



Our ref: 3808/GC/MJH

New Vehicular Access

NCP Heathrow Car Park

Bath Road

Supporting Planning Statement

On behalf of

Aprirose Real Estate Investment

March 2021

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Figure 1 Extract from Local Plan Proposals Map

1. Introduction

- 1.1 This report has been prepared on behalf of the applicant, Aprirose Real Estate Investment, in support of an application for planning permission for;

“Provision of a new vehicular access to existing NCP Car Park via A4 Bath Road.”

Background

- 1.2 The National Car Parks (NCP) ‘flightpath’ car park has operated on this site for many years, providing off-airport parking utilising the current access point via the Park Inn (Radisson) Hotel and Conference Centre. In 2002 a planning application was submitted to the London Borough of Hillingdon seeking planning permission for relocation of the car park entrance to the Bath Road. Although refused by the Local Planning Authority this proposal was allowed on appeal in 2004, with the Inspector concluding that the proposal did not conflict with the development plan.
- 1.3 This permission was not implemented, and a subsequent application was submitted in 2010 for a scheme identical to that allowed on appeal. Despite an objection from the Highway Authority, Planning Officers concluded that it would be unreasonable to withhold permission in light of the Inspector’s comments, and approval was therefore granted. Again, this permission was not implemented, and we therefore now seek a further planning permission to allow access to the car park from the A4 Bath Road.

Supporting Documentation

- 1.4 In addition to this supporting planning statement the following documents are also provided in support of this proposal:
- Completed application form and ownership certificates;
 - Application covering letter;
 - Application drawings;
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- Transport Statement (TS);
- Stage 1 Safety Audit (to follow); and
- Arboricultural Impact Assessment.

Structure of this Report

- 1.5 This supporting planning statement provides an overview of the application site and its' context, including the planning history of the site, at Chapter 2. Chapter 3 then summarises the application proposals, with Chapter 4 providing an overview of relevant planning policy. Chapter 5 provides a detailed planning analysis of the compliance of the proposals with the development plan, along with other relevant material considerations. Chapter 6 provides the conclusions to this report.

2. Application Site and Planning Context

Site and Surroundings

- 2.1 The NCP 'Flightpath' car park sits to the north of the A4 (Bath Road) and to the west of the M4 spur leading to the airport. Currently the site is accessed via the Park Inn (Radisson) Hotel and Conference Centre service road which leads around the rear of the hotel and over a single-track bridge over the M4 spur. A secondary access exists between nos. 47 and 49 Sipson Way. It is understood that this is used for emergency access only.
- 2.2 The car park provides 630 vehicle spaces as well as 4 accessible spaces, and a shuttle bus operates between the site and Heathrow Terminals 2 and 3.
- 2.3 The A4 (Bath Road), onto which a new access is now proposed, is a dual carriageway which falls within the jurisdiction of Transport for London (TfL). The section of the A4 adjacent to the site consists of a single, offside traffic lane for all vehicles and a nearside traffic lane for the use of buses, taxis and cyclists whilst a combined foot/cycleway also crosses the site frontage. The carriageway is subject to a 50-mph speed limit.

Planning History

- 2.4 In 2002 planning permission (Ref. 41632/APP/2002/147) was sought for the relocation of the car park entrance from the rear of the hotel to the Bath Road, in principle the same as the current scheme now proposed. This application was refused by the London Borough of Hillingdon, with the reasons set out as follows:

1. The development represents an unacceptable and inappropriate form of development on a site which fronts a very busy Strategic Road. The applicant

has failed to advance any compelling evidence sufficient to justify the need for a new access point.

2. The development is contrary to the requirement of Policy AM7 of the UDP, which seeks to prohibit developments whose traffic generation is likely to prejudice the free flow of traffic or conditions of general highway or pedestrian safety within the borough.

3. The development is contrary to the requirement of Policy BE38 of the UDP, which seeks to retain and utilise topographical and landscape features of merit within the borough.

