free' corresponding to the number of 1- and 2-bedroom units. This would reduce the number of cars from the development by approximately 6 which would reduce the parking stress indicator to just over 80%.
32. Given the degree of uncertainty of these figures, and that the 3-bedroom properties as family properties are the more likely to have cars, I consider that this middle option is the appropriate one to ensure that parking stress would not occur.
33. Therefore, subject to the occupiers of 16 of the properties in the development being unable to apply for a parking permit, I am satisfied that the proposed development would not have a detrimental effect on highway safety and the

convenience of residents of nearby properties. That being the case the development would comply with Policy T1 of the Hammersmith and Fulham Local Development Framework Core Strategy 2011 (the CS) which seeks to ensure appropriate parking is provided to meet the essential needs of the development. It would also comply with Policy DM J2 of the DMLP which requires development to conform to its car parking standards. It would also comply with Policy 6.13 of the LP which indicates the parking standards that should be the basis for considering applications. Finally it would comply with paragraph 39 of the Framework as set out above.

Affordable Housing

34. Policy H2 of the CS seeks to improve the mix of affordable housing in the borough for those who cannot afford market housing. The policy then indicates that on sites of 10 or more self-contained dwellings affordable housing should be provided. While there was a dispute between the parties as to how parts of the policy should be interpreted, there was agreement over other parts, and due to this it is not necessary for me to resolve the areas of difference.
35. The parties agreed, in line with criterion d) of Policy H2, that regard should be taken to the financial viability of a scheme. It was thus agreed that if a scheme would not be financially viable if a contribution towards affordable housing was made then such a contribution should not be sought.
36. The appellant put forward a Viability Assessment Report (the VAR), the contents of which showed that the scheme as promoted would not be viable if a contribution was made towards affordable housing. The contents of the VAR were agreed by the Council, and there was no evidence to the contrary in front of me. I therefore accept its conclusions.
37. The Council, however, wished to have the viability situation reviewed at a later date in case financial conditions had improved and the scheme could deliver a contribution towards affordable housing. The Council advised that it had secured this review mechanism on other schemes. However, the Council confirmed that this approach was not set out in any local or national policy as set in the Framework or the national Planning Practice Guidance (the PPG).
38. However Policy 3.12 of the LP does allow for provisions for re-appraising the viability of schemes prior to implementation ('contingent obligations'). The supporting text⁹ states that "boroughs may consider whether it is appropriate to put in place provisions for re-appraising the viability of schemes prior to implementation". As there is no local policy to this effect it would appear that the Council has not taken up this option. In addition, the text of the policy should be read in context. This is "the implications of phased development including the provisions for re-appraising the viability of schemes prior to implementation ('contingent obligations')". It therefore seems that the primary use of this type of review mechanism would be in phased developments. As a scheme for 24 dwellings in a single building this proposal would not represent a phased development and I therefore conclude that in this case such a review is not necessary. Consequently I give the Planning Obligation no weight in my decision, and the condition requested by the Council to ensure its implementation is not necessary to make the development acceptable.

⁹ Paragraph 3.75

39. I am therefore satisfied that within itself the proposal makes appropriate provision for affordable housing. It would therefore comply with Policy H2 of the CS as set out above and Policies 3.11 and 3.12 of the LP which seek to maximise affordable housing provision having regard to the specific circumstances of individual sites taking account of development viability.

Living conditions

40. The appeal site is in a highly urbanised area with existing buildings in close proximity one to another. There is already an existing level of overlooking between properties, particularly from within the rear elevation of the existing building towards the flats behind located on Munden Street. The issue is whether the proposals would make the current situation materially worse in terms of overlooking leading to a loss of privacy, light or outlook.
41. The existing building has habitable accommodation within the rear of the building and this would be replicated in the proposal. The Council's guidance indicates that there should be an 18 m separation between properties to avoid unacceptable overlooking, which would be marginally breached for some of the upper storeys. However, guidance is just that and need to be considered in the light of the actual circumstance.
42. On the ground floor these windows would be closer than the existing building, but any views to the rear would be of the boundary wall. At first and second floor the design has a number of small and secondary windows which are shown to be obscure glazed for those windows closest to the boundary and the main windows set at angles so any overlooking would be at an oblique angle. This would prevent any direct overlooking. Above the second floor the windows in the rear elevation are set further away from the boundary so as to ensure that there was no unacceptable overlooking. Throughout the design there are a number of privacy screens proposed and, subject to an appropriate condition over their design and to ensure that they are installed, this would ensure that no unacceptable overlooking leading to a loss of privacy would occur for residents of the flats in Munden Street or at 8 and 26 Auriol Street.
43. Local residents are concerned that although there would be obscure glazing to prevent actual overlooking the windows themselves there would still give the perception of overlooking. However, given the existing situation where clear glazed windows result in a degree of overlooking the change to obscure glazing would be an improvement and while there may be some perception of overlooking, this would not be at such a level that it would result in an unacceptable relationship between properties.
44. A balcony has recently been constructed on an extension at the rear of 8 Auriol Road, and objections stated that there would be views from one of the balconies of Flat 14. The balcony of No 8 has a considerable parapet. I am therefore satisfied that this parapet would ensure that there was no unacceptable overlooking given the angle between the two balconies.
45. As part of the appeal documentation the appellant submitted a Supplementary Daylight/Sunlight Report which led to the amended plans reducing the depth of the two ground floor elements on either end of the proposal. The Report used the Building Research Establishment guidelines and shows that the proposal would ensure that the rear garden of 8 Auriol Street would receive adequate sunlight and that the windows facing to the rear would receive adequate

- daylight so as not to lead to an unacceptable loss of daylight for the occupiers of those dwellings.
46. The proposal would result in building closer to a number of windows in the side elevation of No 8 but I am satisfied that in this urban location there would be sufficient separation to ensure that the proposal did not result in an unacceptable loss of sunlight or daylight, and that there is sufficient separation not to adversely affect the use of the balconies on the rear of No 8 through loss of light.
47. In relation to 26 Auriol Road this property is not orientated with 90° of south so would not be materially affected as regards sunlight. As regards daylight the Supplementary Daylight/Sunlight Report does indicate that there would be some reduction but within acceptable levels. I concur that the amount of daylight reaching this property would be still be at acceptable levels as a result of the proposed development.
48. With the reduction in size of the single storey elements in the amended plans I am satisfied that the proposal would not give rise to an unacceptable overbearing effect for the occupiers of either Nos 8 or 26.
49. Local residents were concerned about the effects of construction on their living conditions, particularly through noise and disturbance, and highway safety. While these effects would be over a number of months they would be temporary and I am satisfied that subject to a Construction Management Plan, which could be secured by condition, that these effects could be mitigated so that they did not have an unacceptable effect on living conditions.
50. As such the proposal would not have an unacceptable effect on the living conditions of the occupiers of adjoining properties. As such the proposal would comply with Policies DM A9 and DM G1 of the DMLP which seek to ensure no detrimental impact on privacy, daylight and sunlight, and outlook in adjoining properties, and the principles of good neighbourliness. It would also comply with paragraph 17 of the Framework which seeks a good standard of amenity for all existing occupiers of land and buildings.

Other matters

51. The appellant accepted that as recently as December 2015 the existing building was occupied as HMO accommodation, and the Council considered that when it had previously visited the site in April 2016, as part of the consideration of the application, this remained the situation. However, since then there have been changes to how the properties are occupied and at the site visit a random quarter of the existing units were visited. The Council accepted, and I agree, that the existing current use of the building is as single dwellinghouses and that the change of use had lawfully taken place as permitted development¹⁰. That being the case the proposal would not involve the loss of HMOs.
52. The Council also refused the development for its effects on the GECA and the settings of the FFCA and the DECA, which are both close by. This was because it considered that the proposal, by relocating one of the dropped kerbs, would adversely affect one of the street trees which add beneficially to the character

¹⁰ Under Class L of Part 3 to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

and appearance of the area. The amended plans resolved the Council's concerns subject to the imposition of an appropriate condition.

53. The main parties and local residents who attended the Hearing agreed that, at best, the existing building was a neutral feature in the GECA and that the architectural design of the proposed building would enhance the character and appearance of the conservation area. However, a third party is concerned that the palette of materials set out in the drawings would be out of keeping with the area. I am satisfied that subject to the use of appropriate materials, which could be secured by condition, that the building would enhance the character and appearance of the GECA and the settings of the nearby FFCA and DECA.
54. The Council's report on the application made reference to concerns about air quality as the site is in an Air Quality Management Area (AQMA), although this did not represent a reason for refusal. The appellant submitted an Air Quality Assessment as part of the appeal documentation and the Council accepted that, subject to appropriate conditions, that the proposal would not have an adverse effect on air quality in the area.
55. Local residents are concerned about the location of the proposed surface water holding tanks. This could be satisfactorily dealt with by condition without causing harm to the GECA or protected trees in a location at the rear of the building where it could be incorporated within a landscaping scheme. For the same reason, while the location of the refuse storage is shown, details of the bin storage enclosures need to be resolved by condition.

Conditions

56. I have considered the conditions put forward by the Council and discussed at the Hearing against the requirements of the PPG and the Framework. The numbers of the conditions are given in brackets. In addition to the standard timescale condition (1), I have imposed a condition specifying the relevant drawings (2) as this provides certainty.
57. The southern car parking space needs to be amended to allow disabled persons to be able to use it; details to this need to be agreed prior to construction works (3). Requiring the northern parking space to be so enlarged could compromise the health and longevity of the adjacent tree, and therefore would not be acceptable. In order to protect all the trees in the vicinity of site the development needs to take place in accordance with the submitted Arboricultural Method Statement and Tree Protection Plan (4).
58. I have also imposed a condition requiring a contract to be let for the construction of the proposed building prior to the existing building being demolished to ensure the character and appearance of the GECA and the settings of the nearby FFCA and DECA are not adversely affected by a vacant site (5).
59. As discussed above there is a need for a Construction Management Plan in order to protect the living conditions of nearby residents and highway safety (6). The Council requested separate demolition and construction, logistics and management plans and an air quality dust management plan but I am satisfied that these can all be considered within a single plan.
60. Although not in an area where land contamination is expected, because the use history of the site is not known prior to the existing building and there would be

excavation of deliver the lowest floor, contamination studies need to be undertaken and remediation implemented if necessary in order to protect the living conditions of any occupiers (7, 8, 9, 10).

61. The appellant confirmed at the Hearing that piling may be used on site, and in order that such piling does not adversely affect the living conditions of adjoining occupiers or cause a risk to sewerage utility infrastructure, a piling method statement is required (11).
62. As noted above the site is in an AQMA and consequently details of the plant and equipment to be used during construction and in the communal plant on site needs to ensure low emissions. To this effect a Low Emissions Strategy needs to be submitted and approved prior to development taking place (12).
63. A Flood Risk Assessment was submitted with the application which broadly showed that the scheme was not prone to Flood Risk. As the site is in Zone 2 of the Environment Agency's maps additional information is needed to protect the basement areas from potential flooding. The necessary details need to be agreed prior to any construction works commencing (13).
64. Under the terms of Policy DM G1 of the DMLP development should respect Secured by Design principles. To ensure that the development would be safe and secure details of how these principles are to be achieved need to be submitted and thereafter implemented prior to above ground works commencing (14).
65. The Council requested a condition to orientate rooms away from major noise sources. However, as a full application the internal layout is fixed and it has not been demonstrated that there are such sources. However, because the layout does involve bedrooms above/below living rooms and habitable rooms adjacent to the communal plant room additional acoustic and vibration insulation is necessary in these locations (15).
66. In order to ensure a satisfactory external appearance details of materials and outstanding details of the surface water drainage storage tanks, window bays, bin stores, balustrades and doors need to be submitted prior to any above ground construction works taking place (16, 17).
67. To ensure that the scheme is appropriate to the locality and to protect the living conditions of the occupiers of neighbouring properties details of hard and soft landscaping needs to be submitted and approved prior to any above ground construction works with the hard landscaping being completed prior to first occupation and the soft landscaping completed in the first planting and seeding seasons following first occupation (18, 27).
68. In order to protect the living conditions of occupiers of the adjoining dwellings details of the privacy screens need to be agreed and the screens themselves installed prior to any of the dwellings being occupied (20). Also, for the same reason the windows indicated to be obscure glazed need to be so glazed and maintained as such (21).
69. Storage for cycles is shown on the approved plan, in my view in a satisfactory location, and to ensure its implementation to provide transport choice this needs to be delivered prior to the dwellings being occupied (22). Similarly, provision for waste and recycling needs to be delivered prior to occupation.

