

Our Ref: JM053
E-mail: lotte@jaspargroup.co.uk

Date: 4 June 2018

Room 4A Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Dear Sir / Madam,

APPLICATION FOR COSTS RE: APPEAL AGAINST PLANNING CONDITION 1
APPLICATION LPA REFERENCE: 1654/APP/2017/2801
APPELLANT: UXBRIDGE PROPERTY LTD
SITE: 44 WATERLOO ROAD, UXBRIDGE, UB8 2QX

This application for full costs is made in conjunction with an appeal against Condition 1 of Prior Approval application reference 1654/APP/2017/2801 (Decision Notice and Officer Report at Appendix 1), for the change of use from Use Class B8 to Use Class C3 to form 6 residential units. Condition 1 secures on-site parking for three vehicles as part of the development.

National Planning Practice Guidance (NPPG) 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.

NPPG describes the type of behaviour that can lead to a substantive award of costs against a Local Planning Authority, including i) not determining similar cases in a consistent manner; ii) delaying or preventing development which should be permitted; iii) imposing a condition which does not meet the tests in the Framework; and iv) making vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis or evidence, as examples of unreasonable behaviour. It is our view that LB Hillingdon were guilty of all of the above in dealing with application for prior approval reference 1654/APP/2017/2801, resulting in unnecessary and quantifiable costs to the Appellant. An application for full costs is made on this basis. We will deal with each of the above points within this letter.

Not Dealing with Similar Applications in a Consistent Manner

The Council have lost a number of appeals in relation to highways and parking on small sites, particularly in relation to applications for prior approval. There appears to be a pattern of ignoring or disagreeing with information submitted by applicants and claiming unacceptable parking stress and highways impacts

on small sites, where clear evidence suggests that the impacts of schemes will not be severe. We refer the inspector to the below appeal decisions:

- APP/R5510/W/15/3140974 (Appendix 2)
- APP/R5510/W/17/3171606 (Appendix 3)
- APP/R5510/A/14/2227368 (Appendix 4)

The above appeal decisions have striking similarities to the application site subject to this appeal. These decisions establish useful bench marks on acceptable levels of parking stress, appropriate levels of on-site parking in PTAL 2 and 3 locations and direction on how to apply policy in relation to highways impacts for prior approval applications. All of these appeals were successful and made against LB Hillingdon, hence they were acutely aware of them when deciding to impose Condition 1 on the approval of application reference 1654/APP/2017/2801. In determining this application they appear to have attributed no weight to the above appeal decisions.

The Council attempted to demonstrate consistency in their decision making by highlighting parking ratios for major schemes in the surrounding area, many of which have a ratio of 1:1 (please refer to emails from Head of Planning and the Applicant's response at Appendix 5) . Clearly a scheme of 50 or more units generates potential for greater Highways impact than a modest scheme of 6 units and is therefore not comparable or relevant. Planning decisions made at a local level must attribute weight to appeal decisions that bear relevance or have material similarities to the proposal before them, and failure to do so without providing intelligible and precise justification for the departure from consistent decision making undermines the function of the planning system.

Delaying or Preventing Development Which Should Be Permitted

An application for prior approval was made on 28 July 2017 and validated on 7 August 2017. The statutory 56 day determination period was due to expire on 2 October 2017. The decision was issued by 6th December 2017, 5 months following submission.

During this period the Council changed their position on the parking arrangements for the site several times. Initially, the Council advised they would refuse the application on the grounds of unacceptable parking stress caused by the proposal. Following a meeting between the application, Case Officer and the Highways Officer it was agreed the application could be supported if a legal agreement was entered into preventing occupiers from applying for parking permits. Subsequently, the Head of Planning intervened stating that a car-free arrangement was not appropriate and the application would be refused. The Councils final position was that on-site parking would need to be provided to make the development acceptable and following the agreement of the provision of 3 on-site spaces, prior approval was issued on 6 December 2017. A timeline and chronological copy of the written correspondence during the course of the application is enclosed at Appendix 6 to convey to the Inspector the extent of the time period, u-turns in decision making and inconsistency in opinion that lead to unnecessary delays. Of further concern to the Applicant at this time was the Class P of the

GPDO was at that time due to expire on 15 April 2018 (now extended to 10 June 2019 pursuant to the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2018). As a result, the applicant was concerned about unnecessary delays or an appeal, which would have prevented the Appellant from lawfully implementing the scheme prior to a grant of an appeal. It should be acknowledged that the Appellant had no choice but to accept the inclusion of Condition 1 as failure to do so would have resulted in a refusal of the application, made clear within the Officer Report (Appendix 1). Given that Class P rights were due to expire in April 2018, appealing a refusal would not have been possible within this time frame. Acceptance of a condition by the applicant does not circumvent the need for conditions to meet the various test laid out in paragraph 206 of the NPPF.

