

**TOWN & COUNTRY PLANNING ACT 1990 as amended
SECTION 78 PLANNING APPEAL**

STATEMENT OF CASE

**PRODUCED BY ARMID AKRAM ON BEHALF OF THE LONDON BOROUGH OF
HILLINGDON**

APPEAL BY: Healey Development Solutions (Hayes) Limited

SITE AT: Stanford House, 9 Nestles Avenue, Hayes

**Our Ref: 51175/APP/2018/4260
Your Ref: APP/R5510/W/19/3230503**

Highways Statement - Stanford House, Nestles Avenue

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Proposal: Demolition of existing building and redevelopment to provide a building up to 10 storeys, with 868sqm of commercial or community space (Use Class B1 or D1) at ground floor level and 81 (44 x 1-bed, 28 x 2-bed and 9 x 3-bed) residential units to the upper floors with associated landscaping, access, car parking and cycle parking.

1.0 Introduction

- 1.1 The Appellant's appeal seeks to challenge the Respondent's decision to refuse planning permission. The Appellant sought planning permission for the demolition of the existing building and redevelopment to provide a building up to 10 storeys, with 868 sq.m of commercial or community space (Use Class B1 or D1) at ground floor level and 81 (44 x 1-bed, 28 x 2-bed and 9 x 3-bed) residential units to the upper floors together with associated landscaping, access, car parking and cycle parking.
- 1.2 The application site is located off Nestles Avenue, an unclassified no through road which is accessed via Station Road at the western point through a priority junction with a banned right hand turn. Station Road makes up the London Borough of Hillingdon Classified Road Network, and in turn, links to key routes such as the A437.
- 1.3 Within the vicinity of the site, the road is subject to a 30mph speed restriction and benefits from street lighting and pedestrian footways along both edges of the carriageway. The carriageway itself makes use of parking restrictions in the form of single yellow lines (Monday - Saturday 8.00am-6.30pm) as well as a Parking Management Scheme (permit holder only bays Monday-Friday 9.00am-5.00pm).
- 1.4 The appeal site itself is bound by Squirrels Trading Estate to the north which is accessed via Viviesh Close (located approximately 50 metres west of the development site) as well as the former Nestle Factory site to the east which is soon to be redeveloped.
- 1.5 Upon reviewing the PTAL rating for the proposed development using the Transport for London WebCAT service, it is indicated that the site has good access to public transport with a PTAL rating of 4. The site is within walking distance to the Hayes and Harlington railway station and Hayes Town Centre.

- 1.6 The London Borough of Hillingdon as Highway Authority were consulted upon planning reference: 51175/APP/2018/4260. The Highway Authority had responded by highlighting its concerns in relation to available car parking, the service and delivery arrangement as well as the amount of manoeuvring space within the parking area. .
- 1.7 The Local Planning Authority has subsequently sought to refuse planning consent with eleven reasons for refusal, three of which relate to highway safety.

Reason 6

"The proposed development fails to provide sufficient car parking provision for the proposed development (residential and commercial) and would therefore result in an increase in on-street car parking in an area where such parking is at a premium thereby leading to conditions which would be detrimental to the free flow of traffic and to highway and pedestrian safety . The proposals is therefore contrary to Policies AM7 and Am14 of the Hillingdon Local Plan: Part two - Unitary Development Plan saved Policies (November 2012), to Hillingdon's Adopted Parking Standards as set out in Hillingdon Local Plan: Part Two - Unitary Development Plan saved policies (November 2012) and the adopted supplementary planning document HDAS: Residential Layouts."

Reason 7

"The proposed development, by virtue of its layout and servicing and delivery arrangement off a layby along the nestles Avenue, would compromise highway and pedestrian safety by virtue of the proposed vehicular access into the site and the servicing and delivery arrangements, giving rise to conditions prejudicial to the free flow of traffic and would be detrimental to highway and pedestrian safety. The development is therefore contrary to Policy AM7 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012), Policies DMT 2 and DMT5 of the emerging Local Plan: Part 2 (March 2019), Policy 6.12 of the London Plan (2016) and chapter 9 of the NPPF (2019)."