The Council indicated that the details on the plans may not meet its standards to maximise recycling, so these details need to be submitted and agreed (19).

70. The LP includes requirements to ensure, where appropriate, the optional Building Regulation access standards are delivered. In order to ensure that the dwellings meet these optional standards and the development is thus accessible, a condition is required to deliver this (24). The Council asked that the wheelchair accessible units be subject to a marketing exercise and while the appellant was content with this I do not consider that such an exercise is necessary to make the development acceptable. However, to ensure that the development meets CO₂ targets the development needs to be constructed in accordance with the details included with the application (25).
71. The design of the external appearance of the building could be compromised by the inappropriate use of extract flues or pipes or the introduction of air conditioning plant harmful to the character and appearance of the GECA. To prevent this occurring a condition is necessary to ensure no such equipment can be installed on the front elevation (26).
72. In order to comply with development plan policies set out above the two parking spaces need to have active electric charging points delivered and maintained (23). In order to ensure that the privacy of neighbouring residents was not compromised by the creation of additional balconies no further parts of the roof should be used as a terrace or other amenity space (28).
73. The Council requested that permitted development rights be removed for the erection of external telecommunications receiving equipment, various extensions and gates, fences, walls or other means of enclosure. The PPG indicates¹¹ that conditions restricting the future use of permitted development rights or changes of use will rarely pass the test of necessity and should only be used in exceptional circumstances. Permitted development rights for telecommunications receiving equipment are more limited inside conservation areas than outside and I therefore consider that there is no need for such a condition. Flats do not have permitted development rights to allow extensions so such a condition is also not necessary. While permitted development rights would allow the erection of gates, fences, walls or other means of enclosure subject to various limitations, I am satisfied that there is no exceptional circumstances which would require the restriction of this normal right.
74. The Council also asked that details of any external lighting scheme be submitted and approved. The reason for this was to protect the living conditions of adjoining occupiers. However, I do not consider such a condition to be necessary as it would duplicate other legislation. I also consider that construction details of the dropped kerb replacement should not be dealt with by planning condition as this would also duplicate other legislation.
75. Local residents were concerned that the development may interrupt television signals to their properties and thus sought a condition to provide a replacement if necessary. I do not have any evidence that such an occurrence is likely, the proposed building is not very tall and, as such, I do not consider such a condition is necessary.

¹¹ Reference ID: 21a-017-20140306

76. Where necessary and in the interests of clarity and precision I have altered the conditions to better reflect the relevant guidance.

Conclusion

77. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be allowed.

RJ Jackson

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

0100 Rev -	Site Location Plan
1001 Rev M	Proposed Lower Ground Floor
1002 Rev O	Proposed Ground Floor Plan
1003 Rev I	Proposed First Floor Plan
1004 Rev H	Proposed Second Floor Plan
1005 Rev I	Proposed Third Floor Plan
1006 Rev I	Proposed Fourth Floor Plan
1007 Rev -	Proposed Roof Plan
2000 Rev J	Proposed Section AA
2001 Rev D	Proposed Section BB
2002 Rev C	Proposed Section CC
3000 Rev B	Proposed Front Elevation
3001 Rev B	Proposed Rear Elevation
3002 Rev B	Proposed Side Elevation
3003 Rev B	Proposed Front & Rear Street Elevations
3004 Rev -	Proposed South Elevation
4000 Rev -	Front Elevation Bay Study
4001 Rev -	Typical Detailed Section A-A
4002 Rev -	Typical Detailed Section

- 3) Notwithstanding condition 2, the southern parking space shall be constructed to allow access by a person with disabilities. The details of which shall be submitted to and approved in writing by the local planning authority prior to any above ground works commencing on site and those details, as well as the northern parking space, shall be completed in accordance with the approved details as well prior to any dwelling being occupied. The parking spaces shall thereafter be retained for such a purpose.
- 4) No equipment, materials or machinery shall be brought on site in connection with the development hereby permitted, and no works, including site clearance or any other preparatory works, undertaken until the tree protection measures set out in the Treeventures Limited report titled "BS5837 Tree Survey" reference K493AIA dated 26 November 2015 have been erected on site in accordance with the report and a Tree Protection Plan submitted to, approved, and agreed in writing as complete by the local planning authority. The protection shall be retained until the development is complete and nothing shall be placed within the fencing, nor shall any ground levels be altered or excavations made without the prior written consent of the local planning authority.
- 5) No demolition shall take place until arrangements have been put in place to secure the construction of the development approved under this permission and details of these arrangements have been submitted to and approved in writing by the local planning authority. The arrangements shall include details of the timescale for carrying out the redevelopment approved under this permission.

- 6) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
- i) loading and unloading of plant and materials;
 - ii) storage of plant and materials used in constructing the development;
 - iii) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - iv) wheel washing facilities;
 - v) measures to control the emission of dust and dirt during construction;
 - vi) measures to monitor noise, vibration, dust, dirt and other emissions including air quality, and actions required to rectify any breaches; and
 - vii) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 7) No development shall commence until a preliminary risk assessment report is submitted to and approved in writing by the local planning authority. This report shall comprise: a desktop study which identifies all current and previous uses at the site and surrounding area as well as the potential contaminants associated with those uses; a site reconnaissance; and a conceptual model indicating potential pollutant linkages between sources, pathways and receptors, including those in the surrounding area and those planned at the site; and a qualitative risk assessment of any potentially unacceptable risks arising from the identified pollutant linkages to human health, controlled waters and the wider environment including ecological receptors and building materials. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (DEFRA 2004) or the current UK requirements for sampling and testing.
- 8) No development shall commence until a site investigation scheme is submitted to and approved in writing by the local planning authority. This scheme shall be based upon and target the risks identified in the approved preliminary risk assessment and shall provide provisions for, where relevant, the sampling of soil, soil vapour, ground gas, surface and groundwater. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (DEFRA 2004) or the current UK requirements for sampling and testing.
- 9) No development shall commence until, a remediation method statement is submitted to and approved in writing by the local planning authority. This statement shall detail any required remediation works and shall be designed to mitigate any remaining risks identified in the approved quantitative risk assessment. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (DEFRA 2004) or the current UK requirements for sampling and testing.
- 10) No development shall commence until the approved remediation method statement has been carried out in full and a verification report confirming these works has been submitted to, and approved in writing, by the local planning authority. This report shall include: details of the remediation works

carried out; results of any verification sampling, testing or monitoring including the analysis of any imported soil; all waste management documentation showing the classification of waste, its treatment, movement and disposal; and the validation of gas membrane placement. If, during development, contamination not previously identified is found to be present at the site, the local planning authority is to be informed immediately and no further development (unless otherwise agreed in writing by the local planning authority) shall be carried out until a report indicating the nature of the contamination and how it is to be dealt with is submitted to, and agreed in writing by, the local planning authority. Any required remediation shall be detailed in an amendment to the remediation statement and verification of these works included in the verification report. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (DEFRA 2004) or the current UK requirements for sampling and testing.

- 11) No development shall commence until a piling method statement, detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to sub-surface sewerage infrastructure, and the programme for the works, has been submitted to and approved in writing by the local planning authority. Any piling must be undertaken in accordance with the terms of the approved piling method statement.
- 12) No development shall commence until a Low Emission Strategy has been submitted to and approved in writing by the local planning authority. The Low Emission Strategy must detail the remedial action and mitigation measures that will be implemented to protect receptors (e.g. abatement technology for energy plant, design solutions). This Strategy must make a commitment to implement the mitigation measures (including NO_x emissions standards for the chosen energy plant) that are required to reduce the exposure of future residents to poor air quality and to help mitigate the development's air pollution impacts, in particular the emissions of NO_x and Particulates from on-site transport during construction and operational phases e.g use of Low Emission Vehicles and energy generation sources. The strategy must assess air quality in accordance with the Mayor of London Supplementary Planning Guidance 'Sustainable Design and Construction' (April 2014). The development shall only be carried out and operate in accordance with the approved details.
- 13) No development shall take place until a revised flood risk assessment has been submitted and approved in writing by the local planning authority which to provide further mitigations measures in regard to the basement level to ensure that the basement is not affected by flooding. The development shall only be implemented in accordance with the approved details, and shall be so maintained for the lifetime of the development.
- 14) No work of construction shall take place until a statement of how Secured by Design requirements are to be achieved has been submitted to and approved in writing by the local planning authority. The approved details shall be completed before the building is first occupied.
- 15) No work of construction shall take place until details of an enhanced sound insulation value $D_{nT,w}$ (Weighted Standardized Level Difference) of at least 5 dB above the Building Regulations value, for the floor/ceiling/wall structures

separating different types of rooms in adjoining dwellings, namely where a living room and/or kitchen is above or below a bedroom of a separate dwelling or adjacent to a room containing plant and machinery, have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to occupation of the development and thereafter shall be retained.

- 16) No above ground development shall commence until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples.
- 17) No above ground construction works shall take place until details of the surface water storage tanks, window bays at a drawing scale of no less than 1:20, bin stores, balustrades and doors have been submitted to and approved in writing by the local planning authority. The development shall take place in accordance with the approved details.
- 18) No above ground construction works shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping. The scheme shall include means of enclosure and hardsurfacing materials. The development shall take place in accordance with the approved details with all hard landscaping completed prior to the development being first occupied.
- 19) No above ground construction works shall take place until details of the bin storage areas for the storage and household waste and recycling have been submitted to and approved in writing by the local planning authority. The development shall not be occupied until the approved details have been fully implemented and they shall be thereafter retained.
- 20) Prior to the occupation of any of the dwellings, details of the privacy screens to the roof terraces as indicated on the approved drawings shall be submitted to and approved in writing by the local planning authority. The approved details shall be fully installed prior to the occupation of the units and shall be retained thereafter.
- 21) The building hereby permitted shall not be occupied until the windows shown to be obscure glazed on the approved drawings have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.
- 22) The development hereby permitted shall not be occupied until the cycle storage shown on the approved plans has been constructed and the area shall thereafter be kept available for such purposes.
- 23) The two off-street car parking spaces hereby approved shall be fitted with 'active' electric charging points prior to the first occupation of the development and these points shall thereafter be maintained.
- 24) Residential units City House 2, 4 and 5 hereby approved shall meet M4(3) Category 3: Wheelchair Users dwellings of the Building Regulations 2010 Access to and Use of buildings, 2015 edition standards, and shall be permanently retained as such thereafter.

The dwellings hereby approved, with exception of City Houses 2, 4 and 5, shall meet M4(2) Category 2: Accessible and adaptable dwellings of the Building Regulations 2010 Access to and Use of buildings, 2015 edition standards, and shall be permanently retained as such thereafter.

- 25) The development hereby permitted shall be carried out in accordance with the measures outlined in CarbonPlan Limited 'Sustainability Strategy and Energy Strategy' Revision A dated October 2015 relating to the site and shall thereafter be maintained in accordance with that document.
- 26) No air conditioning units, plumbing, extract flues or pipes other than rainwater pipes shall be fixed on the front elevation of the development hereby approved.
- 27) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 28) With the exception of the balconies and terraces indicated on the approved drawings, no part of any other roof of the approved building shall be used as a terrace or other amenity space.