Imposing a Condition Which Does Not Meet Tests in the Framework

During the course of the prior approval application, the Appellant provided sound, empirical evidence prepared by professionals to the Council including parking surveys undertaken in accordance with the Lambeth Methodology and Transport Assessments by reputable Transport Planners at significant financial and time cost. The Council overlooked or disagreed with this information without reasoning or evidence to do so. The Council failed to give any weight to the robust parking survey and transport statement submitted alongside the application and the large body of related evidence put to them, demonstrating that there was a surplus of on-street parking and therefore on-site parking was unnecessary. As on-site parking was unnecessary, imposing Condition 1 of the prior approval was also unnecessary. Full details on the justification for why Condition 1 was not reasonable or necessary is set out within the Full Statement of Case associated with the appeal, with the salient points below:

- Site specific circumstances make the proposed units suitable for occupation without reliance on private vehicles; 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.
- The site has a manual PTAL of 3 and 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 the a visitor cycle parking space.
- 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.
- 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, 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). Aforementioned appeal decisions consistently find that parking stress between 85-90% does not amount to harmful effects on highways.

The Council were unable to provide any objective evidence to demonstrate how the scheme would create severe highways impact and therefore behaved unreasonably in imposing a condition requiring on-site parking.

Making vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis or evidence

The opinion of the Council that the proposal would lead to highways stress should no on-site parking be provided was at no point backed up by evidence, data or any quantifiable justification. Pages 5 – 6 of the Officer Report (Appendix 1) states that the development would 'undoubtedly cause greater concern to local residents that already have to search for on-street car parking spaces'. It is not clear how the Highways Officer is aware that residents currently have to search for spaces. Whilst we appreciate residents' objections form an important part of deciding planning applications, it is critical to note that in relation to application 1654/APP/2017/2801 no representations were made by any members of the public. The test for whether a development should be prevented on highways grounds is set out at paragraph 39 of the NPPF as 'severe' and not whether a development may result in 'greater concern to local residents'.

A Transport Statement and Parking Survey by Cottee Transport Planning (July 2017) set out the objective analysis of the site's characteristics and parking uptake in the surrounding roads, undertaken in accordance with the Lambeth Methodology. This data provided clear evidence to the Council on which the Appellant's reasoning was based. Whilst the Council consistently disagreed with the conclusions of this statement, no evidence was provided to the contrary of the Transport Consultant's findings in the survey and no sound reasoning was provided.

The Council were unwilling to accept the findings of our various independent reports and other evidence submitted and were unwavering in their viewpoint that the road suffered from 'existing high levels of parking stress', yet when asked to justify this stance were unable to provide any objective or quantifiable reasoning or evidence.

The function of a proper planning system must be based on facts, clear evidence and reasoned judgement, and maintaining inaccurate viewpoints which are unsubstantiated undermines the process.

The appellant went to great lengths and cost to justify the proposal and deserved better from the Council. It is particularly disappointing to see that there are numerous other parties who have been subjected to the same treatment and despite losing a number of appeals with full cost awards against them, Hillingdon BC continue to repeat the same mistakes. On this basis we respectfully request the Inspector make a full costs award in favour of the Appellant.

Yours faithfully,
Lotte Hirst

Planning Director
T: 020 8954 5731

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.

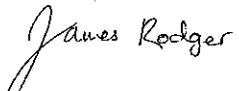
C. Dust emissions shall be controlled in compliance with the Mayor of London's Best Practice Guidance 'The Control of dust and emissions from construction and demolition.

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

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).

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the Local Planning Authority.

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REASON

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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.

