
Technical Note

Project No: ITL14154
Project Title: Nestles Avenue, Hayes
Title: Reason for Refusal 7
Ref: ITL14154-011 TN
Date: 21 August 2019

SECTION 1 INTRODUCTION

- 1.1.1 This Technical Note has been produced in response to comments by Hillingdon Council in respect of a planning application for redevelopment of land at 9 Nestles Avenue, Hayes (planning ref 51175/APP/2018/4260) as part of the Appeal process (Appeal Ref: APP/R5510/W/19/3230503).
- 1.1.2 The appellant's Hearing Statement was submitted to the Planning Inspectorate in July 2019. That Hearing Statement set out detailed reasons that objected to Hillingdon Council's three highways and transportation Reasons for Refusal (Reasons 6, 7 and 8).
- 1.1.3 Following submission of the Hearing Statement, a response was received from Hillingdon Council which confirmed that the Council agreed that Reason for Refusal 8 would be removed, but that Reasons for Refusal 6 and 7 both remained contentious.
- 1.1.4 This note has been prepared in response to the Council's latest correspondence in respect of Reason for Refusal 7 only, concerning Highway Safety.

SECTION 2 REASON 7 – HIGHWAY SAFETY

2.1 Context

- 2.1.1 Reason 7 states that the proposed development '*by virtue of its layout and servicing and delivery arrangements [off] a layby along 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*'

2.1.2 LBH therefore state that the proposed development is contrary to 'Policy AM7 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012), Policies DMT 2 and DMT 5 of the emerging Local Plan: Part 2 (March 2019), Policy 6.12 of the London Plan (2016) and Chapter 9 of the NPPF (2019)'.

2.1.3 Following review of the appellant's Hearing Statement the Council have subsequently written to the appellant and stated that '*Refusal Reason 7 (highway safety) remains contentious. The Council maintains its position that a dedicated service and delivery arrangement is required in this case to ensure the free flow of traffic and to safeguard pedestrians and cyclists making use of the Nestles Avenue sustainability corridor. The Councils statement of case will address these issues in more detail.*

2.1.4 In order to move matters forward and reach an agreed position with the Council, this Technical note again addresses Reason 7 with further demonstration and justification that a fully off-carriageway loading bay will not be detrimental to the free-flow of traffic on Nestles Avenue, is not contrary to the Council's Policy and will in fact provide a level of betterment upon the existing situation at the same time as the site facilitating the creation of a new sustainability corridor, where its users (pedestrians and cyclists) will be safeguarded from delivery vehicles crossing the footway/ cycleway.

2.2 Consideration LBH Policy Grounds

Policy AM7 (Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012))

'THE LOCAL PLANNING AUTHORITY WILL CONSIDER WHETHER THE TRAFFIC GENERATED BY PROPOSED DEVELOPMENTS IS ACCEPTABLE IN TERMS OF THE CAPACITY AND FUNCTIONS OF EXISTING AND COMMITTED PRINCIPAL ROADS ONLY, AND WILL WHOLLY DISCOUNT ANY POTENTIAL WHICH LOCAL DISTRIBUTOR AND ACCESS ROADS MAY HAVE FOR CARRYING THROUGH TRAFFIC.

THE LOCAL PLANNING AUTHORITY WILL NOT GRANT PERMISSION FOR DEVELOPMENTS WHOSE TRAFFIC GENERATION IS LIKELY TO:

- i. UNACCEPTABLY INCREASE DEMAND ALONG ROADS OR THROUGH JUNCTIONS WHICH ARE ALREADY USED TO CAPACITY, ESPECIALLY WHERE SUCH ROADS OR JUNCTIONS FORM PART OF THE STRATEGIC LONDON ROAD NETWORK; OR***
- ii. PREJUDICE THE FREE FLOW OF TRAFFIC OR CONDITIONS OF GENERAL HIGHWAY OR PEDESTRIAN SAFETY; OR***
- iii. DIMINISH MATERIALLY THE ENVIRONMENTAL BENEFITS BROUGHT ABOUT BY NEW OR IMPROVED ROADS; OR***
- iv. INFILTRATE STREETS CLASSED AS LOCAL ROADS IN THE BOROUGH ROAD HIERARCHY UNLESS SATISFACTORY TRAFFIC CALMING MEASURES CAN BE INSTALLED.***

TRAFFIC CALMING SCHEMES SHOULD, WHERE APPROPRIATE, INCLUDE ENVIRONMENTAL IMPROVEMENTS SUCH AS HARD AND SOFT LANDSCAPING, AND SHOULD BE COMPLETED BEFORE THE DEVELOPMENT IS FIRST USED OR OCCUPIED.