END OF SCHEDULE

APPEARANCES

FOR THE APPELLANT:

Gwion Lewis	of Counsel, instructed by Mr Clive Leventine,
Mia Scaggianti	Maxwell Winward, Solicitors
	Savills

FOR THE LOCAL PLANNING AUTHORITY:

Barry Valentine	Planning
Leticia Maudra	Legal
Nora Begolli	Highways
Rizwan Yunus	Environmental Health

INTERESTED PERSONS:

Tracey Gahoor	Local Resident
Avlon Rowley	Local Resident
Michael Chard	Local Resident

HEARING DOCUMENTS

- 1 Draft Planning Obligation under Section 106 Town and Country Planning Act 1990 (as amended)
- 2 Draft Undertaking under Section 16 of the Greater London Council (General Powers) Act 1974 (as amended)
- 3 Section 16 of the Greater London Council (General Powers) Act 1974
- 4 Appeal Decision APP/K5600/W/15/3004566
- 5 Extract from LocalGovernmentLawyer website
- 6 Transcript of judgement *Westminster City Council v Secretary of State for Communities and Local Government and another* [2013] EWHC 690
- 7 Transcript of judgement *The Queen on the application of Isaac Youssef Khodari v Royal Borough of Kensington and Chelsea* [2015] EWHC 4084
- 8 Updated Schedule of Tenancies
- 9 Schedule of tenancies in vicinity of appeal site
- 10 Chapter J Hammersmith and Fulham Development Management Local Plan – July 2013
- 11 Extracts from The London Plan dealing with Transport and Parking
- 12 Completed Planning Obligation under Section 106 Town and Country Planning Act 1990 (as amended)
- 13 Completed Undertaking under Section 16 of the Greater London Council (General Powers) Act 1974

APPENDIX 18

Appeal Decision

Site visit made on 31 July 2017

by G J Fort BA PGDip LLM MCD MRTPI

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

Decision date: 15 August 2017

Appeal Ref: APP/R5510/W/17/3173994

Alexander House, 106 Pembroke Road, Ruislip, Middlesex HA4 8NW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Paragraph O of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).
 - The appeal is made by Sixis Group against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 10744/APP/2016/3615, dated 28 September 2016, was refused by notice dated 28 November 2016.
 - The development proposed is change of use of the existing office building into twenty-three self-contained residential units and provision of thirteen onsite car parking spaces.
-

Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 3, Paragraph O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) for the change of use of the existing office building into twenty-three self-contained residential units and provision of thirteen onsite car parking spaces at Alexander House, 106 Pembroke Road, Ruislip, Middlesex HA4 8NW in accordance with the terms of the application Ref 10744/APP/2016/3615, dated 28 September 2016, and the plans submitted with it, subject to the conditions in Schedule 2, Part 3, Paragraph O.2 (2) and Paragraph W (12) (a) of the GPDO, as follows:
 - Development under Class O is permitted subject to the condition that it must be completed within a period of 3 years starting with the prior approval date;
 - The development must be carried out where prior approval is required, in accordance with the details approved by the local planning authority;and the following additional conditions:
 - 1) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no. C244-51 PROPOSED FLOOR PLANS (Rev B) for cars to be parked and that space shall thereafter be kept available at all times for the parking of vehicles.
 - 2) No dwelling shall be occupied until details of the covered and secure storage for 23 bicycles shown on drawing no. C244-51 PROPOSED FLOOR PLANS (Rev B) have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until bicycle

storage in line with the approved details has been installed and that space shall thereafter be kept available for the parking of bicycles.

- 3) No dwelling shall be occupied until details of facilities to be provided for the screened storage of refuse bins have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the facilities have been provided in accordance with the approved details and thereafter the facilities shall be permanently retained.

Procedural Matter

2. In the interests of clarity, the description of development given within the banner heading above is a truncated version of that given within the planning application form¹.

Background and Main Issues

3. Schedule 2, Part 3, Paragraph O of the GPDO establishes, subject to certain criteria, a permitted development right to change the use of office buildings to residential uses. The Council disputes that the proposed development would constitute permitted development for the purposes of the GPDO. Accordingly, whether the appeal scheme would constitute permitted development is the first main issue in this case.
4. The permitted development right arising from paragraph O of the GPDO is subject to the condition that before beginning the development the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to, amongst other things², the transport and highways impacts of the development. As the Council's Decision Notice focuses on the adequacy of the parking arrangements for the proposed development, and there is no dispute regarding the other prior approval conditions, I therefore consider, if the appeal scheme does constitute permitted development, that the second main issue is its transport and highways impacts.

Reasons

Site, surroundings and appeal scheme

5. The appeal site comprises a three-storey office building, and its associated car parking set close to a cross roads, in an area with a mix of commercial, residential and community uses. Of a modern character, the appeal building is flat-roofed, its principal road-facing element is faced in extensive areas of glazing, with brick flank walls proud of the roof level, and a parapet of short railings along the roof at the front. The building extends to a considerable depth behind this broadly square street-facing element and is faced in a mixture of brick and render. The building is located next to the Grade II listed Former Air Raid Precautions Building, Windmill Hall: a reinforced concrete structure faced in wire-cut bricks laid in an English bond pattern, L-shaped on

¹ Which reads: "Change of use of the existing office building into twenty-three self-contained residential units. Provision of thirteen on-site car parking space. See covering letter describing the proposal and impacts on transport, highways, flood risk and noise from surrounding commercial premises. See attached Parking Stress Survey."

² Which are: contamination risks on the site; flooding risks on the site; and impacts of noise from commercial premises on the intended occupiers of the development.

plan and squat in form. The appeal scheme is as described in the banner heading.

Permitted Development

6. Paragraph O.1 (f) establishes that development is not permitted by Class O if the building is a listed building or is within the curtilage of a listed building. The red edge site boundary on the submitted Site Location Plan³ is drawn tightly around the listed Windmill Hall to take in the adjacent car parking and accesses associated with the appeal building.
7. Submitted conveyancing details of the appeal property and Windmill Hall establishes, for the lifetime of the buildings from the 1930s up until 1994 that they were in separate ownerships. Moreover, the original conveyance of the appeal site predated that of the Windmill Hall site by some 5 years. Furthermore, the listed building entry establishes that Windmill Hall was constructed in 1941, whilst according to historic mapping of the area, the appeal building appears to have been constructed sometime after 1960. Whilst the HM Land Registry Title Plan for Windmill Hall includes the existing and proposed car parking area to its rear, it is drawn tightly along its flank wall, and thus does not include any portions of the appeal building.
8. I have also been supplied with the planning history of the sites. Of most relevance in this instance is the permission⁴ for the extension of the appeal building, which established the parking area adjacent to Windmill Hall in connection with the appeal site. This post-dated the listing of Windmill Hall.
9. Taking these matters together, the separate functions, users and conveyancing history of the appeal building and Windmill Hall established in the evidence submitted by the appellant lead me to the view that the appeal building is neither a listed building, nor a structure within the curtilage of a listed building for the purposes of the Planning (Listed Buildings and Conservation Areas) Act 1990. In arriving at this view I note also that this was the conclusion reached by the Council as expressed in an e-mail to the appellant⁵ post-dating the decision on the application for prior approval. Accordingly, I conclude that the appeal scheme would therefore constitute permitted development for the purposes of the GPDO.

Transport and Highways

10. The appeal scheme would deliver 23 1-bedroom self-contained flats. On-site car-parking space for 13 cars would be provided, as well as 23 bicycle parking spaces. The appeal site has a good Public Transport Accessibility Level (PTAL) rating of 4, and is close to bus routes and the Ruislip Manor Underground Station.
11. I note Council comments that the proposed development could lead to a demand for 1 car parking space per dwelling. However, taken together the limited size of the proposed dwellings, each containing only one bedroom, the good PTAL rating of the site, and the number of cycle parking spaces that would be provided, lead me to the view that the level of parking demand

³ C244-00 SITE LOCATION PLAN (Rev B)

⁴ Council reference: 10744/APP/2001/724

⁵ Dated 3 April 2017

arising from the proposed development could be more limited than the Council's estimate.

12. Moreover, I am mindful of the appellant's Parking Stress Survey Report⁶, based on the established 'Lambeth Methodology' which found an average of 18 unrestricted car parking spaces in the environs of the site, an average of 11 of which were on Pembroke Road itself. Furthermore, considerable parking space was available on single yellow lines and pay and display car-parks in the area, amongst other more restricted parking areas, and whilst these spaces may not lend themselves to daytime parking they do, however, point to a substantial supply of parking space available overnight.
13. I note comments that the on-site parking spaces are fully occupied on most days by the current users of the appeal building, and that the access to the appeal property's rear yard is also used by servicing vehicles for the neighbouring commercial properties. However, the proposed change of use would merely mean that the rear yard spaces would be occupied by residential rather than commercial occupiers of the appeal building, and this would be unlikely to lead to a material difference in the occupancy of those spaces. As a consequence, I consider that the proposed parking arrangements would not inhibit access for servicing vehicles, or the emergency services, or for the occupants of the upper residential floors of the adjacent block. Neither, given the lack of a material difference in the parking arrangements in the yard would it lead to harmful effects to the living conditions of the occupants of adjacent dwellings. Accordingly, this is a consideration that does not weigh against the proposed development to any material degree in highway and transport terms.
14. Therefore taking these matters together with the results of the survey, the type of accommodation proposed, the appeal scheme's generous levels of cycle parking, and its good PTAL level, I consider that it has not been established that the appeal scheme would lead to a substantial increase in the demand for on-street parking within its environs, and would thus avoid harm to highway and pedestrian safety more generally.
15. Accordingly, mindful of the National Planning Policy Framework⁷ (the Framework) in this regard, I conclude that the proposed development would not result in cumulatively severe transport impacts, and that a safe and suitable access could be achieved. Thus, for the reasons given above, I conclude that the proposed development would not cause significantly harmful transport or highways impacts. The proposed development would thus meet the requirements of the relevant condition of the GPDO in this regard.

Other Matters

16. I note comments regarding the desirability of the appeal building remaining in office use. However, the GPDO establishes that changes of use of this type are permitted development. Consequently, a consideration of this nature is not a relevant criterion on which an application for prior approval can be assessed.
17. The appeal building is a considerable distance from the residential rear windows of the adjacent block of buildings. The long windows on its flank

⁶ Produced by Alpha Parking dated 26 September 2016

⁷ Paragraph W (10) (b) of the GPDO establishes that decision-takers are to have regard to the policies of the National Planning Policy Framework so far as relevant to the subject matter of the prior approval, as if the application were a planning application.

would serve circulation space. Furthermore, the windows in the appeal building that would serve habitable rooms are orientated at an oblique angle to those within the adjacent block, which would limit the depth and directness of views available from them. Taken together, these factors mean that the degree of mutual overlooking between the habitable rooms of the proposed development and those of the adjacent block would be extremely limited. The proposed development would therefore not lead to a material depletion of the amount of privacy available to the occupants of the appeal building's adjacent block and would thus cause no significant harm to their living conditions.

Conditions

18. Aside from the conditions attached by virtue of Schedule 2, Part 3, Paragraph O.2 (2) and Paragraph W (12) (a) of the GPDO, Paragraph W (13) makes it clear that prior approval can be subject to further conditions reasonably related to the subject matter of the prior approval. Accordingly, I have considered the suggested conditions supplied by the Council in this context and also assessed them against the tests given in paragraph 206 of the Framework. This states that conditions should only be imposed where they are necessary, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where I have attached conditions, I have amended their wording, where necessary in the interests of clarity.
19. As an implementation condition is attached by virtue of the GPDO, I have not found it necessary to attach the standard implementation condition required by the Town and Country Planning Act 1990 (as amended). As the GPDO also attaches a condition related to the approved details I have not attached a separate condition specifying the approved plans.
20. As the proposed development relates to internal changes to an existing building I have not attached the suggested conditions regarding surface water and sewerage arrangements.
21. No new boundary treatments are proposed as part of the development, aside from those related to the secure cycle parking, which is the subject of a distinct condition. It is therefore unnecessary to attach a condition requiring the submission of details of new boundary treatments in this instance.
22. As the proposed development involves the change of use of the existing building, and of its related car-parks to facilitate residential occupancy, I can see no necessity to attach a condition requiring submission of a landscaping scheme to the Council prior to the commencement of development.
23. As the accesses to the site are existing and I have been supplied with no substantive evidence to suggest that the proposed development would result in a material increase in the number of traffic movements associated with the site, I consider it unnecessary to attach a condition regarding the provision of visibility splays.
24. Given that sound insulation measures are covered by the Building Regulations, and given the lack of substantive evidence to the contrary, I consider that a condition requiring the details of a sound proofing scheme is neither relevant to planning nor necessary in this instance.
25. However, as the transport and highways impacts of the proposed development are related to the subject matter of the prior approval, I have attached the

conditions requiring the provision and maintenance of the proposed car parking spaces, and for submission of the details of cycling parking arrangements to the Council for its approval, and that the approved details are implemented prior to first residential occupation of the proposed development. However, I consider it unnecessary to require compliance with these conditions prior to development starting at the site.

26. Whilst I note the appellant's comment that existing refuse arrangements will be used by the proposed development, these are not annotated on plan, and I can find no reference to them in the submitted supporting material. I therefore consider it necessary in the interests of the living conditions of the proposed development's future occupants, and the character and appearance of the site to attach a condition relating to the submission of details of the storage of refuse receptacles to the Council for its approval prior to the first residential occupation of the site. However, I consider it unnecessary to make this condition take effect prior to the commencement of development at the site.

Conclusion

27. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should succeed.

