



Note

1071 Southampton Road East – Car Parking

Introduction

This note has been prepared by Quod on behalf of Tritax (the Applicant) in response to comments received from London Borough of Hillingdon (LBH) and Transport for London (TfL) regarding car parking in relation to application ref 51743/APP/2026/1267. The comments are quoted below for reference.

LBH Comments:

Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The published London Plan 2021 does not contain parking standards for B2 (general industry) and B8 (storage and distribution) employment uses advising that Highway Authorities refer to the Office Parking standards contained under Policy T6.2 Office Parking whilst “taking account of the significantly lower employment densities in such developments”.

Policy T6.2 allows office uses in outer London to provide a maximum of 1no. space per 100sqm GIA, the office component of the development could therefore provide a maximum of 10no. car parking spaces.

As mentioned above there would be 11,652 sqm of B2/B8 which if an office land use would allow 117no. car parking spaces but as it would be general industry/storage and distribution floorspace the Highway Authorities view is that a maximum of 40no. car parking spaces could be provided. The conversion of the offices parking standard to B2/B8 has been calculated using the guidance offered in the document “Employment Densities Guide, Homes and Communities Agency, November 2015”. As mentioned above the proposal would benefit from 10no. car parking spaces on-plot and a further 280no. spaces within the MSCP.

In accord with Hillingdon’s Local Plan: Part 2 DMT6 policy and parking standard there is a requirement for electric vehicle charging points (EVCPs) which would equate to a minimum provision of 5% active charging infrastructure with a further 5% acting as 'passive' provision for future activation. As mentioned above, all the 10no. spaces outside of the MSCP would provide a charging facility, this accords with the development plan standard and is accepted.

Six of the 10no. on-plot parking spaces would be designated as disabled persons parking which conforms with the London Plan 2021 Policy 6.5 Non-residential disabled parking.

TfL Comments:

Occupiers of the proposed development will have access to a total of 290 car parking spaces. 10 of these are provided on site, with a further 270 accessed within the adjoining multi-storey car park. The submitted material indicates that this car park is managed via ANPR, with staff required to pre-register their number plate to use the car park.



Part L of Policy T6 of LP2021 is clear that where sites are redeveloped, parking provision should reflect the current approach and not be re-provided at previous levels where this exceeds the standards set out in Policy T6. Noting the sites location within an outer London Opportunity Area, in line with London Plan standards a maximum of 20 car parking spaces should be provided. As such, the proposal to provide access to 290¹ car parking spaces is significantly above London Plan standards and is not supported by TfL.

Further to this, all developments should be supporting the Mayor's strategic mode shift target as set out in Policy T1 of LP2021. It is TfL's view that the excessive level of parking will not support achieving such a strategic modal shift, as such is considered to be contrary to Policy T1. The focus of the site should be on promoting accessibility via sustainable and active travel, rather than via private vehicle.

The applicant has also indicated that over a 24 hour period only 100 staff will be on site. The applicant have estimated that 65% will use vehicles to access this site, with a further 35% using sustainable and active travel. Notwithstanding the concerns on how such a mode shift was arrived at detailed in the trip generation section below, the level of car parking provision well exceeds the forecast demand for staff traveling by car. Given the number of spaces available, it would be possible for all staff to travel by private vehicle if they chose to do so, further reinforcing TfL's concerns that the development would not support the strategic mode shift sought by London Plan policy.

Policy T2 of the LP2021 also seeks to ensure that developments proposals should reduce the dominance of vehicles on London's streets whether stationary or moving. In light of the significant level of parking associated with the proposal, it is unclear how the proposed development will be in line with Policy T2 D(2).

Noting the above, the current proposal, which would provide access to 290 car parking spaces, is not supported by TfL.

TfL and LBH both raise concern that the application provides, or provides access to, a total of 280 car parking spaces within the adjacent Multi Storey Car Park (MSCP), which is considered contrary to Policy T1, Policy T2(D)(2) and Policy T6 (Part L) of the London Plan. As explained below, these objections fundamentally mischaracterise the relationship between the proposed development and the MSCP: the proposed development does not provide, create, or bring forward any of those spaces, which are pre-existing spaces authorised by a separate permission on land outside the application site and should not be associated with the policy compliant provision being made pursuant to this application.

As a result of this concern we understand TfL and LBH are suggesting that the existing parking arrangement within the MSCP should be altered to reduce the number of spaces permitted for use by the site so as to align with the 2021 London Plan parking standards.

