

Appeal Decision

Site visit made on 5 September 2016

by Caroline Mulloy BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11th November 2016

Appeal Ref: APP/R5510/W/16/3150620

West London Industrial Estate, Iver Lane, Uxbridge, Middlesex UB8 2JE

- 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 Speedy Hire Plc against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 751/APP/2015/335, dated 27 January 2015, was refused by notice dated 19 November 2015.
 - The development proposed is continued use of the site for B8 purposes with new storage and ancillary workshop and office buildings, car parking, external storage area and new access to Wallingford Road.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Speedy Hire Plc against the Council of the London Borough of Hillingdon. This application is the subject of a separate Decision.

Procedural Matters

3. The workshop, office unit, two 'Jack Leg' cabins and the parking spaces were in place at the time of my site visit, although the layout of the parking spaces differs from the plans. As the works have been partially implemented, I have dealt with the appeal on this basis.
4. A Transport Appeal Statement (TA) was submitted with the appeal which includes information which was not before the Council when it determined the application. The Council have had the opportunity to comment on it and consequently I do not consider that the interests of anyone would be prejudiced by accepting it. I have dealt with the appeal on this basis.

Main Issues

5. The main issues in this case are:
 - The effect of the development on the living conditions of the occupiers of Cowley Mill Road with specific reference to noise; and
 - The effect of the proposal on highway safety.
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Reasons

Noise

6. The appeal site is situated within West London Industrial Park on the northern side of Iver Lane. The site is designated as an Industrial and Business Area (IBA) within the Hillingdon Local Plan. The industrial estate is divided into a number of plots which are predominately used for open storage. The site is rectangular in shape and is accessed currently from Iver Lane.
7. Historically the site has been accessed via Iver Lane to the south. It is intended to access the site via Wallington Road, between the former Cape Boards site in the south and Uxbridge Industrial Estate to the north. The Speedy Hire vehicles would be entering the site via Wallingford Road and Cowley Mill Road, where due to the weight restriction on the adjacent bridge, they would be prohibited from turning right onto Cowley Mill Road in order to head east. As a result, much of the site traffic would head west along Cowley Mill Road. The site is to be operated on a 24 hour basis and the Council is concerned about the potential noise impacts of the increased vehicular movements on the residents of Cowley Mill Road.
8. A noise impact assessment (NIA) was submitted with the application. Noise measurement surveys were carried out at four locations in order to determine the ambient noise levels. It concluded that noise levels were already higher than the World Health Organisation (WHO) guideline criteria for night time noise, approximating this to be 12-16dB higher. The noise levels of the 7 specific types of vehicles which are to be used at the site were measured at a sister site. It was assumed that each of the 7 vehicles would make 2 return trips to and from the site during a busy 8 hour night time period. During this period noise levels at each of the residential properties would be $L_{Aeq, 8hr}$ 52dB which exceeds the WHO guideline criteria. It is pointed out that this represents a worst case scenario and that it is unlikely that there would be this many vehicle movements at night.
9. The NIA concludes that as the existing ambient noise levels are already 12dB to 16dB higher than the WHO Guideline criteria during the night time that the noise impact would be low. During the period 0500-0700 the contribution from Speedy Hire vehicles would be $L_{Aeq, 2hr}$ 55dB which is 8-10dB (A) lower than the existing ambient noise levels during this sensitive period. It goes on to say that there would be no increase in ambient noise levels at Cowley Mill Road and that there would be an increase in ambient noise levels at Waterloo Road and 34 Andover Close of 1dB. It is generally accepted that noise levels would have to increase by 3dB for a change to be perceived. The NIA, therefore, concludes that as there would be a minimal change in ambient noise levels the proposal would not have a materially harmful affect on the residents of Cowley Mill Road.
10. The Council are concerned that the NIA does not cover weekend period when ambient noise levels are likely to be lower. The appellant clarifies that the NIA does not cover the weekend period when ambient noise levels are likely to be lower which is due to the fact that movements would be significantly less as the site would only be used at weekends for emergencies. This is supported by evidence from the Speedy Hire plant in Uxbridge which shows that the number of out-of-hours emergency call-outs at the Uxbridge plant is low.
11. However, the NIA does not cover the period 0100-0400 on a weekday either when ambient noise levels are likely to be at their lowest and the noise differential with Speedy Vehicles is likely to be at their greatest. The NIA appears to be silent on this point and there is no explanation for why the period 0100-0400 period during