G J Fort

INSPECTOR

APPENDIX 19

Appeal Decision

Site visit made on 11 July 2016

by Jonathan Price BA(Hons) DipTP MRTPI DMS

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

Decision date: 11th August 2016

Appeal Ref: APP/R5510/W/16/3145677

25 Maxwell Road, Northwood HA6 2XY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
 - The appeal is made by Mr Adil Chagani against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 14271/APP/2015/4489, dated 7 December 2015, was refused by notice dated 1 February 2016.
 - The development proposed is change of use from office (Use Class B1) to 2 x 1 bedroom and 2 x studio residential units (Use Class C3) with associated buildings works (Prior Approval).
-

Decision

1. The appeal is allowed and 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 (as amended) for the change of use from office (Use Class B1) to 2 x 1 bedroom and 2 x studio residential units (Use Class C3) with associated buildings works (Prior Approval) at 25 Maxwell Road, Northwood HA6 2XY in accordance with the terms of the application Ref 14271/APP/2015/4489, dated 7 December 2015, subject to the following conditions.
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 228 PD01 Rev P2.

Procedural Matters

2. The Council considers that the development is not permitted by Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO 2015) due to inadequate evidence over the relevant part of the building falling within the category of a Class B1 office use¹.
3. The provisions of Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO 2015) require the local planning authority to assess the proposed development on the basis of transport and highway impacts, contamination risks on site and flooding risks on the site. The Council has confirmed that had the scheme fallen to be considered for prior approval under Class O an objection would have been raised only on the basis

¹ The Town and Country Planning (Use Classes) Order 1987 – Class B1(a) as an office other than a use within class A2 (financial and professional services).

of transport and highway impacts of the proposed development, due to the lack of off-street car parking spaces provided.

4. In the appeal submission both the matters in paragraphs 2 and 3 (above) are addressed. Furthermore, the appellant contends that the notification of the Council's decision was received after the expiry of 56 days following receipt of the application such that, under paragraph W (11) of Schedule 2, permission has been deemed to be granted.

Main Issues

5. Accordingly the main issues in this appeal are:
 - Whether the proposal meets the requirements under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) Order 2015 (as amended);
 - If so, whether planning permission is deemed to have been granted by reason of the timing of the Council's decision notification;
 - If planning permission is not deemed to have been granted, whether the transport and highways impacts of the development are such as to require refusal of prior approval under paragraphs O.2(a) and W.(3).

Reasons

Permitted development

6. The Council's case in respect of this issue is that a previously withdrawn application had sought prior approval for the change of use of the entire appeal property from Use Class A2 (professional services) to Class C3 (dwellinghouses) and insufficient evidence had been provided that the property had a B1 use.
7. The appellant has provided evidence that this earlier application was erroneous and that the A2 use had only applied to the ground floor 'shop front' part and that the remainder of the building, accessed by a separate door at the entrance, was last in a B1 use.
8. The Council has not contested the appeal case beyond what is set out in the original delegated report. From my visit to the property, the internal arrangements suggest the building would have had two separate parts. The ground and upper floor parts, accessed by the separate door to that serving the 'shop front' part, could well have had the separate B1 use, not providing services principally to visiting members of the public, as claimed by the appellant. The correspondence submitted, including a Statutory Declaration, provides evidence which would support the B1 use. The Council has not contested this matter further and therefore I accept this advice to be correct.
9. Consequently, the residential flats proposed would benefit from the permitted development rights conferred to a B1 use under Class O.

Timing of decision

10. My calculation is that, on the balance of probability, the Council's notification would have been received just within the 56 days of receipt of the application and therefore planning permission is not deemed to have been granted.

Transport and highways

11. The appeal property is located a close walking distance from the centre of Northwood and is accessible to the shops and services this provides. A rail station is also in close proximity to this site. My application of the Transport for London website reveals the appeal address has a PTAL 3 rating which indicates moderate public transport accessibility. This conflicts with the poor accessibility PTAL 2 rating claimed by the Council. I consider the flats would be suitable therefore for occupation by persons without access to a private car.
12. The existing use would have generated parking demand, mainly during the day. I agree that a residential use would alter this and result in a greater demand during evenings and weekends when parking stress by residents within the surrounding controlled parking zone would be highest. This proposal offers no on-site parking provision to meet the Council's standards which would otherwise mitigate for the additional parking demand within the surrounding streets.
13. However, the permitted development right allows the principal of the change of use sought. I do not consider the four one-bedroom flats would result in a material increase or material change in the character of traffic in the vicinity of the site such that the transport and highway impacts of this development would be severe. The reasons given by the Council for not granting prior approval are therefore not adequately substantiated. Consequently the transport and highway impacts of this proposal would not cause it to be unacceptable.

Conditions and conclusion

14. In the interests of certainty a condition is necessary that ties this permission to the submitted plans clearly showing the parts of the appeal property which are to be converted into flats, and the ground floor part that would remain as an A2 use. Subject to this condition, having taken into account all other matters raised, I conclude that this appeal should be allowed.

Jonathan Price

INSPECTOR

APPENDIX 20

Appeal Decision

Site visit made on 27 March 2018

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

an Inspector appointed by the Secretary of State

Decision date:

Appeal Ref: APP/F5540/W/17/3185025

**271-273 (with 1a Marshall Close), Wellington Road South, Hounslow
TW4 5HQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Chaudhry against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 01181/271-273/P2, dated 26 January 2017, was refused by notice dated 23 March 2017.
 - The development proposed is described as the demolition of two existing properties containing in total four flats and the erection of two buildings to contain 5 two bedroom flats and 2, three bedroom houses with 5 parking spaces.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed development on the character and appearance of the surrounding area.
 - The effect of the proposed development on the living conditions of the occupants of neighbouring properties with particular regard to outlook, light, privacy, noise and disturbance.
 - The effect on the living conditions of the prospective occupiers of the proposed development with particular regard to outlook, privacy and amenity space provision.
 - The effect of the proposed development on highway and pedestrian safety with particular regard to the provision of car and cycle parking spaces.

Reasons

Character and appearance

3. The appeal site comprises a corner plot located at the junction of Wellington Road South with Marshall Close and is currently occupied by two detached properties that are currently being used as flats. The surrounding area comprises predominantly of residential properties that display a variety of design styles and constructional ages. Although these are mainly two-storey in

height, there are examples of properties having roof extensions, in particular the terrace block comprising Nos 2-14 Marshall Close. As such, the surrounding area displays little consistency in its character and appearance.

4. The proposed development would involve the demolition of the existing buildings and the construction of a three storey block of five flats, including accommodation within the roof space, facing onto Wellington Road South. A pair of two storey semi-detached properties would be constructed to the rear of the site with access and aspect onto Marshall Close.
5. The block facing onto Wellington Street South would extend the full width of the site, as do the existing buildings, and would adjoin the two storey terraced property at No 269. The proposed front elevation would have a building line commensurate with that of No 269 and would have balconies at ground floor and first floor level with dormer windows in the roof. The side elevation of this block facing onto Marshall Close would have an inset balcony at third floor level.
6. The appellant has submitted drawings that show that the footprint of the proposed 'T' shaped block would be slightly less than that currently occupied by the two detached properties. Although the eaves and ridge of the roof would be slightly higher than those of No 269, given the varied character of the street, the proposed development would have an acceptable relationship with surrounding buildings. Although the Council suggest that the proposed block would be bulky and dominant, I do not find this to be the case. My attention has been drawn to a development at No 157 Wellington Road North that has some similarities with the scale, mass and locational circumstances of the appeal proposal. In my view, this serves to reinforce my view that the surrounding street scene is able to accommodate buildings of the scale, mass and bulk of the development proposed without causing any significant harm to the varied character and appearance of the surrounding area.
7. I recognise that balconies may not be a feature of nearby development. However, given that the front elevation of the block would be set back from Wellington Road South, with intervening car parking areas and a small garden area, I do not find that the proposed balconies would appear unacceptably prominent in the street scene.
8. The existing properties have two and single storey rear extensions. The proposed block would have a two storey, hipped roof, rear projecting outrigger wing such that the block would have a 'T' shape. The proposed northern side elevation of the outrigger wing facing towards No 269 would be commensurate with the position of the side elevation of the existing rear extension to No 271.
9. The proposed rear façade of the outrigger wing would not extend beyond that of the rear elevations of the existing extensions and in the case of No 273 it would be considerably less. Overall, the proposed rear outrigger wing would be of a lesser scale and mass than the existing rear extensions. Although it would be visible from Marshall Close it would not cause any demonstrable harm to the character of street from where it would appear as a subservient component of the proposed block.
10. The proposed pair of semi-detached properties would have a scale, mass and design that would be compatible with the semi-detached properties on this side of Marshall Close. Although the front elevation would be positioned closer to the

road than that of the adjacent dwellings comprising Nos 1-7, the pair of semi-detached properties comprising Nos 9-11 are also positioned closer to the road. As such, the position of the proposed dwellings relative to the road would not appear as being unacceptably at odds with the alignment of other properties on Marshall Close.

11. There would be an adequate gap between the proposed dwellings and the adjacent property at No 1 and the rear of the outrigger wing of the proposed block. As such, this part of the development would display an acceptably spacious character that is in keeping with the appearance and density of development on this part of Marshall Close. Furthermore, given the varied character of development in the area and the variations in the private amenity space, the amount of open space proposed in the development overall would not cause the buildings to appear cramped or contrived or unacceptably at odds with existing nearby development when viewed from the street scene.
12. Taking the above factors into account, the proposed development would not cause any significant harm to the character and appearance of the surrounding area. Consequently, there would be no conflict with Policies CC1, CC2 and SC7 of the London Borough of Hounslow Local Plan 2015 – 2030 (Local Plan). These policies, amongst other things, require that development should be of a high quality urban design that has due regard to the urban context, harmonises with the adjoining properties and maintains the character of the street.

Living conditions – occupants of neighbouring properties

13. The side elevation of the proposed outrigger wing contains windows facing towards the rear garden of No 269. At ground floor level this elevation would contain a patio door and smaller side window. A proposed 1.8m high close boarded fence along the property boundary would ensure that there are no significant direct views into the rear garden of No 269 from the nearest ground floor flat.
14. At first floor level, French doors with a low level obscurely glazed panel to the balustrade are proposed together with a smaller window in the side elevation facing No 269. I have taken into account the appellant's acceptance of the Council's suggested planning condition that these windows should be obscurely glazed. However, even if these were to be obscurely glazed there would remain the perception of overlooking from the windows. Direct overlooking would occur should the French door be opened with a consequential loss of privacy to the users of the rear garden of No 269. The effect that such obscurely glazed windows would have on the future occupants of the proposed first floor flat is a matter considered below.
15. A small first floor terrace is proposed at the rear of the first floor flats positioned over a proposed small ground floor store room that would be constructed to the rear of the outrigger wing. The terrace would be provided with screening and a trellis. In order to prevent direct views from the terrace over the rear garden of No 269 the screening would likely need to be of a solid construction. The visual effect of this would contribute to the extent of built development that would appear to extend beyond the proposed rear elevation of the outrigger wing and beyond the depth of the current rear extension to No 271. As a consequence of the combination of the ground floor store and screening around the first floor terrace, the depth of the built development and

first floor structure would exceed the depth of the current rear extension to No 271.

16. The appellant has produced drawings showing that the proposed outrigger wing does not breach the position of a line drawn at 45 degrees for the centre of the rear ground floor window at No 269. However, I am not convinced that this has adequately taken into account the position of the ground floor store and the proposed screening to the first floor terrace above.
17. The appellant suggests that the removal of the existing rear extensions at Nos 271 and 273 and their replacement by a shorter outrigger wing would improve the amount of light received at the rear of No 269. However, this view does not appear to take into account the presence of the proposed ground floor store with roof terrace and screening above. Consequently, I do not share the appellant's view that the proposal would appear less overbearing and overshadowing in terms of its relationship with the rear garden of No 269.
18. The Council suggest that the proposed development would cause noise and disturbance that would have a detrimental effect on the living conditions of the occupants of nearby properties. I do not consider that the proposed balconies would be significant sources of noise and disturbance. In addition I do not consider that the more intensive occupation of the appeal site in this close-knit urban environment and the associated increase in comings and goings would cause unacceptable noise and disturbance. However, the proposed two rear roof terraces, albeit relatively small in area, would be a potential source of noise and disturbance occurring at an elevated position in close proximity to the rear garden of No 269 and the proposed garden area for semi-detached unit H1.
19. The proposal would result in built development being positioned closer to the side elevation of No 1 Marshall Close than currently exists. This elevation has secondary windows at ground and first floor level and an entrance door. However, an adequate gap would remain between the side elevation of No 1 and the proposed western side elevation of semi-detached unit H2. This would ensure that the outlook from No 1 is not unacceptably compromised and that the proposed new development would not appear as being overbearing.
20. The side elevation of unit H2 would have French doors with Juliet balcony at first floor level serving a bedroom that would face towards the windows and door in the side elevation of No 1. Notwithstanding the secondary nature of these windows at No 1, the presence of the French doors positioned in such close proximity the side elevation would result in a sense of overlooking that would be unacceptably harmful to the living conditions of the occupants of the property.
21. The existing property boundary between No 1 and the appeal site is formed by a panel fence. Although the Council suggest that the appeal proposal would have a tall wall along part of this boundary, the plans suggest that this would be formed of a 1.8m high close boarded fence. I do not consider that the style, height and position of the proposed fence would be unusual in this urban environment. Although slightly higher than the fence it would replace, the proposed fence would not cause an unacceptable sense of enclosure for the occupants of No 1.