Reason 8

"The 4 proposed car parking spaces fail to provide a manoeuvring distance of 6m in accordance with Manual for Streets Standards. The proposed Layout gives rise to conditions prejudicial to future users of these substandard car parking spaces and future occupants who are required to use the pedestrian footpath to access the residential and commercial entrances contrary to Policy AM7 of the Hillingdon Local Plan: Part Two - Unitary Development Plan saved policies (November 2012) and the adopted supplementary planning document HDAS: Residential Layouts."

2.0 Highway Considerations - Reason 6

- 2.1 The proposals comprise a residential development with an element of commercial/community floor space.
- 2.2 Policy AM14 of the Hillingdon Local Plan: Part 2 - saved UDP policies (adopted November 2012) seeks to ensure that all development is in accordance with the Councils adopted Car Parking Standards. The Council's Standards require the development to provide a total maximum of 1.5 spaces per unit amounting to a total of 122 on-plot parking spaces for the residential development with an additional 11 spaces to serve the commercial element of the scheme.
- 2.3 The proposed provision of 4 parking spaces for this scheme therefore falls short of the Council's policy standards.
- 2.4 When considering the quantum of development sought and the location of the site in relation to surrounding developments , it is considered appropriate to adopt a consistent area based level of on-site parking provision. For this development to be in accordance with approved developments in the nearby surrounding area it would require a parking ratio of 0.6 spaces per unit. This lower ratio of parking requires a total of 49 spaces for the residential component as well as a further 11 spaces for the commercial aspect of the scheme (totaling 60 on-plot spaces). This is considered to be an acceptable level of parking.

- 2.5 It should be noted that a recent planning application on Viveash Close was refused planning permission and was dismissed on appeal (appeal reference: APP/R5510/W/18/3218824) on the 19th July 2019. The appellant's in this appeal sought a parking ratio of 0.5 spaces per unit which the Highway Authority considered to be below that which would normally be acceptable. The Planning Inspectorate in his appeal decision, specifically section 18 (page 4), found that Viveash Close is not covered by any parking restrictions and is heavily parked upon. The inspectorate further states in section 19 (page 5) that the very small difference between the council's preferred ratio of 0.6 spaces and the provision of 0.5 spaces per unit was marginal.
- 2.6 The level of parking proposed as part of the development proposals would effectively be deemed as 'car free', notwithstanding the four spaces proposed. This level is significantly below the London Borough of Hillingdon's maximum parking standards which would require 133 parking spaces. I refer to the Appellant table 2.2 on page 7 of their appeal i-transport statement dated 22nd July 2019. The Appellant highlights that the proposed provision falls within the Council's standards. However, the Highway Authority considers the effective 'car free' nature of the scheme unacceptable, due to the significant shortfall in parking that would be realistically necessary for a development of this kind.
- 2.7 The Appellant argues that the car-free nature of the scheme is justified given the site's very good level of public transport accessibility, scoring a Public Transport Accessibility level of 4 (on a scale of 1 to 6b where 1 is at the least accessible and 6b is the most accessible). Furthermore, as a result of the increase in rail services (Elizabeth Line) and improved bus services, the potential PTAL rating of the site will be increased to a rating of 5 meaning very good access to public transport.
- 2.8 Although it is noted that the site contains a PTAL rating of 4 (potentially 5 in future scenario), the PTAL rating is based on Public Transport connectivity by bus and rail within the London area only and does not reflect the deficiencies in connectivity of the public transport network to destinations beyond Greater London.
- 2.9 Given that the Respondent is an Outer London Borough any future occupiers of the development are likely to travel to destinations beyond Greater London such as Reading, Slough, Staines, High Wycombe, St Albans etc. Few of the public transport services available in Hayes Town Centre serve these destinations therefore the new residents are likely to be reliant on the private car to satisfy their daily travel needs.