Having carefully considered these comments, we do not consider such a change or restriction to be reasonable, or capable of being lawfully secured through this application, for the reasons set out below.

¹Incorrect figure quoted by TfL, should refer to 280.



Relevant Policy Framework & Background Context

Adopted London Plan (2021)

The London Plan policies referenced by TfL and LBH are summarised below and included in full at Appendix 1.

Policy T1 (Strategic approach to transport) supports delivery of the Mayor's strategic target of 80% of all trips in London to be made on foot, by cycle or by public transport by 2041.

Policy T2 (Healthy Streets) Part D, requires development proposals to reduce the dominance of vehicles on London's streets, whether stationary or moving.

Policy T6 (Car parking) Part D, confirms the maximum standards in Policies T6.1–T6.5 should be “*applied to development proposals*”. Part L states that: “*Where sites are redeveloped, parking provision should reflect the current approach and not be re-provided at previous levels where this exceeds the standards set out in this policy*” (our emphasis).

Policy T6.2 (Office Parking) states that “*car parking provision at Use Classes Order B2 (general industrial) and B8 (storage or distribution) employment uses should have regard to these office parking standards and take account of the significantly lower employment density in such developments*” (our emphasis). Part F states that operational parking requirements should be considered on a case-by-case basis.

MSCP Permission

In March 2016, outline planning permission Ref No 65688/APP/2016/94 (MSCP Permission) was granted for the erection of the MSCP which is located to the east of the application site, for use specifically by Gate Gourmet and British Airways Staff.

In September 2021, a Section 96a application Ref No: 65688/APP/2021/2709 (September 2021 NMA) was approved for non-material amendments to Conditions 2, 3, 10 and 13 of planning permission ref 65688/APP/2016/94 to allow the 280 car parking spaces to be used by those working in connection with business operations at the site (rather than limited to Gate Gourmet). The wording now states:

“No more than 1,022 parking spaces in total shall be provided on the multi storey car park (MSCP) hereby approved. These car parking spaces shall only be used by employees at land known as Building 1071 and British Airways. A maximum of 280 of these car parking spaces (all ground floor and part first floor) shall used by those employees working in connection with business operations at land known as Building 1071, Southampton Road East, Heathrow Airport. A maximum of 742 car parking spaces shall be used for those working in connection with business operations at the BA Cargo Campus site by those working in connection with business operations at the BA Cargo Campus site, Southampton Road East, Heathrow Airport”

As amended, the condition therefore restricts use of the 1,022 spaces to land known as Building 1071 (i.e. the site) and British Airways, and expressly allocates a maximum of 280 spaces (all ground floor and part first floor) for employees working in connection with business operations at the site, with the remaining 742 spaces allocated to the BA Cargo Campus site.



The September 2021 NMA also introduced new wording (identified on the Decision Notice as ‘5’) confirming that the changes made to conditions 2, 3, 10 and 13 apply to any future permissions varying the original MSCP Permission, and that the reasons for each condition remain as per the original consent. LBH therefore deliberately fixed this allocation to run with the life of the MSCP Permission, including through any future variation.

The current London Plan was adopted in March 2021, before the application for the September 2021 NMA was submitted (July 2021) and determined (September 2021). The 280 spaces allocated for the site was therefore assessed and approved by LBH under the same parking standards and policies referred to in the comments received from TfL and LBH.

The 2021 NMA was therefore a recent and considered determination by LBH of the very same parking allocation now challenged. TfL and LBH are, in substance, asking the Council to reverse its own recent decision without identifying any material change in policy, circumstances or evidence. That would be inconsistent and unreasonable decision-making.

Assessment

The wording of London Plan Policy T6 and T6.2 makes it clear that the requirements apply to car parking being *provided* by development proposals. The language of Policy T6 is deliberate: “development proposals”, “parking provision” and “re-provided” all contemplate new parking being created or otherwise brought forward by the applicant as part of the relevant development. They do not extend to pre-existing, third-party facilities over which the applicant has no ownership, control or planning interest. Policy T6 therefore cannot properly require this application to account for, or restrict use of, the spaces separately permitted under the MSCP Permission. In addition, Policy T6.2 itself recognises that B2 and B8 uses have significantly lower employment densities than office uses. Even if the spaces permitted by the MSCP Permission were relevant (which they are not), a rigid application of office-based standards would be inappropriate for this development, and the assessment must take account of the materially lower employment density and operational characteristics of B2/B8 uses.