22. As a consequence of the position of the windows in the side elevation of the first floor outrigger wing of the block of flats and the French doors in the side elevation of unit H2, the proposed development would result in a loss of privacy for the occupants of No 269 Wellington Road South and No 1 Marshall Close respectively. In addition, provision of the ground floor store with rear roof terrace above would cause a loss of outlook from the rear of No 269. In addition, the use of the roof terrace in an elevated position has the potential to cause unacceptable noise and disturbance. The cumulative effect of these factors would cause unacceptable harm to the living conditions of the occupants of these properties.
23. Consequently, the proposed development would be contrary to Policies CC2 and EQ5 of the Local Plan. These policies, amongst other things, require that new development should have a positive impact on the amenities of residents in the surrounding area.

Living conditions – prospective occupants

24. The Council accepts that the proposed internal space would meet the requirements of the Nationally Described Space Standards. However, I share the Council's concerns that in order to assist in protecting the privacy of neighbouring properties, the northern first floor flat would need to have obscure glazing to the window of the living/kitchen/dining area. This would cause an unacceptable poor outlook for the future occupants of the flat.
25. The location and use of the rear terraces would have the potential to cause unacceptable overlooking of the private amenity areas serving the northern ground floor flat, No 269 and unit H1. I also share the Council's concerns that any reduction in the extent of this overlooking would necessitate the use of high screening which would in itself cause an unacceptable oppressive environment for the users of the terraces.
26. Although the Council suggest that the proposed extent of private and communal amenity space would not meet the requirements of Policy SC5 of the Local Plan, I do not find that the lack of such space in this dense urban environment would be sufficient to warrant the dismissal of this appeal on that ground. The appellant has identified that proposed development is located within walking distance of a number of parks and recreational facilities. The proposal would make an efficient use of brownfield land. Given the dense urban character of the surrounding area and variations in the amount of private amenity space, I consider that the locational factors in this case constitute the circumstance where reduced private amenity space would be acceptable. Consequently, I do not consider that this proposal materially conflicts with Policy SC5 of the Local Plan.
27. As a consequence of the poor outlook from the windows in northern first floor flat and the potential to cause unacceptable high level overlooking of the amenity area serving the northern ground floor flat, No 269 and unit H1, the proposed development would cause unacceptable harm to the living conditions of the future occupants. As such, it would be contrary to Policy CC2 of the Local Plan. This policy, amongst other things, requires that development should provide adequate levels of outlook and privacy and minimise direct overlooking through the careful layout, design and orientation of buildings and spaces.

Highway and pedestrian safety

28. The proposed development would provide a total of 5 car parking spaces, 3 to serve the proposed flats and one for each of the semi-detached properties. The London Plan 2015 prescribes a maximum of 1.5 car parking spaces for each of the three bedroom units and one space for all other units. This equates to a policy requirement of 8 spaces for the development overall.
29. The Council suggest that the site has a Public Transport Accessibility Level (PTAL) of 2/1a which is regarded as poor/very poor. However, I observed at my site visit that there are bus stops in each direction on Wellington Road South located in close proximity to the appeal site. Although there are parking restrictions on Wellington Road South, unrestricted parking is available on Marshall Close and I observed at my site visit, albeit during the morning, that there was on street car parking availability. I have no evidence to suggest that on-street car parking provision on Marshall Close may be at a capacity.
30. Notwithstanding the overall PTAL rating of the site, it is located in close proximity to public transport provision. Although Policy 6.13 of the London Plan suggests that 8 parking spaces are required, I note that these are referred to as a maximum and not a minimum level of provision. I am also mindful that the policy seeks to ensure that an appropriate balance is struck between promoting new development and preventing excessive car parking provision that can undermine cycling, walking and public transport use. Taking into account the proximity to public transport provision, the availability of on street car parking provision and the planning policy desire to reduce car dependency, I consider that the 5 parking spaces proposed would be acceptable.
31. With regard to the location of the proposed parking spaces, Marshall Close is a cul-de-sac that has a straight and level alignment and is relatively lightly trafficked. This part of the street has a relatively wide verge between the boundary of the appeal site and the pedestrian pavement. As such, I consider that there would be adequate inter-visibility between drivers of vehicles and pedestrians. In addition, vehicles exiting or entering the parking spaces would likely be travelling at a low speed.
32. The low speed of vehicles using the parking spaces; the adequate indivisibility between drivers and pedestrians and the adequate width of the footway, are all factors that in combination lead me to conclude that the position of the proposed parking spaces on Marshall Close would provide adequate opportunity for pedestrians and drivers to take any necessary action to avoid a prejudicial safety conflict. Consequently, the proposed development would not unacceptably compromise pedestrian safety or have any adverse effect on the functioning of the road hierarchy.
33. Although the Council suggest that the width of the proposed double vehicular crossover point on the Marshall Close may be too wide, this is a matter that could be dealt with by a suitable planning condition were minded to allow the appeal. Whilst, I note the Council's concerns that the position of the crossovers would result in the loss of on-street car parking provision, in my view, this is adequately compensated by the 3 off-street spaces that would be provided.
34. The proposed parking spaces that would gain access off Wellington Road South would be located between the junction with Marshall Close and the bus stop. Wellington Road South is relatively well trafficked and the pedestrian footpath

on this part of the road is relatively narrow. The proposed position of the parking spaces would access/egress through the bus cage serving the bus stop. At times when a bus was present at the stop, it is likely that access/egress to the northern parking space would be impeded. This would result in vehicles wishing to enter the parking space having to wait on the road until the bus had cleared the stop. This action would be to the detriment of the free flow of traffic.

35. Although this part of Wellington Road South has a straight and level alignment, owing to the position of the proposed car parking spaces to the junction with Marshall Close, the narrow width of the pavement and the proposed position of the refuse bin storage area, it is likely the vehicles exiting the parking spaces would need to manoeuvre across that full width of the footway to observe oncoming traffic, particularly if there were vehicles waiting on Marshall Close to access on to Wellington Street South. In such circumstances, the pedestrian use of the footway would be unacceptably compromised.
36. The combination of the location of the car parking spaces accessed off Wellington Road South; the proximity to the junction; the narrow width of the pedestrian footway; the constraint to visibility as a consequence of the position of the refuse bin storage areas and the proximity to the bus cage are all factors which, in combination, are likely to result in an unacceptable effect to highway and pedestrian safety and the free flow of traffic.
37. Although the details of cycle storage have not been submitted, I do not share the Council's concerns that the areas indicated on the plans for such storage would be inadequate. I accept that it would have been beneficial to have adequately addressed this matter at the submission stage. However, in my view, this matter could be addressed by means of an appropriate planning condition were I minded to allow the appeal.
38. Taking the above factors into account, as a consequence of the position of the proposed parking spaces off Wellington Road South, the proposal would cause demonstrable harm to highway and pedestrian safety and the free flow of traffic. Consequently, the proposal would be contrary to Policies CC2 and EC2 of the Local Plan. These policies, amongst other things, require that development creates a safe place for pedestrians, requires that vehicular crossovers are consistent with the Council's adopted policy on vehicle crossovers and demonstrate that adverse impacts on the transport network are avoided.

Conclusion

39. I have found that the appeal site is capable of accommodating a form of development of the scale and mass proposed. However, this does not outweigh the harm that would be caused to the living conditions of nearby residents and the harm to pedestrian and highway safety. For the above reasons, taking into account the development plan as a whole based on the evidence before me and all other matters raised, I conclude that the appeal should be dismissed.

Stephen Normington

INSPECTOR

APPENDIX 21

Appeal Decisions

Site visit made on 22 February 2016

by Susan Ashworth BA (Hons) BPI MRTPI

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

Decision date: 30 March, 2016

Appeal A: APP/W5780/W/15/3137677

Ley Street House, 497-499 Ley Street, Ilford, Essex IG2 7QX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class O of the Town & Country Planning (General Permitted Development) Order 2015.
 - The appeal is made by Countrywide Commercials Ltd against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 3279/15, dated 17 August 2015, was refused by notice dated 14 October 2015.
 - The development proposed is change of use of existing office building (Class B1 (a)) and ancillary outbuildings to 104 self-contained dwellings (Class C3) with car parking bays (including disabled parking) areas for cycle parking and bin storage.
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Appeal B: APP/W5780/W/15/3137693

Ley Street House, 497-499 Ley Street, Ilford, Essex IG2 7QX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class O of the Town & Country Planning (General Permitted Development) Order 2015.
 - The appeal is made by Countrywide Commercials Ltd against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 3249/15, dated 17 August 2015, was refused by notice dated 14 October 2015.
 - The development proposed is change of use of existing office building (Class B1 (a)) and ancillary outbuildings to 95 self-contained dwellings (Class C3) with car parking bays (including disabled parking) areas for cycle parking and bin storage.
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Decisions

1. **Appeal A** is allowed and approval is granted under the provisions of Schedule 2, Part 3, Class O of the Town & Country Planning (General Permitted Development) Order 2015 for the change of use of existing office building (Class B1 (a)) and ancillary outbuildings to 104 self-contained dwellings (Class C3) with car parking bays (including disabled parking) areas for cycle parking and bin storage at Ley Street House, 497-499 Ley Street, Ilford, Essex IG2 7QX, subject to the following conditions.
 1. Prior to the first occupation of any of the residential units hereby approved, a Car Parking Management Plan for the site shall be submitted to and approved in writing by the local planning authority. The management plan shall include measures which will be put in place to prevent unauthorised car parking from taking place within the site and to encourage residents to use

public transport. The development shall operate in accordance with the approved plan.

2. Secure sheltered cycle parking shall be made available prior to the first occupation of the development and shall thereafter be retained.
 3. Prior to the first occupation of any of the residential units hereby permitted, a Green Travel Plan shall be submitted to and approved in writing by the local planning authority. The plan shall include details of the means by which residents, visitors and users of the development shall be encouraged to travel to the site other than by the private car, and details by which the plan will thereafter be monitored and reviewed. The approved plan shall be implemented as agreed.
2. **Appeal B** is allowed and approval is granted under the provisions of Schedule 2, Part 3, Class O of the Town & Country Planning (General Permitted Development) Order 2015 for the change of use of existing office building (Class B1 (a)) and ancillary outbuildings to 95 self-contained dwellings (Class C3) with car parking bays (including disabled parking) areas for cycle parking and bin storage at Ley Street House, 497-499 Ley Street, Ilford, Essex IG2 7QX subject to the following conditions:
1. Prior to the first occupation of any of the residential units hereby approved, a Car Parking Management Plan for the site shall be submitted to and approved in writing by the local planning authority. The management plan shall include measures which will be put in place to prevent unauthorised car parking from taking place within the site and to encourage residents to use public transport. The development shall operate in accordance with the approved plan.
 2. Secure sheltered cycle parking shall be made available prior to the first occupation of the development and shall thereafter be retained.
 3. Prior to the first occupation of any of the residential units hereby permitted, a Green Travel Plan shall be submitted to and approved in writing by the local planning authority. The plan shall include details of the means by which residents, visitors and users of the development shall be encouraged to travel to the site other than by the private car, and details by which the plan will thereafter be monitored and reviewed. The approved plan shall be implemented as agreed.

Application for costs

3. An application for costs was made by Countrywide Commercials Ltd against the Council of the London Borough of Redbridge. This application is the subject of a separate Decision.

Procedural matter

4. The provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 require the local planning authority to assess the proposed development solely on the basis of the transport and highway impacts of the development, contamination risks onsite and flooding

risks on the site, taking into account any representations received. My determination of this appeal has been made in the same manner.

Main Issues

5. Neither party has concerns over contamination or flooding risks, and based on all that I have seen and read, I have no reason to disagree. The main issue is therefore the effect of the proposed development on highway safety in the area, with particular regard to parking on the local highway network.