2.5 It is noted that the Unitary Development Plan referred to above is no longer in force for development control, having been superseded by the Local Plan Parts 1 and 2. This refusal was appealed (Ref. APP/R5510/A/03/1125426). The Inspector stated that the proposal would be compliant with normal highway design standards and that, whilst a new access would inevitably increase the potential for conflict among different road users, there was no reason to conclude that the scheme would materially prejudice the free flow of traffic or highway safety.

2.6 The Inspector judged that the necessary loss of two Plane trees would be offset by proposals to improve the planting within the landscape strip in front of the site, including the introduction of new trees, which would result in the improved visual amenity of the area. In terms of other material considerations, the Inspector assessed the site's accessibility. Of significance, the Inspector made the following comments in relation to the existing site access via the hotel service road:

"...there is no doubt in my mind that the present access to the car park has significant shortcomings. It runs via the service road of the Meridian Hotel and, whilst it is very convenient for the M4 spur, the quality of the access in terms of its width, alignment and potential for conflict with service traffic accessing the hotel is

poor...the entrance itself is very much ‘tucked away’ at the rear of the hotel and any motorist missing the turn onto the A4 slip or the hotel entrance could easily end up making a significant detour to return. Shuttle buses ferrying the passengers to the terminals also need either to travel via the service road, with speed humps and the potential for delays if conflicts with hotel service traffic occur on the narrower sections of the route, or via the secondary access and Sipson Way.”

- 2.7 Having considered the relevant policies of the development plan and other material considerations, the Inspector concluded that the overall convenience for passengers using the site would be improved by the proposal, whilst for shuttle buses and their passengers the new access would represent a significant improvement. No conflict with the development plan was found and the appeal was allowed. However, the permission was not implemented and has now lapsed.
- 2.8 As part of the appeal process it became apparent that the site did not benefit from lawful use as a car park, although the Inspector noted that the use had carried on for many years and that the Council did not consider it expedient to undertake enforcement action. In 2010 a Certificate of Lawful Development (Ref. 41632/APP/2010/2428) was therefore sought and granted to confirm lawful use of the site as a car park, based on evidence that it had been in continual use as such for over ten years.
- 2.9 In 2010 another application (Ref. 41632/APP/2010/2301) was submitted, again seeking a new vehicular access to the site from the A4 Bath Road with a scheme that was identical to that granted on appeal in 2004. TfL’s specific objections to the 2010 scheme were as follows:

“1. The proposed vehicular access would obstruct and endanger buses pulling out from the bus stop located 15 metres to the west.

2. The proposed vehicular access would result in the loss of existing trees on the public highway which would be detrimental to the landscape and environment.

3. The design of the junction does not take into account the needs of people with disabilities.”

2.10 In spite of this objection, the Planning Officer concluded that, in light of the Inspector’s comments, it would not be reasonable to withhold planning permission. Planning conditions were imposed to secure details in terms of provision for disabled people and hard and soft landscaping, whilst use of the Sipson Way access was restricted to emergency use only. This permission was not implemented and has now lapsed.

2.11 More recently, in September 2017, the London Borough of Hillingdon issued a written pre-application response (Ref. 41632/PRC/2017/142) regarding this proposed new access onto the A4 Bath Road. The Local Authority confirmed that, in light of the previous appeal decision allowing the proposal, it was not considered reasonable for the authority to refuse permission despite an objection from the highway authority. This same proposal was put forward again for consideration at pre-application stage in 2018 (Ref. 41632/PRC/2018/249). It is not clear whether a formal written response was provided by the Local Planning Authority, although a written response from TfL confirms that they would object to the proposal in principle as it would introduce a new access onto the TLRN.

2.12 All objections raised by TfL, both within these pre-application responses and in relation to previous applications, are addressed within this Planning Statement and the accompanying Transport Statement (TS) prepared by Mayer Brown.

3. Application Proposals

- 3.1 We hereby submit an application for planning permission for the following development:

“Provision of a new vehicular access to existing NCP Car Park via A4 Bath Road.”

