The Planning Inspectorate

Appeal Decision

Site visit made on 20 March 2017

by Caroline Mulloy BSc (Hons) DipTP MRTPI

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

Decision date: 12th April 2017

Appeal Ref: APP/R5510/W/16/3160818
Material Store, The Old Vinyl Factory, Blyth Road, Hayes UB3 1SY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
- The appeal is made by Miss Sarah Fabes, Nathaniel Lichfield and Partners against the decision of the Council of the London Borough of Hillingdon.
- The application Ref 59872/APP/2016/2698, dated 11 July 2016 sought approval of details pursuant to condition No 7 of a planning permission Ref 59872/APP/2013/3775 dated 31 July 2014.
- The application was refused by notice dated 20 September 2016.
- The development proposed is variation of Condition 4 (Phasing) of planning permission 59872/APP/2012/1838 dated 19/04/2013, to allow variations to phasing of approved development to allow the Boilerhouse and the Material Store to come forward as Phases 1 and 2 and to allow the Veneer Store and/or Record Stack car parks to come forward earlier than in the approved phasing.
- The details for which approval is sought are: Alternative Car Parking Management Plan.

Decision

1. The appeal is allowed and the Alternative Car Parking Management Plan details submitted pursuant to condition No 7 attached to planning permission Ref 59872/APP/2013/3775 granted on 31 July 2014 in accordance with the application dated 11 July 2016 and the plans/information submitted with it are approved.

Procedural Matter

2. The covering letter accompanying the application refers to a 'Supplementary Car Parking Management Plan'. However, as the supporting documentation is entitled 'Alternative Car Parking Management Plan' I have used this description in the banner heading and paragraph 1 above.

Background and Main Issue

3. The whole of the Old Vinyl Factory site consists of approximately 6.6 hectares of land situated on Blyth Road. Planning permission 59872/APP/2012/1838 was granted on 19 April 2012 for outline planning permission for a mixed use development of the site.

4. Application reference 59872/APP/2013/3775 granted a variation of the original outline permission to allow variations to phasing of approved development to allow the Boilerhouse and the Material Store to come forward as Phases 1 and 2 and to allow the Veneer Store and/or Record Stack car parks to come forward earlier than in the approved phasing. Detailed reserved matters applications for The Boiler House and Veneer Store were approved by the Council in July 2014 and September

2014 respectively[1]. Reserved matters for the Power House (phase 4) were approved in May 2015[2].

5. The Material Store development is the second phase of the redevelopment of the Old Vinyl Factory Site for which reserved matters approval (appearance and landscaping) was granted in August 2015[3]. An alternative reserved matters application was approved for 189 residential units, 459m2 of commercial floorspace on ground and first floor (use class A1, A2, A3, A4, A5 or B1) and car parking located at lower ground and ground floor level.

6. This appeal relates to details pursuant to the partial discharge of Condition 7 (Traffic, Parking and Servicing) of planning permission reference 59872/APP/2013/3775. Condition 7 states that unless otherwise agreed in writing by the Local Planning Authority, prior to the commencement of each phase of development, detailed drawings and supporting documentation for the relevant phase shall be submitted to and approved in writing by the Local Planning Authority in respect of a number of matters including a Parking Allocation and Designation Plan for the relevant phase allocating the parking for the existing buildings in operational use at the site and the buildings to be erected.

7. This condition has previously been partially discharged for the Material Store (Phase 2) under planning application 59872/APP/2015/1305. However, the application is applying to re-discharge the condition as they wish to amend the parking arrangements. They are now applying for the approval of an Alternative Car Parking Management plan to be read alongside the existing approved plan.

8. The Council are concerned that the appellant has failed to submit satisfactory details to ensure pedestrian and vehicular safety and convenience and to ensure adequate off-street parking facilities in compliance with the relevant development plan policies.

9. Taking the above into account, I consider that the main issue in this case is the effect of the Alternative Car Parking Management Plan on highway safety with specific reference to off-street parking provision.

Reasons

10. The Material Store would comprise of 189 residential units (on the basis of the alternative reserved matters scheme) in addition to commercial floorspace. The Boiler House would comprise 54 residential units. The Material Store building would contain parking for its own uses as well as for those in the Boiler House to the north.