Reasons

6. Ley Street House is a 4 storey office building with a gross floor area of some 3836sqm, incorporating parking provision at ground level. The building, last occupied by the Council in 2013, is currently vacant. It lies at the junction of Ley Street, a busy road which links Ilford town centre and the A12 Eastern Avenue, and Perth Road, which serves the surrounding residential area. Vehicular access into the site is from Thuold Road.
7. Ley Street has a busy mixed use character, with individual commercial premises interspersed with residential dwellings and a group of services uses around its junction with Vicarage Lane. On the opposite side of Perth Road a new primary school is under construction. Beyond Ley Street the area is predominantly residential in character and comprises mainly terraced housing. On-street parking is generally controlled by single or double yellow lines and I noted that a high proportion of dwellings have front gardens given over entirely to parking space.
8. Appeal A proposes 104 residential units comprising a mix of studios and flats. The scheme includes provision for 47 car parking spaces and 102 cycle spaces. Appeal B proposes 95 residential units, again a mix of studios and flats but with fewer studios, 65 car parking spaces and 95 cycle spaces. No alterations to the external appearance of the building are proposed in either appeal.
9. In the case of applications for prior approval the Planning Practice Guidance reiterates that the principle of the development has already been established. Accordingly the statutory requirements are much less prescriptive than those relating to planning applications.¹
10. The Government's aims to promote sustainable transport are set out in Chapter 4 of the National Planning Policy Framework (the Framework). The chapter requires, at paragraph 30, that encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Decisions should also consider whether opportunities of sustainable transport have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure; that safe and suitable access can be achieved for all people and that improvements can be undertaken within the highway network that cost effectively limit the significant impacts of the development.
11. Neither of the proposed schemes would provide parking space for all of the proposed flats. The Council's argument is that the provision, in both schemes, is inadequate and that this would lead to demand for on-street parking in an area of stress – although no evidence was submitted to justify that assertion.

¹ Planning Practice Guidance Paragraph: 028 Reference ID: 13-028-20140306

12. The main parties agree that there is a clear correlation between car ownership levels and access to public transport. In this case the site has a Public Transport Accessibility Level (PTAL) of 2 which is considered to be poor. Nevertheless it seems to me that there is a variety of non-car options for transport available locally. These include bus stops close to the site which provide access to bus services covering a wide area; underground stations providing links into central London within 1.4 km and 1.8 km and railway stations at Seven Kings and Ilford, some 1.1km and 1.3 km away respectively. Ley Street includes provision for cyclists in the vicinity of the site. I also noted the provision of local shops and services on Ley Street within easy walking distance.
13. The Institution of Highways Document 'Guidance for Providing Journeys on Foot' suggests that an acceptable commuter walking distance is 1km and the preferred maximum walking distance is 2km. As outlined above the site lies well within the 2km of a number of stations and therefore, despite the PTAL rating, I am satisfied that, in line with paragraph 30 of the Framework, there are sustainable transport options in this location as an alternative to car use.
14. Transport for London research has found that households living in developments with up to 0.5 parking spaces per unit are significantly less likely to own a car than those living in developments with more than 0.5 spaces per unit. On this basis I am therefore unconvinced that occupiers of all the units that do not have a dedicated car parking space will require space on-street. Given the variety of transport options available, it seems to me to be likely that the location would be attractive to residents who do not own a car.
15. The area immediately around the site comprises mainly terraced properties and is a Controlled Parking Zone (CPZ) where parking is restricted between the hours of 0830-1830 on weekdays. The Council advises that demand for parking in the area beyond the CPZ, is very high. Be that as it may, given the limited number of available spaces within the site, the lawful use of the building as offices would have also generated a significant demand for on-street parking space outside the CPZ during working hours. There is no specific evidence before me on this issue although I have taken into consideration the Mayor of London's 2014 'London Office Floor space Projections' which suggests that a building of this size could accommodate 340 staff members. I understand the previous use also accommodated services for visiting members of the public. In addition, the appellant's assessment of the sites with similar characteristics on the TRICS data base has revealed that trip generation relating to an office use at peak times and throughout the day would be considerably more than for the proposed residential use. I note that the Council is concerned about the reliability of the figures but nevertheless, there is no evidence before me to the contrary.
16. On this basis, I am unconvinced that the demand for parking space outside the CPZ would be significantly higher than for an office use. There is no evidence of how the streets within the CPZ function in terms of parking demand outside the restricted times. Whilst I acknowledge that the proposal could result in a degree of increased demand, a large proportion of properties have off-road parking space and the extent of any congestion is unclear. Moreover, the highway network around the site, including the junction of Ley Street and Perth Road, currently operates in a satisfactory manner and accidents records are low. The site would provide adequate turning facilities such that vehicles,

including delivery vehicles, would be able to enter and leave the site in a forward gear.

17. Consequently I conclude, on the basis of the evidence before me, that the proposals would not have an adverse effect on highway safety and would be in line with the requirements of the Framework at paragraph 30 as set out above particularly relating to the promotion of sustainable transport options.

Conditions and Conclusion

18. The Council has suggested conditions in the event of the appeals being allowed and I have considered these in the light of advice within the Planning Practice Guidance.
19. In the interests of highway safety and to promote sustainable transport options it is necessary to require that agreement and implementation of a car parking management plan and a Green Travel Plan and provision of secure sheltered cycle parking.
20. For the reasons set out and taking into account all other matters raised, the appeals are allowed and approval is granted.

Susan Ashworth

INSPECTOR

Costs Decision

Site visit made on 22 February 2016

by Susan Ashworth BA (Hons) BPI MRTPI

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

Decision date: 30 March, 2016

**Costs application in relation to Appeal Refs: APP/W5780/W/15/3137677
& APP/W5780/W/15/3137693
497-499 Ley Street, Ilford, IG2 7QX**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Countrywide Commercials Ltd for a full award of costs against the Council of the London Borough of Redbridge.
 - The appeals were against the refusal to grant approval for the change of use of existing office building to residential units.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. Paragraph 16-030 of the Planning Practice Guidance (PPG) states that costs may only be awarded against a party who has behaved unreasonably and thereby caused another party to incur unnecessary or wasted expense in the appeal process. Paragraph 49 sets out examples of behaviour that might give rise to a substantive award of costs against a Local Planning Authority and this includes vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by objective analysis. It is on this basis that the appellant's claim for costs is made.
3. The Council is concerned that both proposals would result in an increase in demand for on-street parking which would be detrimental to the safety of road users and pedestrians. In reaching this conclusion the Council has taken into account matters including the low PTAL score of the site, the level of demand for car parking space in the locality and parking restrictions on the immediately surrounding streets.
4. However, there is no clear evidence on how much car parking space would be required by the development in either scheme and no analysis of how that would compare with demand in association with the use of the building as offices. Whilst the Council has criticised the appellant's use of TRICS data, no empirical evidence has been provided to the contrary. Moreover, the Council's case is not supported by any objective analysis of the car parking demand or provision on the surrounding streets and there is no evidence to support the contention that the proposal would be detrimental to road safety. I therefore consider this to be a generalised assertion.

5. I note that the Council offered to hold a pre-application meeting with the appellant at no extra cost. This offer was not taken up. However, there appears to have been considerable email correspondence between the parties and the appellant requested clarity on the Council's position several times. I understand that the highway officers are experiencing a high workload, however, it seems to me that to simply request a reduction in the number of dwellings without evidence to support the assertion that the proposal would result in harm to highway safety is unreasonable and moreover, does not meet the Government's aim of significantly boosting the supply of housing.
6. For these reasons, I find that the Council has acted unreasonably in refusing planning permission for a reason that is vague and generalised. Furthermore, the Council has failed to adequately support its decision at appeal. This amounts to unreasonable behaviour having regard to paragraph 49 of the PPG. It is clear that this will have caused the appellant unnecessary expense in making the appeal and setting out his case using the services of a professional agent.

Costs Order

7. In exercise of the powers under section 250 (5) of the Local Government Act 1972 and schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED, that the Council of the London Borough of Redbridge shall pay to Countrywide Commercials Ltd, the costs of the appeal proceedings described in the heading of the decision.
8. The applicant is now invited to submit to the Council of the London Borough of Redbridge, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

Susan Ashworth

INSPECTOR

APPENDIX 22



Appeal Decision

Site visit made on 19 September 2017

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

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

Decision date: 05 October 2017

Appeal Ref: APP/Z5060/W/17/3176546

12 Hainault Road, Chadwell Heath, RM6 6BJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr M Ishaq against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref 16/01992/FUL, dated 19 December 2016, was refused by notice dated 30 March 2017.
 - The development proposed is 1 no. two bedroom dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposal on (a) the living conditions of the occupiers of 12 Hainault Road, having regard to light and outlook, and (b) the safety of highway users and the free flow of traffic.

Reasons

Living conditions

3. The appeal site comprises land between two semi-detached dwellings at 12 and 14 Hainault Road. The dwelling at No 12 has rear 'outrigger' addition, part two storey and part single storey, which is stepped back from the side of the dwelling and the common boundary with the appeal site. This stepping back leaves a gap which a ground floor living room window, within the main part of the dwelling, faces onto. Additionally, within the addition part of No 12, there is a kitchen window facing the gap and the common boundary.
4. The dwelling would have a single storey projection of approximately 3m immediately adjacent to the gap to the rear of No 12. The depth of the proposed rear extension at ground floor would accord with the advice of the Council's Residential Extensions and Alterations Supplementary Planning Document (SPD) 2012. The projection would be located mainly to the north of the dwelling at No12 so the loss of sunlight to the kitchen and living rooms would be limited. By reason of its bay window design and siting along the side of the addition, the loss of ambient light to the kitchen would also be limited.
5. However, the single storey projection of the new dwelling would have a flat roof height of approximately 3m alongside the common boundary and gap with No 12. The projection of the new dwelling would also be part two storey about

- 1.5m back from the boundary. Together with the projection's depth, this would result in a significant loss of ambient light to the living room window because of projecting built development either side of it. Such a situation would result in a gloomy room environment which would be detrimental to the living conditions of the residents.
6. Turning to outlook, the dwelling's projection would result in a significant sense of enclosure for neighbours when looking out of both the living room and kitchen windows adversely affecting their living conditions. In this respect, the first floor part of the projection would conflict with the advice of the SPD because it would extend beyond a 45 degree angle as measured from the corner of the neighbouring property. Although the SPD relates to extensions to existing dwellings, this amplifies my findings on the unacceptability of the proposal.
 7. The neighbouring dwelling did have a conservatory infilling the gap between the kitchen part of the addition and the common boundary with the appeal plot. However, a conservatory would have been likely to permit some ambient light and outlook by reason of its lightweight construction and extent of glazing. In any case, the conservatory has now been removed. Under permitted development rights, a fence or wall could be erected but the permitted height would be significantly less than that of the projection of the new dwelling. As a result, my concerns on the adverse loss of ambient light and outlook remain significant even after taking into account these considerations.
 8. In conclusion, the development would harm the living conditions of the occupiers of the neighbouring property, with reference to light and outlook. Accordingly, the proposal would be contrary to policies BP8 and BP11 of the Barking and Dagenham Borough Wide Development Policies Development Plan Document (DPD) 2011, which collectively and amongst other matters, require that the design of buildings and layout of new development, should maintain residential amenity, having regard to layout and function.

Highways

9. There are bus stops nearby with bus routes to shopping centres and transport hubs in the borough with a frequency of around every 6 to 30 minutes during peak periods. However, the site has a low Public Transport Accessibility Level (PTAL) rating of 2 which would be likely to indicate that occupiers of the development would rely upon on-street parking.
10. The Appellant's Transport Statement (TS) details surveys to determine demand for on-street parking during the day and night. Parking stress has been calculated as the proportion of occupied spaces within an area surrounding the appeal site and individual streets within it. It concludes that the average overall parking stress based on 6 surveys, varied from 74% to 81% for the important overnight period. The parking stress survey included a road where there are parking restrictions from 700 hours to 1900 hours and the Council contends that most residents would not park here overnight. However, the parking stress assessment still shows that there is sufficient availability of street space on Hainault Road to take the extra parking provision from both the existing and proposed dwelling. In this regard, Hainault Road had maximum overnight stress levels of between 74% and 85% which indicates 14-24 spaces being available. The Appellant has also provided census evidence of low car

ownership within the Borough and Chadwell Heath. The TS conclusions are based on extensive and detailed surveys, and the 'Lambeth' methodology which I find robust and comprehensive.

11. On this basis, it has been demonstrated that any resultant street car parking demands would not be severe and that there would be no harm to the safety of highway users. In this respect, the proposal would comply with policies BR9 and BR10 of the DPD, and policy 6.13 of the London Plan (LP) (with Alterations) 2016, which collectively and amongst other matters, encourage sustainable transport, maximum parking standards to take account of on-street parking, traffic flows, local environment and accessibility of the site, existing and planned public transport, and the impacts on road safety to be considered.