the week was not covered. Due to the lack of evidence, I cannot be certain that the proposal would not result in an unacceptable increase in noise levels during this sensitive night time period.

12. The Council point out that the noise impact assessment has been carried out in terms of an average over a 2 hour and 8 hour period which means that high individual noise impacts will be averaged out over the period. Consequently, it considers that it is necessary to consider the effect of individual vehicular movements expressed in terms the LA_{fmax} at night time. The appellants consider that the predicted Speedy LA_{fmax} levels (DB) would be within the measured LA_{fmax} levels at receptor locations around the appeal site during the period 0500-0700 when the highest number of vehicle movements are likely. However, I note that the LA_{fmax} levels would be above the WHO LA_{fmax} level guidelines of 60dB at night time. Furthermore, whilst the predicted Speedy LA_{fmax} levels would be within the existing LA_{fmax} levels there would, nevertheless, be an increase in the number of individual noise events.
13. The background survey has not included sensitive receptors on the canal i.e. moored barges. However, I agree that as canal boats are not permanently fixed dwellings that this would not be appropriate. The Council also states that the proposal should be assessed against BS 442:2014 however, I agree that this would not be relevant as paragraph 1.3 of BS 442:2014 states that industrial/commercial sound does not include sound from the passage of vehicles on public roads.
14. The noise survey suggests the existing sensitive receptors are already experiencing high noise levels above the WHO recommended levels. Paragraph 006 Reference ID: 30-006-20141224 of the Planning Practice Guidance suggests in cases where existing noise sensitive locations already experience high noise levels, a development that is expected to cause even a small increase in the overall noise level may result in a significant adverse effect occurring even though little or no change in behaviour would be likely to occur.
15. Consequently, the noise arising from an increase in the volume of traffic would add to the already high levels of noise experienced by residents. Furthermore, on the basis of the evidence before me, I cannot be certain that vehicular movements during the time period 0100-0400 would not have an adverse effect on existing residents. Moreover, there is no evidence before me that any such harmful effects could be mitigated.
16. I, therefore, conclude that there is insufficient evidence before me to demonstrate that the noise arising from additional vehicular movements would not have a significant harmful effect on the quality of life of residents along Cowley Mill Road. The proposal would, therefore, be contrary to Policy EM8 of the Local Plan: Part 1 Strategic Policies (SP) 2012 which, amongst other things, seeks to ensure that noise sensitive development and noise generating development are only permitted if noise impacts can be adequately controlled and mitigated.
17. In addition, the proposal would be contrary to Policy OE1 of the London Borough of Hillingdon Unitary Development Plan (UDP) (1998) (saved Policies 2007) which states that planning permission will not normally be granted for uses and associated structures which are, or are likely to become, detrimental to the character or amenities of surrounding properties or the area generally because of, amongst other things, noise and vibration. Conflict also arises with Policy OE3 of the UDP which states that building or uses which have the potential to cause noise annoyance will only be permitted if the impact is within acceptable levels by engineering, lay-out or administrative measures.

18. Furthermore, conflict arises with Policy 7.15 of the London Plan (2015) states that development proposals should seek to reduce noise. Conflict also arises with the Council's Noise Supplementary Planning Document (SPD) (2006) which sets out measures which seeks to manage noise and minimise its impact on sensitive receptors.
19. Moreover, conflict arises with paragraph 123 of the National Planning Policy Framework (the Framework) which states that planning policies and decisions should aim to avoid noise giving rise to significant adverse impact on health and quality of life as a result of new development.