Policy DMT 2 of the emerging Local Plan: Part 2 (March 2019).

Development proposals must be compatible with the safe and efficient movement of the highway and therefore must ensure that:

- i. safe and efficient vehicular access to the highway network is provided to the Council's standards;***
- ii. they do not contribute to the deterioration of air quality, noise or local amenity or safety of all road users and residents;***
- iii. safe, secure and convenient access and facilities for cyclists and pedestrian are satisfactorily accommodated in the design of highway and traffic management schemes;***
- iv. impacts on local amenity and congestion are minimised by routing through traffic by the most direct means to the strategic road network, avoiding local distributor and access roads; and***
- v. there are suitable mitigation measures to address any traffic impacts in terms of capacity and functions of existing and committed roads, including along roads or through junctions which are at capacity.***

Policy DMT 5 of the emerging Local Plan: Part 2 (March 2019).

- i. Development proposals will be required to ensure that safe, direct and inclusive access for pedestrians and cyclists is provided on the site connecting it to the wider network, including:***
- ii. the retention and, where appropriate, enhancement of any existing pedestrian and cycle routes;***
- iii. the provision of a high quality and safe public realm or interface with the public realm, which facilitates convenient and direct access to the site for pedestrian and cyclists;***
- iv. the provision of well signposted, attractive pedestrian and cycle routes separated from vehicular traffic where possible; and***
- v. the provision of cycle parking and changing facilities in accordance with Appendix A C, Table 1 or, in agreement with Council.***

Policy 6.12 of the London Plan (2016)

- A. The Mayor supports the need for limited improvements to London's road network, whether in improving or extending existing capacity, or providing new links, to address clearly identified significant strategic or local needs;***
- B. In assessing proposals for increasing road capacity, including new roads, the following criteria should be taken into account:***

- a. *the contribution to London's sustainable development and regeneration including improved connectivity*
 - b. *the extent of any additional traffic and any effects it may have on the locality, and the extent to which congestion is reduced*
 - c. *how net benefit to London's environment can be provided;*
 - d. *how conditions for pedestrians, cyclists, public transport users, freight and local residents can be improved*
- C. *how safety for all is improved.*

Proposals should show, overall, a net benefit across these criteria when taken as a whole. All proposals must show how any dis-benefits will be mitigated.

Chapter 9 of the NPPF (2019)'.

2.2.1 Chapter 9 of the NPPF considers the promotion of sustainable transport. Namely, this section of the document sets the following three tests in relation to transport and highways matters:

"In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- ***Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;***
- ***Safe and suitable access to the site can be achieved for all users; and***
- ***Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree."*** (ref: NPPF, Paragraph 108)

2.2.2 The NPPF further states that development: "should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe." (ref: NPPF, Paragraph 109).

2.3 Response

2.3.1 *The Council maintains its position that a dedicated service and delivery arrangement is required in this case **to ensure the free flow of traffic** and **to safeguard pedestrians and cyclists making use of the Nestles Avenue sustainability corridor.***

2.3.2 The Hearing Statement explored the Policy grounds for refusal previously set out by LB Hillingdon and that information is reiterated in the following sections. The Hearing Statement also considered the arrangement of the loading bay and the effect of movements to and from that loading bay both on the free-flow of traffic on Nestles Avenue and on the proposed 'Nestle Avenue Sustainability Corridor'.