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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 Cottey (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 2

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 3

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 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

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 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 4

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 5

From: James Rodger
To: [Lotte Hirst](#)
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: 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

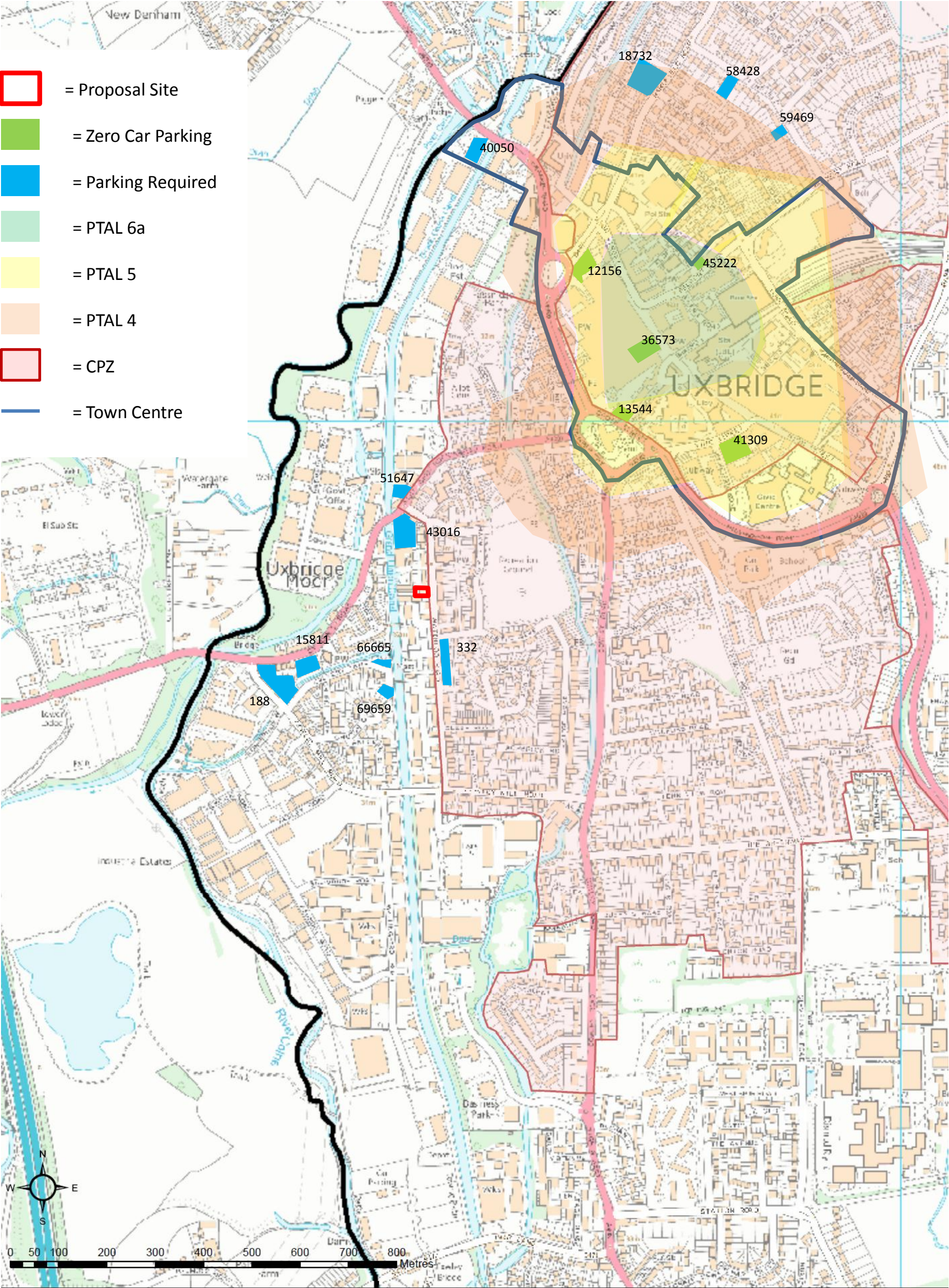
Telephone: 01895 277468

[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 6

Chronology of Prior Approval Application

1.1 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 due on 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 (**Annex A**).
- 3 October 2017 – Draft refusal Officer Report emailed to applicants (**Annex B**) which cited highway impacts and the lawful use of the building as draft reasons for refusal. A response by the Agents is provided at **Annex C**.
- A meeting was held on 3 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 **Annex D**).

- 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 **Annex E**.
- 17 – 23 November 2017 – Series of emails from Applicant to the Council without response (please refer to emails at **Annex F**, 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 **Annex G**.
- 23 November 2017 – Email responses by Applicant. Please refer to the content of the email at **Annex H** 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 **Annex I**).
- 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 (**Annex J**).
- 1 – 4 December 2017 – Email exchange in an attempt to discuss over the phone with James Rodger (**Annex K**).
- 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.

1.2 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.

ANNEX A

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.