- 3.2 As above, the application site benefits from a lawful planning use as a car park but is currently reliant on access via the hotel service road. As set out by the Inspector in 2004, this is far from ideal as the route is circuitous and challenging to signpost, making the access unwelcoming and the car park difficult to find for passengers wishing to use it. In addition, conflict with vehicles servicing the hotel can cause blockages and delays. The secondary access on Sipson Way is via a residential road and is often obstructed by parked vehicles. It is not considered suitable for use as anything other than an emergency access, which is what NCP currently use it for. The applicant is content to accept a suitably worded planning condition restricting this to an emergency access only for the future.
- 3.3 This proposal for a new access via the A4 has been granted twice previously, as outlined within Chapter 2 of this report. However, neither the 2002 permission won on appeal nor the subsequent 2010 permission were implemented. This was because National Car Parks (NCP) ownership changed hands over recent years, leading to a revised asset management strategy that meant funding for the revised access simply wasn't available in the time between grant and expiry of these permissions. The site's current owners (Aprirose), in conjunction with NCP, now want to ensure that this site is as accessible as possible for passengers at Heathrow Airport. This is a particular focus considering the COVID pandemic, as all parties are keen to work together to secure rapid recovery for the economy, including around the key sector of air travel.

- 3.4 This application therefore proposes a new left-in/left-out (LILO) junction to provide access to the car park from the A4 Bath Road, as granted by previous approvals set out within Chapter 2 above. Although this access will require a break in the eastbound bus lane, this has been kept to a minimum to ensure no adverse effect on the operation of the bus lane, and the proposed junction has been fully modelled to ensure that all vehicles will be able to safely access and egress the offside lane when utilising the proposed access. In addition, it is proposed to reduce the vehicle speed limit along this stretch of the A4 at from 50mph to 40mph. Vehicle speed data shows that vehicles are already travelling at 40mph in this location, and this application now seeks to formalise and reinforce this longer 40mph stretch of road. The proposed new access is set out in full detail within the Transport Statement and drawings that accompany this report.
- 3.5 The key motivation behind this proposal is to increase the accessibility of the existing off-airport parking facility. As set out by the Inspector in 2004, accessing and egressing the car park via the A4 will not only make it easier for users to find and access the car park, but will also cut out the circuitous route for the shuttle buses taking people to the airport. In addition, the proposals will allow for the halving of the number of bus movements using the A4/Sipson Road/Nene Road junction which is a complex and congested signal junction.
- 3.6 Through the provision of an easy-to-find, accessible facility and a more rapid shuttle bus trip, removing the potential for conflict with hotel traffic, the NCP car park will provide a significantly improved offer for holiday makers and business travellers using Heathrow Airport. As confirmed within the Transport Statement (TS) and modelling contained within that document, the proposal will not result in any additional traffic on the highway network and will have a negligible impact on the A4 Bath Road in terms of capacity or queuing.

- 3.7 Highways safety and the safety of all road users, including buses, cyclists and pedestrians has been assured through the new junction design, and this is set out in detail within the TS. Appropriate visibility splays are achieved to ensure no increased risk of collision with, or interference to, bus movements. In terms of pedestrians and cyclists, the proposed junction is designed to replicate the existing junction at Bath Road/Sipson Way which is currently navigated by cyclists and pedestrians without any safety concern, as demonstrated by the accident data set out within the TS.
- 3.8 Although the junction has been designed to minimise tree loss wherever possible, the scheme now proposed will inevitably result in the loss of two trees within the highway verge as well as a section of planting within the site. In recognition of this, the applicant is willing to commit to the replacement planting of the trees lost. It is anticipated that a detailed planting plan will be agreed with the Council at a later stage, and this can be secured by way of an appropriately worded planning condition.

4. Planning Policy Context

Overarching Planning Policy Framework and Status

- 4.1 Under Section 38(6) of the Planning and Compulsory Purchase Act 2004, “if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Act the determination must be made in accordance with the plan unless material considerations indicate otherwise.”
- 4.2 Although not part of the development plan, The National Planning Policy Framework (NPPF) must be considered in the preparation of local and neighbourhood plans and is a material consideration in the determination of planning decisions. The NPPF was first published in March 2012 and was most recently updated in February 2019, and forms the overarching national planning policy guidance in the assessment of this application. The central tenet of the NPPF is a ‘presumption in favour of sustainable development’.
- 4.3 The development plan consists of the London Plan 2021, Local Plan Part 1 – Strategic Policies, adopted in November 2012 and Local Plan Part 2 – Development Management Policies and Site Allocations and Designations, adopted in January 2020. The Local Plan Policies Map was updated in 2020 to reflect the allocations and designations within Local Plan Part 2.