Other matters

12. This small-sized dwelling would provide a low cost housing opportunity in an urban location which has accessibility to services and public transport. It would meet a need for more housing set out in LP policy 3.3 and the Council's Core Strategy (CS) 2010 policy CM2. The development would optimise the housing potential of this site by providing an additional dwelling, with associated number of bed spaces and habitable rooms in compliance with LP policy 3.4 and partly with DPD policy BP10. The scheme's density in terms of habitable rooms and number of units would not be significantly different to the density ranges for this type of area under the LP policy. The proposal would comply with design requirements for external private outdoor space and internal room spaces in accordance with DPD policies BP5 and BP6, and LP policy 3.5.
13. There are no neighbour objections to the proposal but the lack of objection cannot be relied upon to deem a development acceptable. Planning is concerned with the living conditions of both current and future residents, and works of this nature are of a permanent long term nature.

Conclusion

14. However, the proposal's contribution to housing need and the optimisation of a housing site in accordance with LP policies 3.3 and 3.4, CS policy CM2 and DPD policy BP10 (partly) would be limited by reason of the small scale nature of the development. In the case of DPD policy BP10, the optimisation of housing potential is further subject to the requirements of design which the proposal would fail by reason of its adverse impact on living conditions. The proposal's compliance with space standards set out in DPD policies BP5 and BP6, and LP policy 3.5 are not overwhelming positive factors to be put in the balance. They reflect a general technical requirement to be incorporated in most residential schemes for them to be acceptable.
15. Moreover, to facilitate the creation of one dwelling, there would be an adverse impact of a significant nature on a neighbour's living conditions in conflict with policies BP8, BP10 (overall) and BP11 of the DPD. For all these reasons, the adverse impact and policy conflict would result in an overall conflict with the development plan taking into account all the referred to policies. There are no other material considerations to outweigh the development plan conflict identified.

16. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR

APPENDIX 23

Appeal Decision

Site visit made on 20 February 2017

by G J Fort BA PGDip LLM MCD MRTPI

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

Decision date: 17 March 2017

Appeal Ref: APP/H5390/W/16/3158027
111 Bishop's Road, London SW6 7AU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant 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 Ms C Ephson (Rathplace Developments) against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2016/01521/VAR, dated 4 April 2016, was refused by notice dated 2 June 2016.
 - The application sought planning permission for change of use of the ground floor from retail (class A1) into a 1 x one bedroom self-contained flat without complying with conditions attached to planning permission Ref 2015/06040/PD56, dated 3 February 2016.
 - The conditions in dispute are Nos (2), (3) and (4) which state that:
 - (2) The flat hereby permitted shall not be occupied until the Council has been notified in writing (and has acknowledged such notification) of the full postal address of the flats. Such notification shall be to the council's Head of Development Management and shall quote the planning application number specified in this decision letter.
 - (3) No Occupier of the self-contained unit at ground floor level hereby permitted, with the exception of disabled persons who are blue badge holders, shall apply to the Council for a parking permit or retain such a permit, and if such a permit is issued it shall be surrendered to the Council within seven days of a written demand.
 - (4) "No occupier of the self-contained unit at ground floor level hereby permitted shall not be occupied until such a time as a scheme has been submitted to and approved in writing by the local planning authority to ensure that all occupiers, other than those with disabilities who are blue badge holders, have no entitlement to parking permits from the Council and to ensure that occupiers are informed, prior to occupation, of such restriction. The flat shall not be occupied otherwise than in accordance with the approved scheme unless prior written agreement is issued by the Council."
 - The reasons given for the conditions are:
 - (2) "In order that the Council can update its records to ensure that parking permits are not issued to the occupiers of the new flats hereby approved, and thus ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on-street car parking stress in the area, in accordance with Policy T1 of the Core Strategy 2011, Policy DM J2 and J3 of the Development Management Local Plan 2013, and SPD Transport Policies of the Planning Guidance Supplementary Planning Document 2013."
 - (3) "In order to ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on-street car-parking stress in the area, in accordance with Policy DM A1, A9, J2 and J3 of the Development Management Local Plan 2013 and Policy T1 of the Core Strategy 2011."
 - (4) "In order that the prospective occupiers of the residential unit concerned are made aware of the fact that they will not be entitled to an on-street car parking permit in the
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interests of the proper management of parking, and to ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on-street car parking stress in the area, in accordance with Policy DM A1, A9, J2 and J3 of the Development Management Local Plan 2013 and Policy T1 of the Core Strategy 2011"

Decision

1. The appeal is allowed and planning permission is granted for change of use of the ground floor from retail (class A1) into a 1 x one bedroom self-contained flat at 111 Bishop's Road, London SW6 7AU in accordance with the application Ref 2016/01521/VAR dated 4 April 2016, without compliance with condition numbers (2), (3) and (4) previously imposed on planning permission Ref 2015/06040/PD56 dated 3 February 2016 subject to the conditions in the schedule to this decision below.

Background and Main Issue

2. This appeal follows the Council's refusal of an application to remove conditions which restrict the availability of parking permits for the occupants of a dwelling at 111 Bishops Road. The conditions were attached to an approval under Schedule 2, Part 3, paragraph M of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) for a conversion from retail use to residential. Paragraph M.2. (1) (a) of the GPDO establishes that, amongst other matters, the transport and highways impacts of a development proposed under Class M should be assessed as part of an application for the local planning authority's prior approval.
3. Paragraph W (13) of the GPDO, which applies to this class of permitted development establishes that "The Local Planning Authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the appeal." Paragraph W 10 (b) also states that the local planning authority must, when determining an application "have regard to the National Planning Policy Framework issued by the Department of Communities and Local Government in March 2012, so far as relevant to the subject matter of the prior approval, as if the application were a planning application".
4. Accordingly, the main issue in this appeal is whether the disputed conditions are necessary to address the transport and highways impacts of the development.

Reasons

5. The appeal property comprises the ground floor of a building situated within a short terrace between Rostrevor Road and Chesilton Road. Formerly in use as a shop, at the time of my site visit the appeal property appeared to be undergoing conversion in line with the terms of the grant of prior approval. Whilst shops are dotted here and there within the surrounding terraces, including on the corner of Radipole Road adjacent to No 111, the appeal property's surroundings are predominantly residential. Under the terms of the scheme granted prior approval the use of the appeal property would change to provide a one-bedroom flat.
6. Policy DMJ2 of the Development Management Local Plan (adopted July 2013) (the DM Plan) sets a maximum parking standard of less than one space for one

bedroom dwellings. The supporting text of Policy DMJ3 of the DM Plan highlights that 'permit-free' or 'reduced parking' housing principles would apply to new dwellings where on-street parking would lead to unacceptable levels of local traffic congestion and increased competition for scarce on-street parking resources. The supporting text of Policy DMA1 in relation to housing supply states that where conversions give rise to a demand for additional on-street parking space in streets where there is less than 10% night-time free space conditions may be attached to allow no additional on-street parking.

7. Taken together, the disputed conditions seek to restrict the availability of on-street parking permits for the occupants of the scheme. I saw at my afternoon site visit along Bishop's Road, and on the side streets branching from it in the environs of the appeal site, that although in some localised instances kerbsides were densely parked, spaces were available including adjacent to the appeal property itself. I noted that no parking suspensions were in place at the time of my visit, although some were mooted.
8. Whilst these observations were admittedly snapshots, and I acknowledge that parking patterns could change over the course of a day and at night time, I am mindful of the figures submitted by the appellant and the Council in this regard, which show that between 87% and 88% of available night-time on-street parking spaces were taken up at the time of the respective surveys in the environs of the appeal property. Whilst I note that over time on-street parking in the vicinity appears to have increased, both the appellant and Council figures are below the 90% uptake of night-time parking spaces that could trigger the development plan restriction of the availability of parking permits for new dwellings. Furthermore, the surveys establish that there would be around 20 spaces available on the street before the 90% threshold is reached.
9. Moreover, due to the modest size of the residential conversion of No 111 it would only accommodate a limited number of occupants. As a consequence, car ownership is also likely to be similarly limited, and would not increase the uptake of night-time on-street parking space over the 90% level. In arriving at this view, I am also mindful of Census figures that show that only 13% of households in the area own more than one car.
10. My attention was also drawn to the charging regime for parking permits within the Borough, where the cost of an individual permit for a household is £119, and permits for additional vehicles cost £497 each. I consider that this measure effectively rations the availability of permits, and is a further matter that would tend to limit additional parking in the environs of the appeal property as a result of its conversion.
11. These considerations, taken together, lead me to the conclusion that the removal of the disputed conditions would not cause an unacceptable level of local traffic congestion or a harmful increase in competition for scarce on-street parking resources, to the detriment of either highway safety or the living conditions of adjacent occupants. As a result the removal of the disputed conditions would not conflict with Policies T1 of the Hammersmith and Fulham Core Strategy (adopted October 2011) (the Core Strategy); or Policy J2 of the DM Plan. For these reasons also the disputed conditions are not necessary to mitigate any transport or highways impacts, and as a consequence do not meet

the test given in paragraph 206 of the National Planning Policy Framework (the Framework).

12. The removal of the disputed conditions could lead to a breach of SPD Transport Policy 4 from the Planning Guidance Supplementary Planning Document (adopted July 2013) (the SPD), as it relates to the restriction of parking permits where the level of overnight parking stress leaves less than 20% free notional on-street parking capacity. However, this figure is different from the 10% given within the supporting text to the Policy DMA1 of the DM Plan. As the DM Plan is part of the development plan for the borough I give it more weight than the guidance of the SPD and thus the conflict with Transport Policy 4 does not constitute a reason to dismiss the appeal in this instance.

Conditions

13. The GPDO attaches standard conditions to this type of development which are that:
- (a) Development must be completed within a period of 3 years starting with the prior approval date; and
 - (b) A building which has changed use under Class M is to be used as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as such a dwellinghouse.
14. In terms of the conditions attached to the original grant of approval, as I have concluded that Conditions (2), (3) and (4) are unnecessary I have amended the pre-commencement condition (1) to reflect the altered numbering. The advice in the Government's Planning Practice Guidance establishes that decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original permission, unless they have already been discharged. As I have no information before me about the status of the other conditions imposed on the original grant of prior approval, I shall impose all those that I consider remain relevant. In the event that some have in fact been discharged, that is a matter which can be addressed by the parties. I have made minor amendments to the conditions where necessary in the interests of precision and clarity.

Conclusion

15. The removal of the disputed conditions would not conflict with the development plan insofar as the policies that have been brought to my attention are concerned. Moreover, the disputed conditions are not necessary to mitigate the transport and highways impacts of the development, and thus do not meet the relevant test given in paragraph 206 of the Framework. Accordingly, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should succeed.