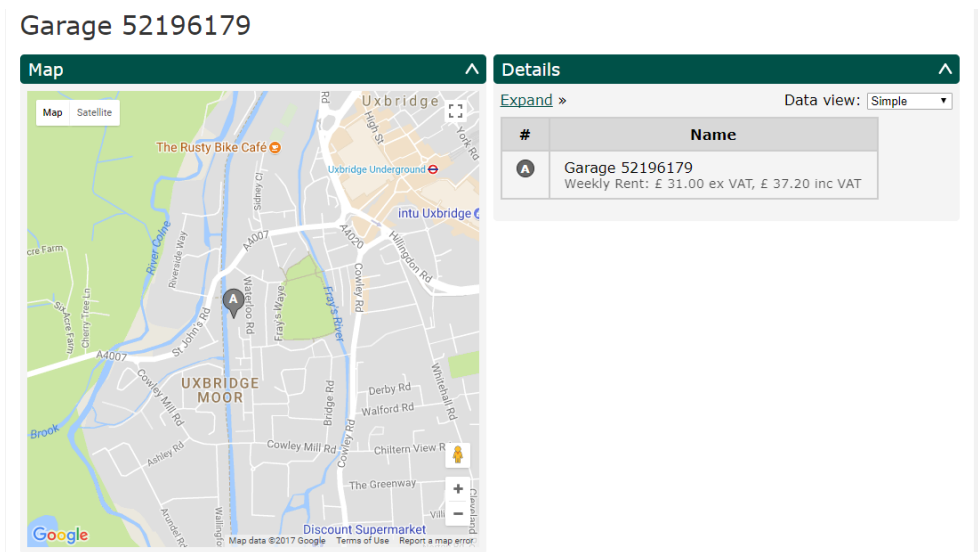
The initial proposal was to seek 6 on street permits, however the applicant respectfully requests that the Council consider the option of 3 car-free houses and 3 houses with on street parking permits.

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

ANNEX B

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

ANNEX C

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.

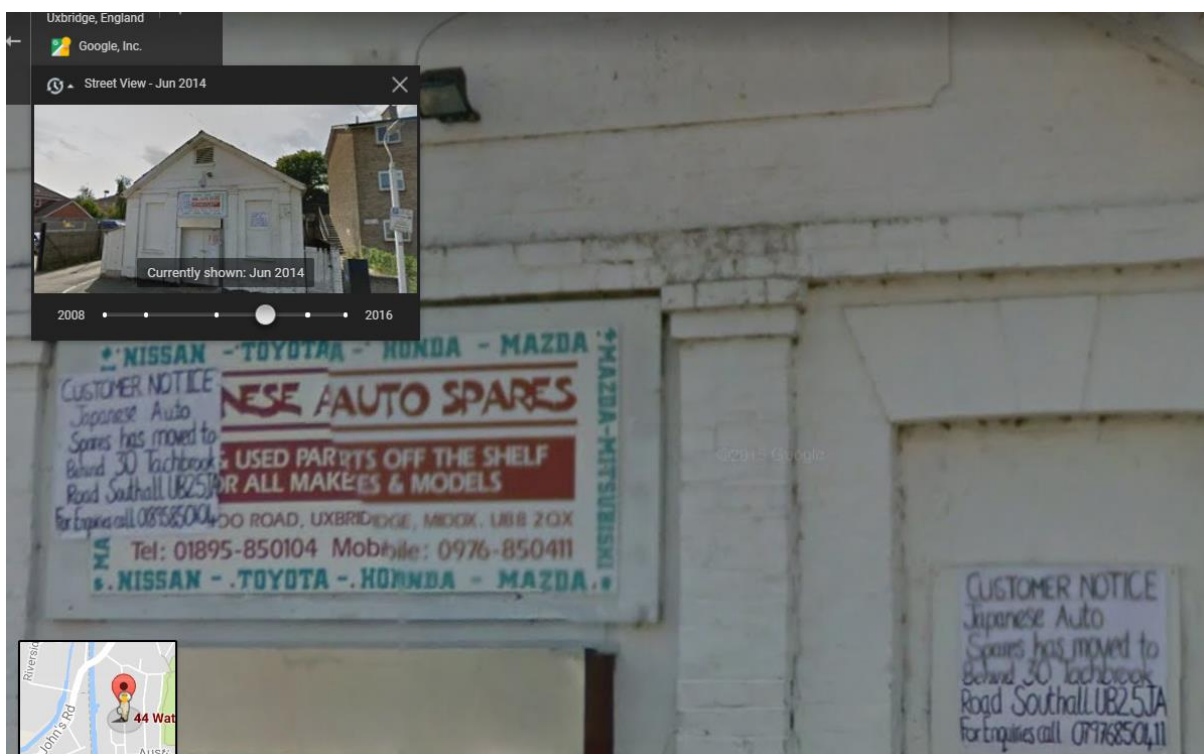
Further details on the lawful use are provided below.