'Sustainability Corridor'

- 2.3.3 The proposed development offers up to LBH, a 10m stretch along the whole site frontage for creation of a new 'sustainability corridor'. General widths of that corridor (10m) were provided at a pre-application meeting held in August 2018. Accordingly, a circa 350sqm area of the site frontage was identified to be reserved for provision of a 'sustainability corridor'. The 10m width of the corridor is equivalent to 15% of the total site length (circa 75m).
- 2.3.4 The new corridor is proposed to route along the whole of Nestles Avenue and seeks to deliver a 4m wide 'parkland' space, 3m footway and 3m segregated cycle lane, all to be delivered within the site boundary, along with alterations to the current footway to deliver additional on-street parking bays¹.
- 2.3.5 There are no details of the design of the 'sustainability corridor' and it has no policy basis. Delivery of the corridor will require all land to facilitate it becoming available to LB Hillingdon, either through redevelopment proposals such as this where land is required to be offered up as part of the planning process, or in the future potentially via a CPO process. As such, it is reasonable to assume that the timeframe associated with delivery of the Sustainability Corridor is both in the longer-term and flexible in the context that its delivery is dependent on availability of land.
- 2.3.6 On this basis, there is a reasonable prospect the 'sustainability corridor' may not come forward at all, or at the very least not come forward in the short term (i.e. within the next 5 years). Therefore, thought must be given to the potential impact of the proposed development both in the short term (with and without the sustainability corridor in place) and in the longer term (with and without the sustainability corridor in place).
-

¹ There is no policy document or guidance available from the London Borough of Hillingdon as to the future form/alignment of the Nestles Avenue Sustainability Transport Corridor. The design presented within the planning application has been derived from drawings and submissions prepared for the Former Nestles Factory site adjacent to the development site (provided under planning ref: 1331/APP/2017/1883) – namely drawing 30710/5501/SK003 prepared by Peter Brett Associates which shows a bus turning head at the eastern end of Nestles Avenue – using this, a new i-Transport drawing, ITL14154-SK-007 Revision A, provided at Appendix A, has been prepared to better illustrate the proposed arrangement to the front of the site. This demonstrates how a loading bay could be accommodated whilst a footway and cycleway are also deliverable. The parkland space would be to the north of the footway/cycleway.

Loading Bay

- 2.3.7 A loading bay is considered a reasonable and acceptable means of servicing for a development such as this, as supported in the emerging London Plan (July 2019). Supporting text to Policy T7, Deliveries, Servicing and Construction reads;

'To reduce the pressure on London's streets, developments should provide for deliveries and servicing offstreet where possible, and through dedicated loading bays if not.'

'Where loading in the carriageway is unavoidable and the impacts can be made acceptable, it should be designed to minimise the impact on people walking or cycling and other road users.'

- 2.3.8 When considering the sites size and layout, together with the fact that there is a requirement to give up a 10m wide stretch of land across the site frontage to LB Hillingdon to facilitate delivery of the sustainability corridor, it must be recognised that the constraints that are experienced within the site for delivery and servicing are generated as a direct result of the reduction in site area of approximately 15% to facilitate the sustainability corridor. In short, giving over 15% of the site for this purpose results in insufficient space on site to enable service vehicles to access, turnaround and egress safely.
- 2.3.9 The proposed development hands over a 10m width of the site frontage to become a dedicated sustainability corridor. Therefore, in the future scenario the site will immediately front a stretch of land comprising a 4m wide 'parkland' space, a 3m dedicated footway and a 3m segregated cycle lane. Beyond this it is understood (refer to paragraph 1.3.4 of this note) that the existing footway on Nestles Avenue will be converted into formalised parking bays and then the carriageway of Nestles Avenue will pass.

Existing Scenario

- 2.3.10 At present deliveries are permitted to be made to the single yellow line along the site frontage on Nestles Avenue, which does not have any loading restrictions in place. Thus, at present a delivery vehicle can park on Nestles Avenue (with the vehicle parked within the carriageway and not adjacent to the carriageway) and goods can be transported from that vehicle across the footway and into the site. On this basis, at present LB Hillingdon accept a loading bay within the carriageway in this location and further accept that goods can be transported manually from a delivery vehicle (parking within the carriageway) across a footway creating no impediment to users of the highway or footway (i.e. no harm to drivers, cyclists or pedestrians).
- 2.3.11 If the development does not come forward the activity that occurs today will continue to take place and vehicles will continue to park within the carriageway.

Future Development Scenario – Without Sustainability Corridor

- 2.3.12 In the absence of a 'sustainability corridor' the proposed development would improve the existing site access from Nestles Avenue to modern design standards, making it suitable for use by vehicles accessing the on site parking bays. This is a benefit upon the existing situation.
- 2.3.13 For servicing, an off-carriageway loading bay is proposed (temporarily diverting the footway around the loading bay). This would mean that a delivery vehicle would park off-carriageway safely retaining the free-flow of traffic on Nestles Avenue. Goods would then be transported into the site manually from the vehicle across the footway as is the case at present. This would provide a net benefit in terms of safety and the free-flow of traffic on Nestles Avenue compared to the existing situation since it would remove the need for delivery vehicles to park within the carriageway as they do today.