11. The original car parking management plan submitted as part of the evidence to successfully partially discharge condition 7 proposed to provide 152 parking spaces in the lower levels of the Material Store, 25 street parking spaces (including 2 for a car club operation) and 20 spaces for visitors located temporarily on the site of the future Assembly Building alongside. This would represent a car parking ratio of approximately 0.73 spaces per residential unit. The provision is slightly less than the maximum of 0.75 set out in Condition 7 of the outline consent.

12. According to the information submitted to discharge condition 7 dated August 2015 for the Material Store, nineteen 3 bedroom units on the ground floor would all be

[1] Planning application references 59872/APP/2013/3628 and 59872/APP/2014/1928
[2] Planning application reference 59872/APP/2015/665.
[3] Planning application reference 59872/APP/2015/1329

sold with a parking space and these spaces would all be located in the parking garage. All of the two bedroom units would be sold with a parking space. 9 of the 58 one bedroom units would be sold with a parking space.

13. Due to the site's location close to adjoining employment opportunities and public transport the appellant is concerned that the approved parking allocations for the Boiler House will be excessive in relation to eventual demand. Consequently, the appellant is proposing an alternative arrangement for the disposal of likely surplus parking spaces.

14. The revised allocation is proposed as an alternative only in the event of confirmation to the local planning authority after the first sales of all of the 243 apartments that fewer than 177 spaces are required. The residential elements of the Material Store and Boiler House would have a minimum of 122 spaces. This would result in a ratio of approximately 0.50 spaces per unit. The A1-3 and enterprise units would have a maximum of 30 spaces. There would also be 25 external visitor spaces (including 2 car club) also allowing the Assembly Building site to become unfettered by temporary arrangements.

15. Saved Policy AM14 of the Hillingdon Unitary Development Plan (UDP) 1998 states that new development will only be permitted where it is in accordance with the Council's adopted maximum car parking standards as set out in Annex 1. For flats and houses without individual curtilages with communal parking in garages or open car parking areas the maximum standard is 1.5 spaces per dwelling. Nothing in Policy AM14 or Annex 1 indicates that residential development will be required to provide a minimum level of parking.

16. The first reason for Condition 7 is to encourage sustainable travel and to comply with London Plan Policy. Policy 6.13 of the London Plan 2016 states that the mayor wishes to see an appropriate balance being struck between promoting new development and preventing excessive car parking provision than can undermine cycling, walking and public transport use. Maximum standards are set out in Table 6.2 of the Parking Addendum. Table 6.2 sets maximum standards of 1.5 spaces per unit for 3 bedrooms and less than 1 per unit for 1-2 bedrooms. The notes to the table state that all developments in areas of good public transport should aim for significantly less than 1 space per unit. There is also nothing in this policy which indicates that residential development will be required to provide a minimum level of parking.

17. The Old Vinyl Factory site has a Public Transport Accessibility Level (PTAL) rating of 1b (very poor) at the western end and 4 (good) at the eastern extent. However, I note that the PTAL rating of the Material Store and Boilerhouse location is identified as having a PTAL rating of 4 (very good). The buildings are both within 400m or 5 minutes' walk of main bus routes and the rail/Crossrail station. Blyth Road is also a bus route.

18. Furthermore, from May 2018 up to four trains an hour will run between Paddington and Heathrow. From December 2019, when the full route opens, up to 10 Elizabeth line services an hour will allow passengers from Hayes and Arlington to travel to reading or Heathrow in the west or through the central London tunnels to Essex and south east London.

19. Whilst the Planning Committee may have resolved that residential car parking should be no less than 0.75 per unit, condition 7 states that parking within the site shall not exceed a maximum provision of 1,540 spaces and that residential car parking shall be allocated at not more than 0.75 spaces per residential dwelling.

The only minimum requirement expressed in condition 7 is that 1 space should be allocated to all 3+ bedroom residential dwellings. 19 three bedroom dwellings are proposed and thus the parking provision as set out in the 'appeal scheme' details of 122 spaces would fulfill this requirement.

20. Consequently, the proposal to provide a ratio of 0.50 spaces per unit within a PTAL rating area of 4 would not conflict with the maximum standard set out in Policy AM14 of the UDP, Policy 6.13 of the London Plan or the requirement in condition 7. Furthermore, the approach would also garner significant support from section 4 of the National Planning Policy Framework (the Framework) which seeks to promote sustainable transport.