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

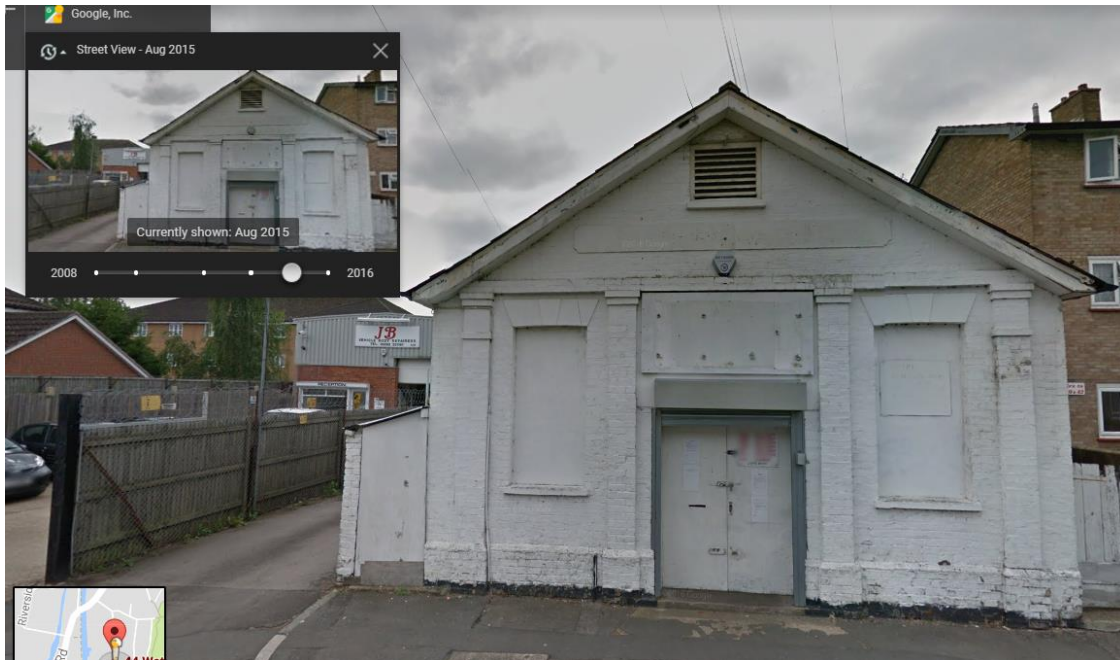
Local authority Hillingdon

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

ANNEX D

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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

ANNEX E

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

ANNEX F

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](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](#)

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](#)
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[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

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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



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

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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.

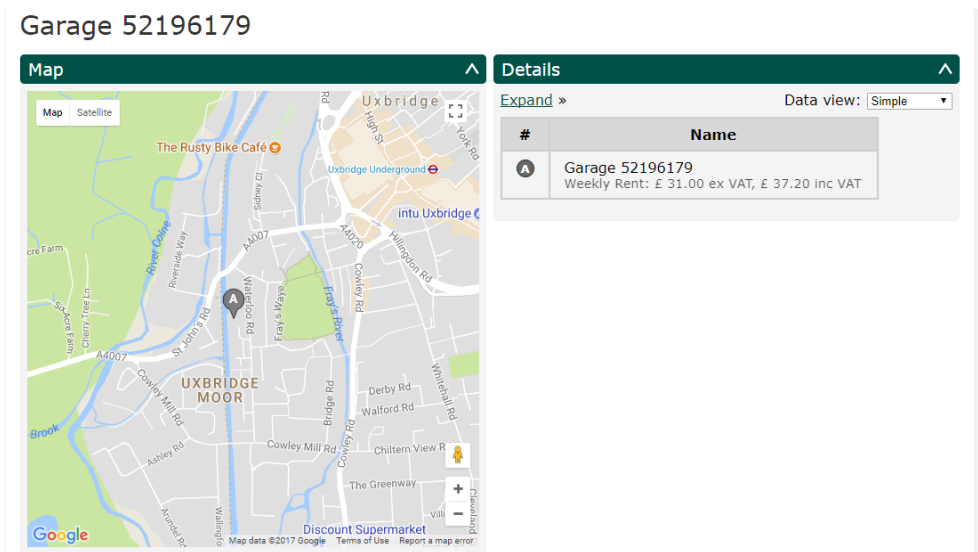
The initial proposal was to seek 6 on street permits, however the applicant respectfully requests that the Council consider the option of 3 car-free houses and 3 houses with on street parking permits.