Future Development Scenario – With Sustainability Corridor

- 2.3.14 Provision of a 'sustainability corridor' provides further justification to support the loading bay provision included for the proposed development. It is understood a 'sustainability corridor' would include a dedicated cycleway, separate footway and area of high-quality public realm. Therefore, a scenario which removes any need for larger vehicles (anything larger than a car) to cross the proposed footway/cycleway would reduce the potential for conflict between pedestrians and cyclists and delivery vehicles crossing the sustainability corridor which can only be a benefit in terms of highway safety. Drawing ITL14154-SK-007 Revision A, provided at Appendix A, provides the proposed layout for the scheme which includes a fully off-carriageway loading bay. i.e. a loading bay which does not obstruct the free flow of traffic on Nestles Avenue and that minimises conflict for vulnerable road users.
- 2.3.15 This approach is wholly in accordance with emerging policies DMT 2 and DMT 5 which seek safe and convenient access for pedestrians and cyclists via high quality public realm. The prevention of large vehicles crossing the 10m wide sustainability corridor significantly reduces the likelihood of conflict and prioritises the corridor for more vulnerable users.
- 2.3.16 In the absence of detailed design guidance for a 'sustainability corridor', reference has been made to The London Cycling Design Standards which provides good practice guidance as to good cycle track design and its interaction with loading activity.
- 2.3.17 At Section 4.2.6, the document recognises that;

'... continuous separation between cycles and motorised vehicles can be achieved through positioning the cycle lane/track between parking or loading bays and the kerb... (i.e. carriageway edge) ... When compared to marking lanes on the offside of parking, this method requires little additional space, is unlikely to lead to any overall loss of parking and represents a high level of service for cyclists in terms of safety and comfort.'

2.3.18 There are numerous locations across London where this exact arrangement is in use. An example of such an arrangement can be found on Blackfriars Road in Central London where a cycle superhighway is separated from the carriageway by loading bays and other on-street furniture (including a bus stop) as shown in Plate 3.1 below.

Plate 3.1 – Loading Bay separating Cycle Lane and Carriageway



Source: i-Transport – Taken on Blackfriars Road, London showing a loading bay separating a two-way cycle lane and footway from the carriageway.

2.3.19 In addition, section 4.3.10 of the design standards, notes operating hours of loading bays need to be determined with reference to anticipated demand and to the conditions that cyclists may experience outside of the times of operation and therefore what times loading activities are permitted. This arrangement would wholly be within the gift of LBH to determine given the bay would be located within the extent of public highway (and off-carriageway). Thus, loading could be restricted to avoid typical cycle flow peaks (likely to mirror typical highway network peaks of 7-10am and 4-7pm).

2.3.20 Section 4.2.6 of the document also makes reference to the type of goods likely to be delivered to/from the loading bay. With regards to the TA and DSP prepared in support of the application, it states a worst-case of 15 deliveries could be received per day. Two-thirds of these would be associated with

the residential element of the proposals and would likely consist of parcel deliveries and online grocery shopping deliveries/takeaway food deliveries (i.e. small items that would likely be carried or moved by small trolley to/from the site). The remaining deliveries would be associated with the commercial unit with daily visits consisting of general supply deliveries (i.e. stationary, etc- again items that would be carried or moved by trolley).

2.3.21 Whilst there may be occasional deliveries of bulky goods such as furniture, and occasional visits by engineers providing services and repairs (e.g. telecommunications, central heating, plumbing and so forth), as a BTR scheme, the site is highly likely to offer furnished apartments, typical at a number of BTR schemes in London, as well as its own facilities management team (i.e. residents will not have to arrange central heating servicing/plumbing, etc, individually).