Highway Safety

20. Historically the site has been accessed from Iver Lane to the south, given that no passage existed via Wallingford Road. The Speedy Hire vehicles would be entering the site via Wallingford Road and Cowley Road, where due to the weight restriction on the adjacent bridge, they would be prohibited from turning right onto Cowley Mill Road in order to head east. As a result, much of the site traffic would head west along Cowley Mill Road.
21. Traffic surveys were undertaken for the junction of Wallingford Road with Cowley Mill Road and the roundabout formed by St John's Road, Cowley Mill Road and Slough Road as a baseline for assessing the two junctions. Capacity assessments were then undertaken for those junctions for the existing situation and for the opening year of the appeal scheme (2016).
22. The site historically operated as a B8 use with no restrictions on traffic movement. The site could theoretically accommodate at least 6,000 sq m gross floor area, although the gross floor area of the appeal scheme is 557sqm. The TA, calculated the potential trip generation on the basis of the theoretical capacity which was undertaken through the use of the TRICS (Trip rate information computer system) database.
23. The appellant has also provided anticipated trip generation for the appeal scheme on the basis of the two operations which run from the site: Speedy Power and Speedy Plant/fencing. The total anticipated peak hour operational trip generation is 76 two way trips per hour. In addition the appeal scheme would generate 14 full-time staff. For robustness it has been calculated that staff would generate 20 arrival trips in the am peak hour and 20 departure trips in the pm peak hour and that these would be generated by car or van. The anticipated trips provided by the appellant is higher than those generated from TRICS and thus the TA has used the appellant's trip information to undertake the TA.
24. It is assumed that all traffic would depart the site and turn left out of Wallingford Road onto Cowley Mill Road taking into account the weight restriction on the canal bridge. It is then assumed that traffic would then be distributed 95% turning right to access the motorway and 5% left. Arrival trips have been assumed to be the opposite of departure.
25. The capacity assessment results for the Wallingford Road/Cowley Mill Road junction demonstrates that the junction currently operates satisfactorily with no queuing and that the junction would continue to operate satisfactorily with the appeal scheme in place with no queuing predicted.
26. The capacity assessment results for the Cowley Mill Road/St. John's Road and Slough Road roundabout shows that the junction operates satisfactorily and with the appeal scheme operational it would continue to operate satisfactorily with a

maximum ratio to flow capacity (RFC) of 0.82 and a maximum queue of 4.4 passenger car units (PCU's). Consequently, the TA concludes that the road network would operate sufficiently with the appeal scheme in place with no effect on queuing and negligible impact on highway capacity at those junctions. On the basis of the survey information and junction capacity assessments I am satisfied that the proposal would not have a harmful effect on the overall capacity of those particular junctions.