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 long 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:

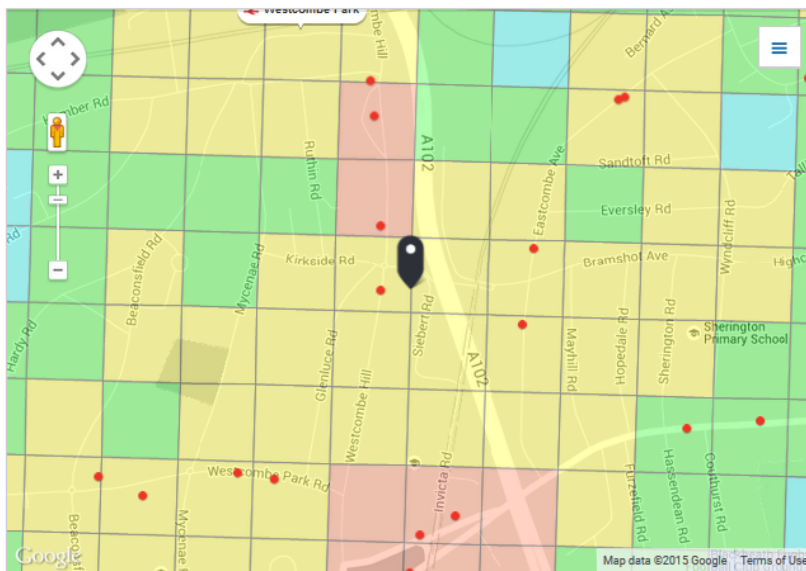
- Notes: Shown in Figure 1, provides general background information as well as a link to the "PTAL report converter" macro. Section 3 of this guide explains how to do this
- Example 1: provides a standard PTAL calculation
- Example 2: includes PTAL calculations for a site with and without Crossrail services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

3. Using the PTAL Report Convertor

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 - Notepad

File Edit Format View Help

WebCAT PTAL Report

Site Details

Grid cell: 71070

Easting: 533445

Northing: 178552

Report Date: 17/08/2015

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 (metres)	Frequency (vph)	Walk Time (mins)	SWT (mins)	TAT (mins)	EDF	weight	AI
Bus	FLINT STREET	EAST STREET	343	608.84	10	7.61	5	12.61	2.38	0.5
Bus	FLINT STREET	EAST STREET	136	608.84	6	7.61	7	14.01	2.05	0.5
Bus	THE THOMAS A BECKETT		415	224.77	5	2.81	8	10.81	2.78	0.5
Bus	THE THOMAS A BECKETT		21	224.77	9	2.81	5.33	8.14	3.68	0.5
Bus	THE THOMAS A BECKETT		53	224.77	8	2.81	5.75	8.56	3.5	0.5
Bus	THE THOMAS A BECKETT		453	224.77	12	2.81	4.5	7.31	4.1	0.5
Bus	THE THOMAS A BECKETT		63	224.77	12	2.81	4.5	7.31	4.1	1
Bus	THE THOMAS A BECKETT		172	224.77	6	2.81	7	9.81	3.06	0.5
Bus	THE THOMAS A BECKETT		363	224.77	6	2.81	7	9.81	3.06	0.5
Bus	THE THOMAS A BECKETT		168	224.77	9	2.81	5.33	8.14	3.68	0.5
Bus	EAST STREET	LIBRARY	42	252.46	6	3.16	7	10.16	2.95	0.5
Bus	DUNTON ROAD/EARL ROAD		78	352.32	7	4.4	6.29	10.69	2.81	0.5

Total Grid Cell AI: 21.14

PTAL: 5

Figure 3: 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 Convertor" 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	6.285714	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 imported 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 WebCAT 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