21. Policy AM7 of the UDP states that the Local Planning Authority will not grant permission for developments whose traffic generation is likely to, amongst other things prejudice, the free flow of traffic or conditions of general highway or pedestrian safety which is reflected in the Council's third reason for condition 7. The Council consider that the appellant has failed to submit satisfactory details to ensure pedestrian and vehicular safety and convenience and to ensure adequate off-street parking facilities. However, although the Council appears to be concerned that harm could arise; it does not set out any details of the potential harm it considers would arise from the proposal.

22. The scheme proposes a majority of 1 and 2 bedroom units and only 19 3 bedroom units. In addition condition 7 ensures that 1 space would be allocated to all 3+ bedroom residential units which would be likely to accommodate families and where demand for a higher provision of car parking spaces is likely. Moreover, the site is situated in a sustainable location close to excellent public transport links. Indeed significant improvements to public transport links are anticipated.

23. The alternative car parking management plan provides for an approach where the market will guide provision, within the set minimum (0.50 spaces per residential unit) and maximum parameters (0.73 spaces per residential unit). It is not an automatic reduction to the minimum proposed figure. It proposes that such an alternative allocation would be permitted in the event of acknowledgement by the Local Planning Authority of a report which would be submitted following the completion of first sales of all residential units in the Boiler House and Material Store which identifies the total number of parking spaces sold or let to purchasers/tenants of those units.

24. In the event of sales to purchasers of apartments in the Material Store and/or the Boiler House being at a level less than currently allocated in the approved allocation and designation plan, the revised scheme which would meet the likely take up of residential car parking in the locality as well as offering more effective use of the additional spaces to the benefit of the wider site. This would avoid a situation of surplus spaces which would not make efficient use of resources and which would not meet the objectives of development plan policies which aim to encourage sustainable modes of transport.

25. As the alternative scheme would sit alongside the original scheme, the lower provision of parking would only be triggered in the event that demand did not fulfil the proposed provision. Thus a mechanism still exists in the form of the original Parking Allocation and Designation Plan to meet a higher demand if the need arises. It is unlikely, therefore, that there would be any overspill parking onto nearby streets.

26. The proposal would also establish appropriate visitor spaces to support the mix of uses within the wider site. The provision of convenient visitor and support parking for the nearby commercial and employment uses as well as visitors to the residential units would ensure better viability for those uses and reduce pressure for visitor parking on nearby public streets as a result of the alternative scheme.

27. Even in the event that overspill parking did occur, I note that the 106 obligation associated with the approved scheme provides for funding for any necessary off-site traffic control measures i.e. a Controlled Parking Zone within the vicinity of the site to seek to prevent overspill parking onto nearby streets.

28. Taking the above factors in combination, I am satisfied that there are adequate safeguards to ensure that the scheme would not result in an under-provision of parking or indiscriminate parking on nearby streets. Consequently, and in the absence of any cogent evidence to the contrary, I conclude that the proposed revisions to the car parking allocation set out in the Alternative Car Parking Management Plan would not result in harm to pedestrian or highway safety. Furthermore, in light of the scheduled significant improvements to public transport provision in the vicinity, I am satisfied that the proposal would meet any subsequent demand for spaces arising from future occupiers.

29. The Council suggests that there is a restriction on sales of individual spaces; however, I note that there is no constraint on sales or other disposal arrangements of car parking spaces in the current approved Car Parking and Allocation Plan. The plan provides for spaces to be made available at a market price and, if taken up, allocated to a particular residential unit, for onward combined sale or letting in due course.

30. Concerns are raised in the Council's submissions regarding the proposed increase in business parking on-site. However, I note that the reason for refusal does not raise concerns regarding an increase in business parking. In any event, condition 7 c of the outline permission requires a phase-by-phase review of car park operation throughout the wider scheme's completion, with the prospect of other reductions and consequently there would be a mechanism by which to review any potential excess in commercial parking provision.

31. For the reasons stated the proposed Alternative Car Parking Management Plan would not cause harm to highway safety. It would, therefore, not conflict with policies AM7 or AM14 of the UDP. As indicated above it would also not conflict with Policy 6.13 of the London Plan. Furthermore, no conflict would arise with the Framework.

Other Matters

32. I am satisfied that the proposal to reconfigure the parking spaces would preserve the Botwell Thorn EMI Conservation Area.

Conclusion

33. For the reasons stated and taking all other considerations into account the appeal should be allowed.

Caroline Mulloy

Inspector