National Planning Policy

- 4.4 Paragraph 109 of The National Planning Policy Framework (NPPF) confirms 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.”*** The NPPF makes no specific mention of airport parking.

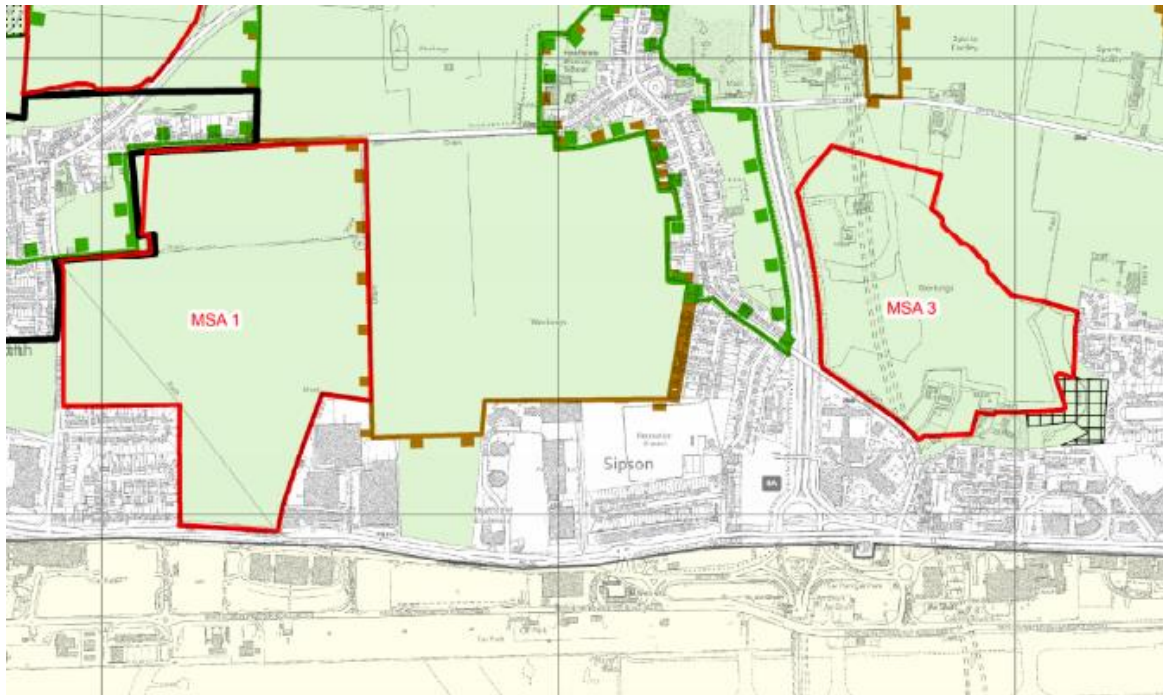
The London Plan

- 4.5 The new London Plan, published in March 2021, contains guidance in relation to transport and highways matters at Chapter 10.
- 4.6 Policy T4 requires development proposals to be supported by a Transport Statement or Assessment and seeks to ensure that proposals identify and mitigate any transport impact they may cause. Development proposals should not increase road danger. A Transport Statement accompanies this application as required, confirming that no additional traffic will be generated as a result of this proposal and that there will be no detrimental impact to road safety.
- 4.7 Policy T8 outlines the Mayor's support for the role of London's airports in enhancing the city's spatial growth. The Policy is not of direct relevance to this proposal, being related to development of airports specifically. However, the Policy does stress the need for airport operators to work with TfL and other transport providers and stakeholders to ensure straightforward, seamless and integrated connectivity, improved facilities and inclusive access. This should increase the proportion of journeys that passengers and staff make by sustainable means. The revised access arrangements now proposed meet these policy aims; making it easier for passengers to choose to leave their cars outside of the airport and use shuttle buses instead.