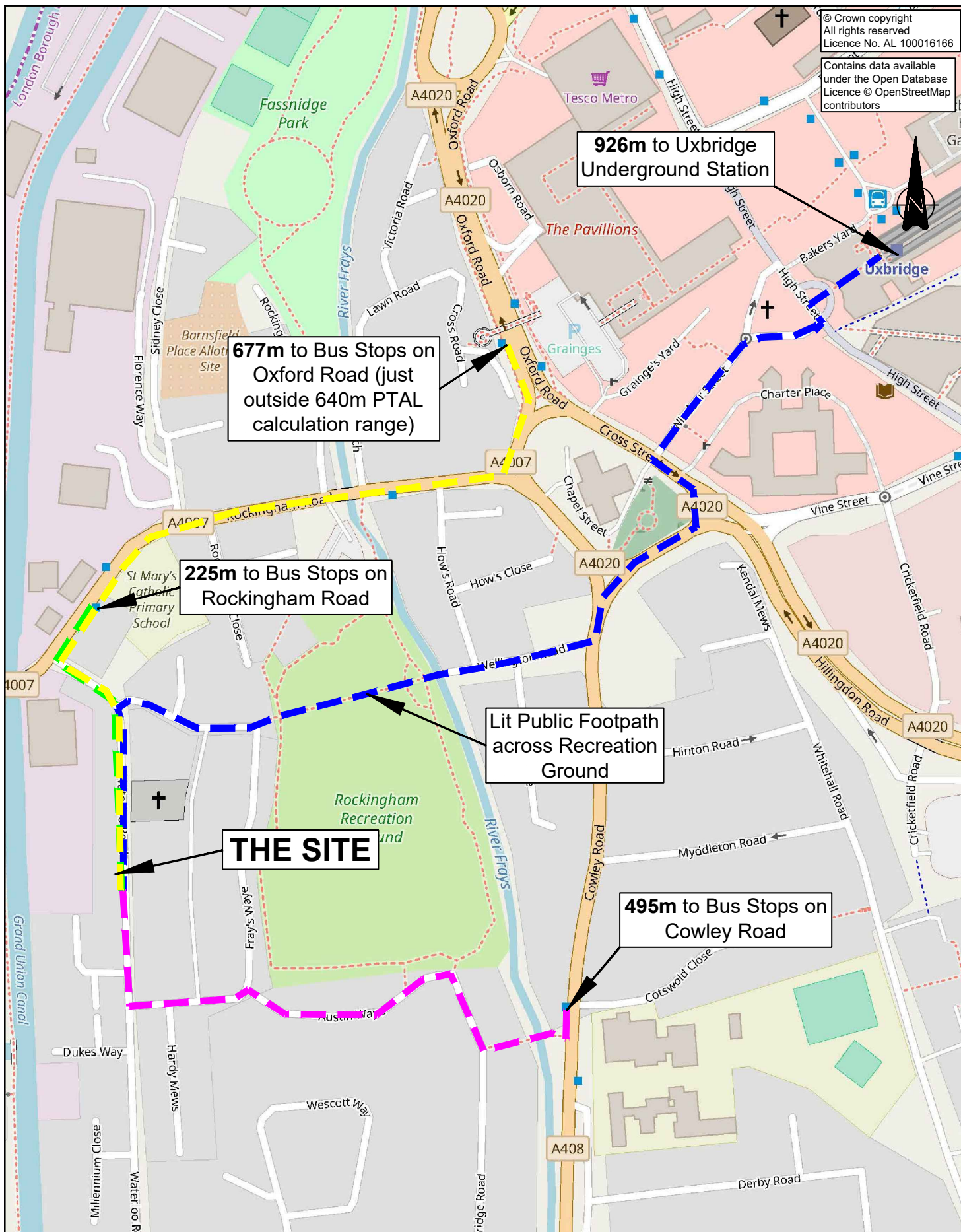
Any changes to the service definitions or walk distances in Column D will alter the calculation values in columns F to K. Remember that these changes will alter the EDF value (column I). Check that the weighting is applied correctly by mode in column J). For each mode (Bus, Rail, LU, etc.) the service 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 WebCAT” web page.