- 2.10 This situation is confirmed by existing car ownership levels, the results of the 2011 population census shows that car ownership levels in Hillingdon are amongst the highest in London. This effectively provides reasoning that parking linked to the development proposals should offer a much higher parking ratio compared to that which is currently being proposed (car free), especially as the borough of Hillingdon is an outer London borough. This would further be in accordance with the policy AM14 which states that development would only be permitted when in accordance with the adopted standards.
- 2.11 Whilst it is acknowledged that infrastructure projects such as the Elizabeth Line will enhance the public transport offer, it is not considered that the likely benefits would generate a significant mode shift in favor of public transport. The Elizabeth Line would be a further radial route into Central London. The Respondent as a borough has deficient orbital and outer London public transport services, such trips are best satisfied by using a private car.
- 2.12 It is noted that the local area provides means to deter/remove on-street parking demand in the form of a residents parking management scheme and parking restrictions, Monday - Saturday (8.00am-6.30PM). The submissions have further highlighted that potential occupants will be made aware of the lack of on-street parking provisions and lack of on-street parking thereof.
- 2.13 However, whilst the surrounding road network makes use of some parking deterrents, the associated impacts along the unrestricted roads within the vicinity of the site have not been factored, particularly along both Harold Avenue and Viveash Close.
- 2.14 Sections 2.3.17 and 2.18 of the Appellant's hearing statement (I Transport Ref: PH/VP/JN/IT14154-010a) state that on-site observations indicate there is in fact space available within marked bays and that if deemed necessary that a condition can in fact be stipulated preventing on-street parking. However, this will only further ensure that future occupants of the development park along the unrestricted roads and is therefore considered counterproductive. The Respondent maintains the view that any form of displaced parking taking place will do so along these sections of road which do not make use of any parking restrictions.
- 2.15 Within the Appellants statement of case, specifically page 9 (footnote), reference has been made to a document '*Unlocking the Benefits and*

Potential of Build to Rent'. This document is not considered to have any material weighting.

- 2.16 Refusal reason 6 is therefore considered appropriate within the context of the scale of proposal, characteristics of the locality and severe limitations in applying mitigation.
- 2.17 However, in the event where the planning inspectorate respectively seeks to grant planning consent, it is requested that the following heads of terms in relation to refusal reason 6 be agreed.
- Car parking permit restriction for existing and future parking management zone (for residents)
 - Framework Travel Plan (plus £20,000 bond)

3.0 Highway Considerations - Reason 7

- 3.1 The Appellant proposes a service and delivery layby (bay) along Nestles Avenue. This will serve both the residential and commercial elements of the scheme which will comprise of refuse/waste, as well as deliveries such as home shopping and post etc.
- 3.2 The Appellant has been made aware of the improvements to be made along Nestles Avenue also known as the Nestles Avenue Multi Modal Transport Spine which will undoubtedly improve walking and cycling provision and access to public transport. It is the Respondent's view that the proposed on-street servicing arrangement will negatively impact these improvements which are provided as part of LB Hillingdon's and Transport for London's Healthy Streets Approach.
- 3.3 The Appellant within their Technical Note Statement (ref, ITL14154) argue that the Multi Modal Transport Spine does not have any policy backing. Accordingly, that there is a reasonable prospect that the '*sustainability corridor*' may not come forward.
- 3.4 It should be noted however that Policy SA 5 of the LB Hillingdon Local Plan Part 2 - Site Allocations and Designations (with Modifications March 2019) document states that the Key Principles for development sites within the Hayes Housing Zone will be expected to provide "*sufficient setback from Nestles Avenue to allow for the introduction of potential public transport improvements*". This statement in itself highlights the significance of the Multi Modal Transport Spine within the Hayes Housing Zone and the Council's clear intention to implement these improvements.

It should be noted that as part of the Nestles Factory planning permission the developers agreed to safeguard land to allow the creation of the Multi Modal Transport Spine. The land to be safeguarded is illustrated in the drawing prepared by Makover Architects drawing reference Date 171020 Rev 01 Description P2 - Planning Application CHK SJ. This is referred to as Appendix 2.