Local Planning Policy

- 4.8 The Local Plan Proposals Map indicates that the application site is unallocated (white) land sitting to the north of the Heathrow Airport boundary, as shown at Figure 1 below:

Figure 1: Extract from Local Plan Proposals Map



- 4.9 Local Plan Part 1 recognises (Pg. 11) that rising passenger numbers at Heathrow Airport will bring added pressure to the road network and to public transport capacity which will need to be recognised and addressed. This issue is directly addressed by the revised access currently proposed.
- 4.10 Paragraph 8.7 of Local Plan Part 2 states that development proposals should be accompanied by Transport Assessment/Statements to allow transport impacts to be properly identified and addressed, and that traffic modelling may be required to demonstrate no impact on road safety and the flow of traffic. As above, a transport Statement and relevant modelling has been undertaken and is submitted in support of this scheme.
- 4.11 Local Plan Policy DM1 is not considered to be of direct relevance to the proposal as it relates to the transport impacts arising from non-transport types of development.

Nevertheless, the matters considered within the policy such as impacts on noise and amenity, accessibility for pedestrians/cyclists/public transport and inclusive access for disabled people will all be considered further within Chapter 5 of this report.

- 4.12 Local Plan Policy EM4 states that the Council will seek to protect existing tree and landscape features. Policy DMHB14 requires all developments to retain or enhance existing landscaping, trees, biodiversity or other natural features of merit. This policy also requires planning applications that would affect existing trees to provide an accurate tree survey. Where trees of merit are identified these must be protected and where trees are to be removed proposals for replanting should be provided. Although some street trees will be lost as part of this proposal, this is justified within the accompanying Arboricultural Report and within Chapter 5 of this statement. In addition, the applicant is happy to undertake replanting as appropriate.

5. Planning Analysis

- 5.1 This Planning Analysis section considers the merits of the application proposals in terms of policy compliance and other material planning considerations. Section 38(6) of the Planning & Compulsory Purchase Act 2004 provides further clarification on the correct policy approach, stating that:

“If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Act the determination must be made in accordance with the Plan unless material considerations indicate otherwise.”

- 5.2 Applying the approach advocated under s.38(6), the starting point for assessment must therefore be consideration of the relevant policies of the Development Plan. These are considered below under the following headings:

- a) Delivering improved access and connectivity;
- b) Impact on highway safety;
- c) Impact upon amenity, public transport, walking and cycle infrastructure; and
- d) Impact on trees and landscaping.

a) Delivering Improved Access and Connectivity

- 5.3 It was clearly acknowledged by the Planning Inspector in 2004 that “the present access to the car park has significant shortcomings.” As previous grants of permission for this alternative access from the A4 have not been implemented, this remains the case. The current access via the hotel is narrow, circuitous, difficult to signpost and carries the potential for delay to both cars and shuttle buses arising from conflict with hotel servicing/delivery traffic.
- 5.4 This proposal seeks to provide significantly improved access to the car park. It will result in a reduced journey distance for shuttle buses going to and from the airport
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and, as concluded by the Inspector in 2004, “for [shuttle buses], and the passengers they carry, the proposed new access would represent a significant improvement.” The benefits in delivering improved connectivity to the airport are clear and meet the aims of both London and local planning policy, particularly those within London Plan Policy T8, outlined at paragraph 4.7 of this report.

b) Impact on Highway Safety

- 5.5 The Transport Statement forming part of this application makes it clear that the proposed junction, which has been fully modelled and tracked, can safely accommodate a variety of vehicle sizes, and that there is no evidence to suggest the proposals will materially and detrimentally impact the level of traffic accidents in the area. It is confirmed that the proposed new access will not generate any additional traffic on the surrounding road network, nor will it have any impact on the free flow of traffic along the A4 Bath Road.
- 5.6 In addition, the proposal includes the extension of the 40mph speed limit, formalising slower vehicle speeds to further promote highways safety.

c) Impact on Amenity, Public Transport, Walking and Cycle Infrastructure

- 5.7 As confirmed within the 2017 pre-application response, the proposal is unlikely to harm the amenity of nearby occupiers given that the new access will be onto the A4 and that there are no immediately adjacent noise sensitive uses, including residential accommodation. At pre-application it was noted that the use of Sipson Way as an egress for the car park would be resisted as this could potentially cause amenity issues. Use of Sipson Way is no longer proposed and, as above, the applicant is happy to accept a suitably worded planning condition restricting Sipson Way to emergency access only.