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

October 2015



Drawn		FPEC		Checked		AF	
Scale		NTS		Date		NOV 2017	
Drawing No.							
1744/05							
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Project

JASPAR GROUP OF COMPANIES

WATERLOO ROAD UXBIDGE

WALKING DISTANCES TO SERVICE ACCESS POINTS

COTTEE Transport Planning

Fir Lodge
Threselfords Business Park
Feering
Essex
CO5 9SE

Tel : 01376 573400
Fax : 01376 573480
email : info@cottee-tp.co.uk
www.cotteetransportplanning.co.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

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



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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'

ANNEX G

From: James Rodger
To: [Lotte Hirst](#)
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: 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

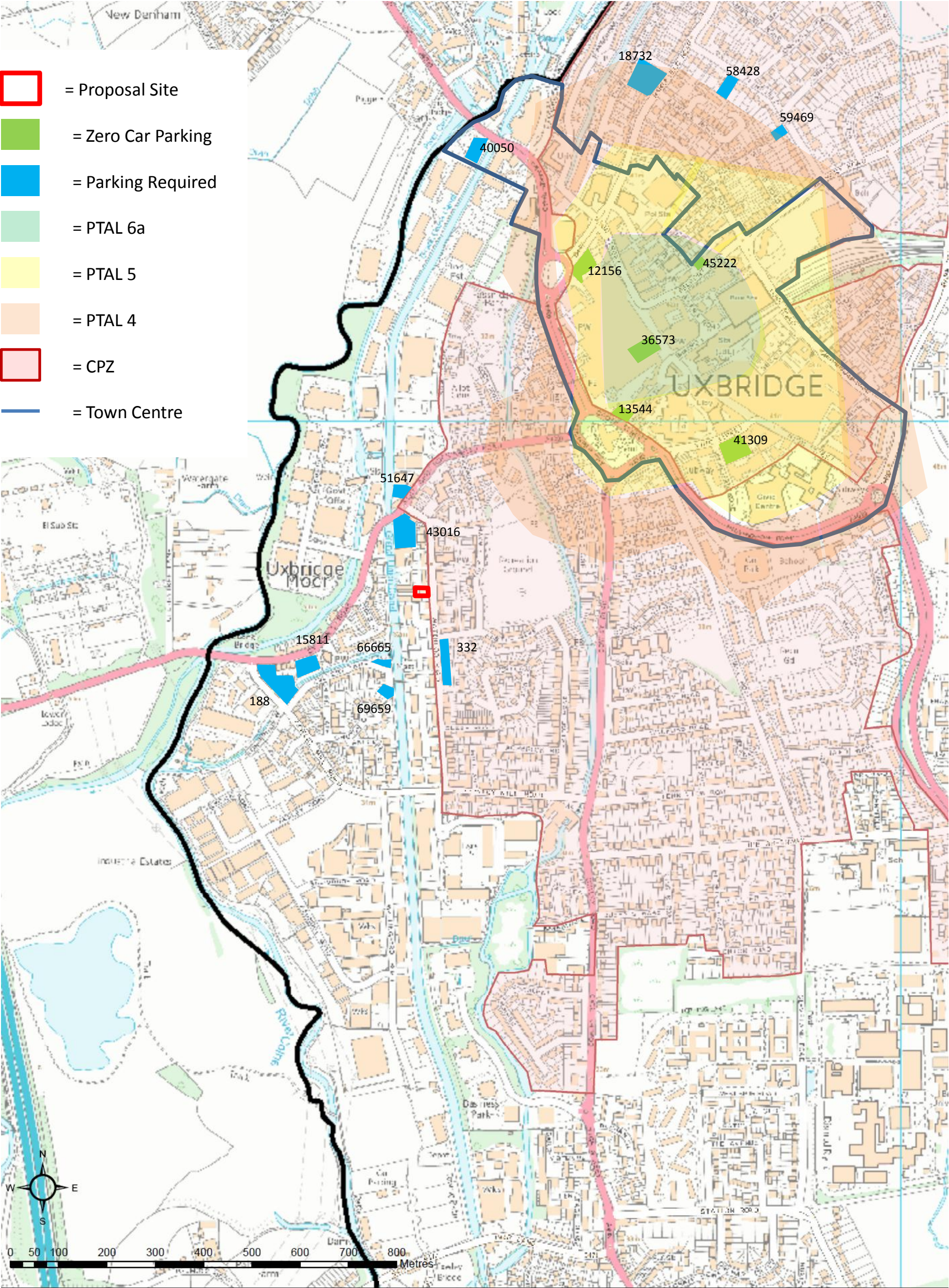
Telephone: 01895 277468

[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.



ANNEX H

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 and 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 your response in relation to the above points raised.

Kind Regards

Lotte Hirst

Planning Director



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

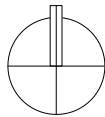
F: 020 8954 9279

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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: -	

ANNEX I

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



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

June 2016



August 2015



June 2014



October 2012



ANNEX J

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.

ANNEX K

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



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Registered in England no: 3861025

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

Hi James,

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

Many thanks

Kind Regards

Lotte Hirst

Planning Director



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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



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