G J Fort

INSPECTOR

Schedule of Conditions

- 1) The change of use of the retail unit to a residential unit shall not take place until Conditions (2) to (12) attached to this decision are fully complied with.
- 2) The residential unit hereby permitted shall not be occupied until details of 1 secure cycle parking space to be provided in connection with the proposed residential dwelling have been submitted to, and approved in writing by, the local planning authority, and such details as are approved shall be implemented prior to occupation or use of the flat and permanently retained thereafter for such use.
- 3) The development shall not be occupied until full details of refuse storage, including provision of recyclable materials, have been submitted to and approved in writing by the local planning authority and provided onsite in accordance with the approved details. The refuse and recycling facilities shall thereafter be permanently retained for such use.
- 4) The development hereby permitted shall not commence until details of water efficiency measures have been submitted to and approved in writing by the local planning authority. The measures/scheme shall be implemented in accordance with the approved details prior to occupation of the development hereby permitted, and thereafter permanently retained and maintained in line with the agreed plan.
- 5) The development shall be implemented in accordance with the submitted Flood Risk Assessment.
- 6) No development shall commence until a preliminary risk assessment report is submitted to and approved in writing by the local planning authority. This report shall comprise: a desktop study which identifies all current and previous uses at the site and surrounding area as well as the potential contaminants associated with those uses; a site reconnaissance; and a conceptual model indicating potential pollutant linkages between sources, pathways and receptors, including those in the surrounding area and those planned at the site; and a qualitative risk assessment of any potentially unacceptable risks arising from the identified pollutant linkages to human health, controlled waters and the wider environment including ecological receptors and building materials. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.
- 7) No development shall commence until a site investigation scheme is submitted to and approved in writing by the local planning authority. This scheme shall be based upon and target the risks identified in the approved preliminary risk assessment and shall provide provisions for, where relevant, the sampling of soil, soil vapour, ground gas, surface and groundwater. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.
- 8) Unless the local planning authority agrees in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until, following a site investigation

undertaken in compliance with the approved site investigation scheme, a quantitative risk assessment report is submitted to and approved in writing by the local planning authority. This report shall: assess the degree and nature of any contamination identified on the site through the site investigation; include a revised conceptual site model from the preliminary risk assessment based on the information gathered through the site investigation to confirm the existence of any remaining pollutant linkages and determine the risks posed by any contamination to human health, controlled waters and the wider environment. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

- 9) Unless the local planning authority agrees in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until, a remediation method statement is submitted to, and approved in writing by, the Council. This statement shall detail any required remediation works and shall be designed to mitigate any remaining risks identified in the approved quantitative risk assessment. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.
- 10) Unless the local planning authority agrees in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until the approved remediation method statement has been carried out in full and a verification report confirming these works has been submitted to, and approved in writing by, the local planning authority. This report shall include: details of the remediation works carried out; results of any verification sampling, testing or monitoring including the analysis of any imported soil; all waste management documentation showing the classification of waste, its treatment, movement and disposal; and the validation of gas membrane placement. If, during development, contamination not previously identified is found to be present at the site, the local planning authority is to be informed immediately and no further development (unless otherwise agreed in writing by the local planning authority) shall be carried out until a report indicating the nature of the contamination and how it is to be dealt with is submitted to, and agreed in writing by, the local planning authority. Any required remediation shall be detailed in an amendment to the remediation statement and verification of these works included in the verification report. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.
- 11) Unless the local planning authority agrees in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until an onward long-term monitoring methodology report is submitted to and approved in writing by the local planning authority where further monitoring is required past the completion of development works to verify the success of the remediation undertaken. A verification report of these monitoring works shall then be

submitted to and approved in writing by the local planning authority when it may be demonstrated that no residual adverse risks exist. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

- 12) The doors and windows in the development hereby approved shall be of timber frame construction and retained as such thereafter.

APPENDIX 24



Appeal Decision

Site visit made on 27 June 2017

by A A Phillips BA (Hons) DipTP MTP MRTPI

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

Decision date: 14 July 2017

Appeal Ref: APP/K5600/W/17/3171678
29 Petersham Place, London SW7 5PU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Petersham Place Trustees against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref PP/16/07137, dated 25 October 2016, was refused by notice dated 21 December 2016.
 - The development proposed is a change of use from garage to living space and replacement of the existing garage doors with a new entrance and two windows.
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This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 5 July 2017

Decision

1. The appeal is allowed and planning permission is granted for a change of use from garage to living space and replacement of the existing garage doors with a new entrance and two windows at 29 Petersham Place, London SW7 5PU in accordance with the terms of the application, Ref PP/16/07137, dated 25 October 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1527PL-001, 002, 003, 004, 005, 006, 007, 008, 009, 010, 011, 012 and 013.
 - 3) No development shown on approved drawing no. 1527PL-012 shall take place until details of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved details.

Main Issue

2. The main issue is the effect on on-street parking provision, the free flow of traffic in the area and highway safety.

Reasons

3. The appeal site comprises a three storey mews house situated on the south side of Petersham Place. It has previously been altered by the addition of a

mansard roof. At ground floor level the property has a garage, entrance hall, kitchen and dining area. The garage is accessed directly off Petersham Place and can be accessed internally from the entrance hall. The garage is currently used for general domestic storage purposes and I understand this has been the case for a number of years.

4. Policy CT1 of the Royal Borough of Kensington and Chelsea Consolidated Local Plan July 2015 (the LP) seeks to ensure that there are better alternatives to car use by, among other matters, requiring it to be demonstrated that development will not result in any material increase in traffic congestion or on street parking pressure. I understand that car parking is controlled across the Borough with most available kerbside parking being given over to residents parking. Indeed, I observed at my site visit that this is the case on the streets around the appeal site.
5. The appellant has submitted a Transport Technical Report which includes a detailed parking survey and analysis which gathered information on existing on-street parking supply and occupancy levels of existing on-street bays and single yellow lines. The survey covered the network of streets within a 200 metre walking distance of the appeal site was undertaken at times when residential car parking demand was likely to be at its highest on weekdays avoiding school holidays and dates with major events occurring. Across the survey area it was found that there was a parking occupancy level of approximately 73 per cent and 71 per cent on the respective survey days. This equates to spare capacity for approximately 104 and 110 vehicles.
6. The Council's latest parking occupancy data found occupancy in the same streets to be around 80 per cent with streets immediately surrounding Petersham Place to be between 90 per cent and capacity. The Council states that 80 per cent is the threshold at which parking stress is defined as being at a high level, although it is unclear where this is documented.
7. At my site visit I observed that a significant number of parking spaces in the survey area were vacant. I appreciate that this is only a snapshot in time; however, my observations broadly reflected the appellant's own findings. The Council found parking capacity of around 80 per cent across a survey area which is considered to cover a convenient walking distance from the site. Therefore, although streets immediately surrounding Petersham Place may have been found by the Council to be nearer full capacity, it has been demonstrated that there is on street parking capacity within convenient walking distance of the site. Therefore, the development would not result in any material increase in on-street parking pressure.
8. There is no evidence to indicate that the displacement of a car from an off-street space to an on-street space would have a significant effect on the free flow of traffic or general highway safety in the area.
9. Therefore, I conclude that the proposal would not have a harmful effect on on-street parking provision, the free flow of traffic in the area and highway safety. Therefore, it is in accordance with Policy CT1 of the LP.
10. In the light of the car parking availability in the area it is clear to me that the additional demand from a single vehicle would not be significantly harmful. Therefore, in these particular circumstances I conclude that a legal agreement restricting permits would be unreasonable.

11. The Council has drawn my attention to an appeal for 12 Ensor Mews¹ which was dismissed. However, the evidence before me indicates that in that particular case the appellant's evidence relating to parking was not compelling and my colleague Inspector found that the loss of the parking space would lead to increased demand for available on-street parking in the vicinity of the appeal site. I have found that in the light of the evidence before me and the specific circumstances of this appeal the proposal would not be harmful in terms of on-street parking pressure or highway safety. I have determined the current appeal on its own merits.

Conditions

12. I have specified the approved plans as this provides certainty. I have also imposed a condition relating to details of external facing materials to be used in the interests of preserving or enhancing the character and appearance of the Conservation Area.

Conclusion

13. Therefore, for the reasons given above and taking into account other matters raised I conclude that the proposal is in accordance with the development plan taken as a whole and that the appeal should be allowed.

Alastair Phillips

INSPECTOR

¹ APP/K5600/D/13/2191543

APPENDIX 25

Appeal Decision

Site visit made on 20 June 2016

by H Butcher BSc (Hons) MSc MRTPI

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

Decision date: 18 July 2016

Appeal Ref: APP/F5540/W/16/3144162
117-119 Chiswick High Road, London, W4 2ED

- 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 The Swiss Watch Co Ltd against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00248/117-119/P10, dated 8 September 2015, was approved on 9 December 2015 and planning permission was granted subject to conditions.
 - The development permitted is the conversion of upper floors to two self-contained flats (2x 2-bed) involving erection of three storey rear extension, excavation of basement, raising ridge height, rear dormer window and shopfront alterations.
 - The condition in dispute is No 11 which states: Before any of the dwellings hereby permitted are occupied, arrangements shall be agreed in writing with the local planning authority and be put in place to ensure that, no resident of the development shall obtain a resident's parking permit within any controlled parking zone which may be in force in the area at any time.
 - The reason given for the condition is: In order to prevent obstruction and inconvenience to users of the adjacent highway and the premises, and in the interests of road safety (Policy T.1.4 of the Adopted Unitary Development Plan) and in the interests of controlling traffic congestion therefore improving road safety and encouraging use of public transport in accordance with policies CC1, CC2 (New Development), EC1, EC2 (The Movement Implications of Development), EC2 (Car and Cycle Parking and Servicing Facilities for Developments), EC1, EC2 (The Traffic Implications of New Development) and EC2 (Road Safety) of the adopted Local Plan.
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Decision

1. The appeal is allowed, and planning permission Ref 00248/117-119/P10, for the conversion of upper floors to two self-contained flats (2x 2-bed) involving erection of three storey rear extension, excavation of basement, raising ridge height, rear dormer window and shop front alterations, at 117-119 Chiswick High Road, London W4 2ED, granted on 9 December 2015, by the Council of the London Borough of Hounslow, is varied by deleting condition 11.

Application for Costs

2. An application for costs was made by The Swiss Watch Co Ltd against the Council of the London Borough of Hounslow. This application is the subject of a separate Decision.

Preliminary Matter

3. The reason given by the Council for the imposition of the condition in dispute refers to a number of policies. However, only one of these policies has been
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provided by the Council in support of their case, namely policy EC2 of the Hounslow Local Plan (2015). I have therefore considered the appeal against this policy only.

Background and Main Issue

4. The condition in dispute relates to a planning permission granted for the conversion of the upper floors of 117-119 Chiswick High Road to two self-contained flats, and included various extensions and alterations to the building. The condition prevents any resident of the development from obtaining a residents parking permit within any Controlled Parking Zone which may be in force in the area at any time. The reason given is to prevent obstruction and inconvenience to users of the adjacent highway and the premises, in the interests of highway safety, controlling traffic congestion and encouraging use of public transport. The appellant seeks the removal of this condition
5. The main issue is whether the disputed condition is necessary or reasonable in the interests of highway safety, and the living conditions of occupiers of the premises and neighbouring properties.

Reasons

6. The appeal site comprises a three storey building on Chiswick High Road which is a busy thoroughfare. Properties along this section of Chiswick High Road are predominantly retail uses at ground floor with residential above. In the wider area, the roads off of Chiswick High Road are predominantly residential. The surrounding streets to the appeal site are all designated Controlled Parking Zones and space for parking is limited.
7. The site falls within an area with Public Transport Accessibility Level (PTAL) of 6a, with 6 being the best. The location of the appeal site in such an accessible area would, in itself, encourage future occupiers to use public transport, thereby reducing the impact of the development on the adjacent highway in terms of traffic congestion. Car 'ownership', however, is not the same as car 'use' and it is possible that future occupiers might own a car and want to park it locally even though they may undertake most of their journeys on public transport. Nevertheless, whilst there might be a small reduction in on-street parking, should future occupiers chose to apply for a parking permit, given the scale of development granted planning permission, any additional competition for on-street spaces is unlikely, in itself, to cause obstructions, significantly inconvenience users of the adjacent highway and premises, or materially add to congestion in the area.
8. Planning permission ref 00248/117-119/P10 granted permission for two flats. The Council agree that the principle of converting the upper floors of the appeal building to two flats to create a mixed use of retail and residential, without any external changes, is established under Class G of Part 3 to Schedule 2 of the General Permitted Development Order 2015. Therefore, two additional residential units could reasonably have been created at the appeal site, albeit without the extensions, with no restriction on future occupiers obtaining residents parking permits.
9. I therefore consider that condition 11 is not necessary or reasonable. The development without the condition would not be harmful to highway safety or the living conditions of occupiers of the premises or neighbouring properties.

The broad aims of Policy EC2 of the Hounslow Local Plan (2015) are to maximise opportunities for walking, cycling and using public transport in order to reduce congestion, improve the public realm and improve health and well-being, and I find no conflict in this regard. In achieving these aims, amongst other things, Policy EC2 seeks to promote 'car-free' development where appropriate, and to restrict access to Controlled Parking Zones to existing dwellings. However, for the reasons given above, I do not consider these measures to be appropriate in this case.

10. The appellant raises concern over the ambiguity of the wording of condition 11. National Planning Practice Guidance states that conditions must be written in a way that makes it clear to the applicant and others what must be done to comply with it. It is unclear from the Council's condition how future occupants are to be prevented from obtaining a residents parking permit; whether this would be through the use of a planning obligation or non-planning powers. I therefore also find condition 11 to be lacking in precision. Notwithstanding the above, other than in exceptional circumstances, a condition should not be used to require an applicant to enter into a planning obligation.
11. Neither party expresses a view regarding any effect of removing condition 11 on the character or appearance of the Chiswick High Road Conservation Area. Nonetheless, I have had regard to the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. On the evidence before me I am satisfied that varying the permission by deleting the disputed condition would preserve those interests.
12. For the reasons given above I conclude that the appeal should be allowed. I will therefore vary the planning permission by deleting the disputed condition.

H Butcher
INSPECTOR