27. Nonetheless, the Council is concerned about the impact on the wider road network north of the appeal site. The capacity assessment in the TA focused on the Wallingford Road/Cowley Mill Road and Cowley Mill Road/St. John's Road and Slough Road roundabout. However, I note that the reason for refusal refers to the '*traffic generated on the roads to the north*' and also '*roads/junctions within the local borough highway network*'.
28. The Council consider that the shortest route to the M40 is through Uxbridge Town Centre and Oxford Road (A4020) and points out that the Oxford Road/Sanderson Road junction is currently operating at a saturation level of 149% during peak hours when the acceptable limit is 90%. It also points to the network travelling east on Hillingdon Road towards St Andrew's Roundabout enroute via Park Road to the A40 eastbound being congested. Attention is also drawn to a scheme at the former RAF Uxbridge site which would generate a significant amount of traffic.
29. The appellant challenges some of the Council's assumptions regarding the routing of Speedy Hire vehicles but does not provide any evidence to the contrary. It is merely stated that the most appropriate route would be pre-selected prior to departure. He considers that it is for the Council to consider the existing highway issues; however, the onus is on the appellant to demonstrate that any additional traffic generated by the proposal would not have a harmful effect on the highway network, particularly in light of the proposed new access from Wallingford Road. There is insufficient evidence before me to demonstrate that the proposal would not have a harmful effect on the wider road network north of the appeal site.
30. There are traffic lights on Cowley Mill Road on the approach to the canal bridge, adjacent to the Wallingford Road junction and traffic queues up at this location opposite Wallingford Road. No auto-tracks were provided with the TA and the Council point to the video surveys undertaken for the TA which show that HGV's including articulated lorries turning left out of Wallingford Road have to either encroach on the opposing carriageway/and/or ride over the narrow footway.
31. The Council also point to the video showing queuing vehicles pulling up on the footway to let an HGV through. Indeed there were queuing vehicles at the traffic lights on Cowley Mill Road at the time of my site visit and I also noticed an HGV encroaching on the opposite carriageway in order to turn left onto Cowley Mill Road.
32. There have been 3 slight incidents at the junction although the exact causes of these accidents are unknown. The appellant considers that there is no information contained within the crash reports to suggest that the accidents were due to the layout of the highway. None of the accidents involved a vehicle larger than a car. Nevertheless, it is clear that large vehicles have difficulty negotiating this junction given the significant damage to the road surface and inner kerb which indicates that they have to mount the inner kerb/pavement in order to turn left out of Wallingford Road onto Cowley Mill Road.
33. On the basis of the evidence before me the proposal would result in a significant intensification of the use of this junction, particularly by larger vehicles, with

predicated peak hour operational trips (Speedy hire vehicles excluding staff trips) of 76 two way trips per hour compared to the existing use of the junction which is shown at Appendix A of the TA. The Council point out that there is insufficient land within the public highway to improve this junction and those improvements cannot be made without acquiring third party land. Consequently, I share the Council's concerns that the intensification of use arising from the development would exacerbate the existing concerns of vehicular and pedestrian safety at this junction.

34. The appellant suggests that the issue could be addressed through the introduction of a yellow box junction which could be required by way of a condition. However, no details of such an approach are before me and I am not persuaded that it would address my concerns regarding the intensification of use of this junction by larger vehicles and the encroachment of vehicles onto the pavement and opposite carriageway.
35. Attention is drawn to bullet point three of paragraph 32 of the Framework which states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. However, bullet point two of same paragraph states that decisions should take account of whether safe and suitable access to the site can be achieved for all people.
36. I have concluded that the proposal would not have a harmful effect on the Wallingford Road/Cowley Mill Road junction and Cowley Mill Road/St John's Road and Slough Road roundabout in terms of highway capacity. However, for the reasons stated above, I conclude that the proposal would have a harmful effect on highway safety at the Wallingford Road and Cowley Mill Road junction in terms of the intensification of unsafe vehicle manoeuvres and the potential for vehicular conflict and vehicular/pedestrian conflict. Furthermore, there is insufficient evidence before me to demonstrate that the proposal would not have a harmful effect on the wider road network.
37. The proposal would, therefore, be contrary to saved Policy AM7 of the UDP which states that the local planning authority will not grant planning permission for developments whose traffic generation is likely to unacceptably increase demand along roads or through junctions which are already used to capacity or prejudice the free flow of traffic or conditions or general highway or pedestrian safety.

Other matters

38. It is acknowledged that the development has economic benefits in terms of the contribution which it makes to the local economy. However, notwithstanding the appeal decision¹ relating to Iver Lane, there is no evidence before me to demonstrate that the development would not be able to utilise the existing access to Iver Lane enabling the benefits to the local economy in any event. I consider that the totality of harm which I have identified would outweigh the benefits.

Conclusion

39. For the reasons stated above and taking all other considerations into account, I consider that the appeal should be dismissed.

Caroline Mulloy

Inspector

¹ Appeal decision: APP/R5510/A/13/2202923