- 3.5 In addition to the above, Hillingdon's Local Implementation Plan 3 (LIP3) makes clear reference to the Nestles Avenue Multi Modal Transport Spine . Hillindgon's LIP3 is a statutory document prepared under the GLA Act that requires the Borough to detail its proposals for implementing the Mayor's Transport Strategy (MTS) within Hillingdon. The Nestles Avenue Multi Modal Transport Spine is referred to in pages 67, 102, 103 and 110 of the document. This further demonstrates the Respondent's commitment to the Multi Modal Transport Spine Project. Hillingdon's LIP3 document is referred to as Appendix 1.
- 3.6 As part of the Appellant's Technical Note Statement (ref, ITL14154), Drawing ITL14154-SK-007 Revision A provided within Appendix A shows the proposed layby and its positioning alongside the footway and cycle way. Current highway guidance contained within the '*Traffic Signs regulations and General Directions 2016*' document which is further supported by the 'Traffic Signs Manual Chapter 3 Regulatory Signs' 2019 document, specifically section 13.15. 3 states that the width of the bay should be appropriate to the type of vehicle it is to be used by. It is the councils view that standard service and delivery vehicles comprise a width of 2.55m. An on-street loading bay should measure a width of 2.7m. The submitted drawing shows a width of 2.5m only. The proposed layby is therefore unacceptable.
- 3.7 The proposed arrangement is intended to removet the need for larger goods vehicles to cross the footway/cycle way in order to gain access to the application site..However, the development will generate a significant level of associated servicing and delivery trips which will require frequent dragging/wheeling/carrying across the Multi Modal Spine shared use footway/cyclway section which is seen to have a detrimental impact upon the safety of vulnerable road users.
- 3.8 Although operational hours of the layby can be introduced in order to avoid peak network times for associated servicing and deliveries, in reality deliveries can be made throughout anytime of the day. Thus, restricting

deliveries will be considered redundant and will further enforce the need of an on-site bay.

- 3.9 In addition, there is nothing to ensure vehicles linked to surrounding/neighboring sites will not park in the layby (due to its unrestricted nature) in the event where servicing/deliveries are to be made. Difficulties would arise whenever a delivery vehicle arrives at the site only to find the layby already occupied.
- 3.10 In accordance with highway guidance contained within the current *'Manual for Streets'* document (1 & 2), residents should not be required to carry waste more than 30 metres to the storage point, as well as waste collection vehicles being able to get within 25 metres of the storage point/ However, Respondent's waste services operate a more flexible approach in that it offers a 10 metre drag distance for collection vehicles.
- 3.11 It is apparent from the submitted information that this has not been achieved with the scheme proposing a refuse/recycling area in the most northern section of the building. The Appellant has submitted limited information on how refuse/recycling will be managed, which is unacceptable.
- 3.12 The Appellant within their statement of case summaries state that the proposed layby would represent an improvement to safety and free flow of traffic, provide a practical service arrangement, facilitate service and deliveries and minimises conflict between vehicles, pedestrians and cyclists. However, as addressed above, the proposed arrangement would not only obstruct the free flow of traffic along this section of road, but will indeed cause conflict between associated road users. The proposed layby is therefore considered contrary to policy AM7 of the adopted UDP and DMT2, DMT 5 of the emerging Local Plan Part 2 and furthermore Chapter 9 of the National Planning Policy Framework.
- 3.13 Refusal Reason 7 is therefore deemed to be appropriate in that the proposed servicing and delivering arrangement off a layby along Nestles Avenue would compromise the road safety all road users in particular cyclist and pedestrians.
- 3.14 However, in the event where the planning inspectorate respectively seeks to grant planning consent, it is requested that the following heads of terms in relation to Refusal Reason 7 be secured.
- Transfer of land to enable provision of the Multi Modal Transport Spine along Nestles Avenue;

- £5,000 towards an extension of the parking management zone £10,770.11 towards the Nestles Avenue road widening works;
- £28,787.64 for additional bus capacity;
- A s.38 agreement to provide cycle way, footpath and landscaping as part of MTS road; and
- £17,211.60 Contribution towards Cranford Park improvements

4.0 Highway Considerations - Reason 8

- 4.1 Reason for refusal 8 has been conceded. Please refer to the Statement of Common Ground for further details.