- 5.8 In terms of buses, it is confirmed above and within the TS that appropriate visibility splays are provided to ensure good visibility between emerging vehicles and the bus stop. Although the new access will inevitably cut across the bus lane, no traffic will be forced into the bus lane and so there will be no impact to the free flow or operation of the buses.
- 5.9 For pedestrians and cyclists, the existing footway will of course be interrupted, although it is worth noting that cycle use is low in this area. However, it is anticipated that the proposed junction will be the same or easier to navigate for pedestrians and cyclists than the existing Bath Road/Sipson Way junction, which accident data reveals to be a safe crossing point. As part of the scheme, the applicant is happy to resurface the pedestrian and cycle path including the provision of the necessary tactile paving, dropped kerbs and refuge to ensure that the needs of disabled and the mobility impaired are fully met.

d) Trees and Landscaping

- 5.10 It is acknowledged that the proposal will result in the loss of two trees which currently form part of the public realm planting alongside the A4; a Norway Maple and a London Plane. In addition, a section of the mixed species planting within the site will be removed to facilitate the new access road. None of the trees to be impacted are subject to a TPO. This application is accompanied by an Arboricultural Impact Assessment (AIA) prepared by Tamla Trees, which fully assesses the likely impact of the proposals.
- 5.11 The submitted AIA confirms that the two street trees to be removed are a Category B and a Category C tree, whilst the group within the site are also Category B. All proposed works will remain outside the RPA's of further trees and therefore no other trees will be impacted as a result of the proposals. All tree protection measures outlined within the AIA will be fully implemented during works.

Planning Analysis Summary

- 5.12 This application clearly demonstrates that the existing means of access to the NCP Heathrow car park is unsuitable, limiting accessibility and making the car park difficult to find, as well as resulting in unnecessary delays and the potential for conflict with hotel traffic. These challenges were accepted by the Inspector at the 2004 appeal.
- 5.13 The application shows that the proposed new access onto the A4 will have no impact on the surrounding highway network in terms of traffic generation or road safety. In addition, the proposed junction design appropriately addresses the existing public transport, pedestrian and cycle network to ensure that these are not unduly interrupted and that appropriate safety considerations are fully met.
- 5.14 The proposals will cause no detrimental impact to residential amenity and, although they will result in some loss of trees, these trees are of limited value and their loss is not considered significant, as confirmed by the accompanying AIA. Nevertheless, to mitigate their loss the applicant is happy to provide replacement planting as advised by Tamla Trees, and a detailed landscaping plan can be secured through use of a suitably worded planning condition.

6. Conclusions

6.1 The planning analysis above has demonstrated the following:

- The existing access to the car park is not fit for purpose and results in reduced accessibility, unnecessary delays and the potential for vehicle conflicts;
- The proposed alternate access would address all of these issues, crucially providing a much-improved service via the shuttle bus;
- The proposed new junction would not result in any additional journeys on the road network, nor would it negatively impact on road safety. An extension to the 40mph restriction is proposed to formalise reduced traffic speeds whilst still maintaining the free flow of traffic;
- The junction has been designed to ensure there will be no conflict with buses, pedestrians or cyclists and there is no reason to suspect that accidents will increase as a result of the proposal;
- The needs of disabled people and the mobility impaired have been fully taken into account;
- Residential amenity will not be impacted by the proposal; and
- Minimal loss of trees will result, however the trees impacted are of low value and mitigation will be provided by way of replacement planting, to be secured through use of planning conditions.

6.2 The NPPF clearly states at paragraph 109 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.”*** This application demonstrates that impacts arising from the proposal would not in any way be unacceptable or severe. The proposal is in full accordance with the development plan, and it is therefore concluded that the application should be granted in accordance with the proper application of the NPPF and Section 38(6) of the Planning & Compulsory Purchase Act 2004.

NTR Planning Ltd
March 2021