In this application, the 10 operational spaces on-site are the entirety of the parking provision made by the application. Those 10 spaces are fully compliant with the standards set out in Policy T6.2; no other parking is provided by this application.

The 280 spaces within the MSCP are not provided, proposed, or otherwise brought about by this application, nor is access to them directly provided by the application. They pre-date this application, exist independently of it under the extant, lawfully implemented MSCP Permission, and will continue to exist regardless of whether this application is granted or refused. The application does not create those spaces and cannot properly be treated as the source of them.

The ability for employees working in connection with business operations at the site to use the spaces arises from the separate MSCP Permission and a private commercial agreement with the MSCP operator, both independent of this planning application and capable of continuing (or not) regardless of its outcome. The planning system has no jurisdiction over private contractual arrangements between the relevant private parties. This application neither creates nor varies that agreement, and any attempt to regulate or restrict it through a planning condition attached to this permission would be *ultra vires* in the planning system. There is nothing for this permission to “provide”: the spaces exist, are lawfully permitted, and access to them is a matter of contract, not something this application brings about.



Treating an existing, separately permitted third-party facility as though it were parking *"provided"* by the development conflates two legally and factually distinct things and is not supported by Policy T6, which is framed around development proposals and new provision. TfL's and LBH's approach would also set a dangerous precedent: if accepted, any applicant whose employees happen to park in a nearby commercial car park could be treated as "providing" that parking, regardless of having no planning interest in those spaces.

Furthermore, Policy T6 and T6.2 were already engaged and satisfied when the Council determined the September 2021 NMA, after the London Plan 2021 had been adopted, and concluded that the 280-space allocation, alongside the wider 1,022-space cap, was acceptable. The Council cannot reasonably take a different view of the same 280-space allocation under the same policies after approving such use, particularly where there has been no material change in policy, circumstances or evidence. The 2021 determination provides a compelling consistency point and gives rise to an expectation that the allocation will not be treated as unacceptable through this unrelated application. The comments from TfL and LBH are therefore, in effect, inviting the Council to reverse its own recent decision without a proper basis.

National Planning Practice Guidance requires that conditions attached to a planning permission must be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects. These six tests are well-established, and each must be satisfied before a condition can properly be imposed.

A condition purporting to reduce the number of MSCP spaces available to employees working in connection with business operations at the site, or to restrict access to them, would fail multiple tests. It would not be necessary: the MSCP spaces are already lawfully permitted under the extant MSCP Permission. It would not be relevant to the development being permitted: the spaces relate to a different site, on land outside the application site. It would not be enforceable: the applicant has no legal ability to restrict spaces on third-party land, vary a condition attached to the MSCP Permission, or unilaterally alter the private commercial agreement with the MSCP operator. It would also be unreasonable to use a planning permission for this application to regulate a separately permitted facility. Any change to the extant parking allocation must instead be addressed through the proper process for the MSCP land and/or the relevant contractual arrangements; neither can be determined by this application.

Notwithstanding the above, the car parking proposals are not only in compliance with Policy T6 and T6.2, they also accord with the strategic objectives set out within Policy T1 and T2, which support a strategic, London-wide mode shift target and a reduced dominance of vehicles on London's streets. The Framework Travel Plan demonstrates the applicant's genuine commitment to mode shift and provides a package of measures designed to encourage more sustainable transport behaviour, including targets for achieving a public transport mode shift and commitments to promote, measure and monitor compliance with those targets. The 10 on-site spaces — the only spaces provided by this application — represent a car parking ratio well below the maximum standards and demonstrate that the development itself actively supports mode shift. The existence of the MSCP, as a pre-existing facility independent of this application, does not undermine that commitment.

In summary, the 280 MSCP spaces are not provided, proposed, or secured by this application. They are pre-existing, separately permitted spaces on land outside the application site and outside the applicant's ownership, which the applicant may access under an independent commercial agreement with the MSCP operator. That arrangement was not created by this planning application, and its extant planning basis was considered and confirmed by the Council under the current London Plan framework in September 2021. The 10 on-site spaces are the entirety of the parking provision made by this application, and granting permission would not authorise any additional parking beyond



those 10 spaces. There is no reasonable planning basis for treating pre-existing, third-party parking as a ground for refusal, and TfL's and LBH's objections cannot properly justify withholding planning permission.