2.3.22 The proposal is therefore considered safe because:

- The proposed layout has been developed in accordance with relevant guidance on the design of loading bays in combination with cycle routes in London;
- It is safer for delivery vehicles to temporarily stop in a dedicated on-street (fully-off carriageway) loading bay that does not obstruct the free-flow of traffic on Nestles Avenue;
- The proposed set up, by way of introducing a full off-carriageway bay is a betterment upon the existing situation whereby vehicles are permitted to park within the carriageway itself;
- The proposed arrangement does not obstruct the free-flow of vehicles on Nestles Avenue and leads to a betterment upon the existing scenario;
- The proposed set up allows the manual transfer of goods (primarily small items) from vehicle to site across the sustainability corridor, rather than large delivery vehicles crossing the 'sustainability corridor';
- The proposed set up reduces the potential for conflict between delivery vehicles and vulnerable road users.

2.4 Summary

2.4.1 LBH resolved to refuse the scheme in respect of highway safety on the grounds that the proposals compromise highway and pedestrian safety by virtue of the proposed servicing and delivery arrangements, giving rise to conditions prejudicial to the free flow of traffic that were considered to be detrimental to highway and pedestrian safety which, LBH suggest is contrary to the policies quoted at section 1.2 of this note.

2.4.2 Information set out within this note has shown the proposed loading bay would :

- Represent an improvement to safety and free flow of traffic when compared with the current servicing arrangements;
- Provide a practical service arrangement in accordance with the emerging London Plan hierarchy;
- Facilitate servicing and deliveries alongside a 'sustainability corridor' in accordance with TfL's design guidance; and
- Minimise conflict between vehicles, pedestrians and cyclists.

2.4.3 The proposal will improve the situation for all road users upon that which currently exists and will improve the situation further still both in the short-term before the sustainability corridor is introduced and the longer term once it comes forward.

2.4.4 There is no justification to support an objection on grounds that the proposal will obstruct highway safety and the free-flow of traffic on Nestles Avenue which would remain uninterrupted within provision of an off-carriageway loading bay. Furthermore, there is no justification to support an objection that the proposal will cause a negative effect on pedestrian safety since the proposal seeks to reduce conflict with vulnerable road users as far as possible and not increase it unnecessarily.

2.4.5 The proposals are therefore compliant with the following Policies:

- Policy AM7 (Hillingdon Unitary Development Plan Saved Policies (November 2012),
- Policy DMT 2 of the emerging Local Plan: Part 2 (March 2019),
- Policy DMT 5 of the emerging Local Plan: Part 2 (March 2019),
- Policy 6.12 of the London Plan (2016);
- Chapter 9 of the NPPF (2019); and
- Policy T7 of the emerging London Plan (July 2019).

2.4.6 The information set out within this note demonstrates that there is no credible argument to justify non-compliance with policy and similarly, there is no credible evidence that the Council's Reason for Refusal 7 would stand up to scrutiny.

APPENDIX A. DRAWING



REPRODUCED FROM THE ORDNANCE SURVEY
MAP WITH THE PERMISSION OF THE
CONTROLLER OF HER MAJESTY'S STATIONERY
OFFICE. LICENCE No. 100044286.
© CROWN COPYRIGHT RESERVED.

DRAWING ISSUED FOR FEASIBILITY CONSIDERATION AND PLANNING PURPOSES ONLY.
DRAWING NOT TO BE USED FOR CONSTRUCTION. I-TRANSPORT LLP ACCEPT NO RESPONSIBILITY
FOR ERRORS MADE BY OTHERS IN SCALING FROM THIS DRAWING. MEASUREMENTS SHOULD BE
TAKEN FROM FIGURED DIMENSIONS ONLY. CDM REQUIREMENTS CONSIDERED AT FEASIBILITY
STAGE ONLY. FURTHER CONSIDERATION REQUIRED BY DETAILED DESIGN TEAM.



85 Gresham Street, London, EC2V 7NQ Tel: 0203 705 9215

www.i-transport.co.uk

A	17.07.19	JMc	AREA FOR PARKLAND ADDED	JN	PH
REV	DATE	BY	DESCRIPTION	CHK	APD
STATUS:			FOR INFORMATION		

TITLE:		POTENTIAL ARRANGEMENT ON NESTLES AVENUE	
PROJECT:		NESTLES AVENUE, HAYES	9 NESTLES AVENUE LIMITED

DRAWN:	JMc	CHECKED:	JN	APPROVED:	VP
SCALE @ A3:			DATE:	08.05.19	
1:250					
PROJECT No:					
ITL14154					
DRAWING No:				REV:	A
ITL14154-SK-007					

