
Appeal Decisions

Hearing held on 25 April 2017

Site visit made on 25 April 2017

by Olivia Spencer BA BSc DipArch RIBA

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

Decision date: 4th July 2017

Appeal A Ref: APP/F5540/W/16/3165795

NHC1, NHC2, NHC3 and NHC4, New Horizons Court, Brentford TW7 5NG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
 - The appeal is made by Sackville UKPEC4 Brentford (GP) Limited against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 02912/A/PA1, dated 5 August 2016, was refused by notice dated 30 September 2016.
 - The development proposed is change of use from office (Class B1) to 268 residential units (Class C3).
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Appeal B Ref: APP/F5540/W/16/3165799

NHC1, NHC2, NHC3 and NHC4, New Horizons Court, Brentford TW7 5NG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
 - The appeal is made by Sackville UKPEC4 Brentford (GP) Limited against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 02912/A/PA2, dated 20 September 2016, was refused by notice dated 14 November 2016.
 - The development proposed is change of use from office (Class B1) to residential (Class C3) to provide 297 residential flats.
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Decisions

Appeal A

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order (GPDO) 2015 (as amended) for change of use from office (Class B1) to 268 residential units (Class C3) at NHC1, NHC2, NHC3 and NHC4, New Horizons Court, Brentford TW7 5NG in accordance with the terms of the application Ref 02912/A/PA1, dated 5 August 2016, and the plans submitted with it, subject to conditions in the attached schedule of conditions.

Appeal B

2. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted
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Development) (England) Order (GPDO) 2015 (as amended) for change of use from office (Class B1) to residential (Class C3) to provide 297 residential flats at NHC1, NHC2, NHC3 and NHC4, New Horizons Court, Brentford TW7 5NG in accordance with the terms of the application Ref 02912/A/PA2, dated 20 September 2016, and the plans submitted with it, subject to conditions in the attached schedule of conditions.

Application for costs

3. At the Hearing an application for costs was made by Sackville UKPEC4 Brentford (GP) Limited against the London Borough of Hounslow. This application is the subject of a separate Decision.

Main Issue

4. It is agreed by the main parties that the appeal site qualifies for Permitted Development Rights pursuant to Class O of the GPDO 2015 (as amended) subject to Prior Approval as to (a) transport and highways impacts of the development, (b) contamination risks on the site, (c) flooding risks on the site and (d) impacts of noise from commercial premises on the intended occupiers of the development.
5. The following is stated in the officer's reports on both applications and is agreed as common ground:
 - Prior approval is not required as to the flooding risks on the site
 - Prior approval is required and subsequently granted as to contamination risks on the site
 - Prior approval is required and subsequently granted as to impacts of noise from commercial premises on the intended occupiers of the development.

Having seen the submitted reports and relevant material I have no reason to disagree.

6. The reason for refusal of each of the applications that led to these appeals was worded differently. However, in its statement the Council contends that both were refused for essentially the same transport and highway reasons and that the officer's report and reason for refusal relating to the 2nd application (02912/A/PA2) is the Council's position for both appeals. I have considered the appeals together, on this basis.
7. Consequently I consider the main issue for both appeals is the effect on transport and highways.

Reasons

8. The proposal in each case is similar involving the conversion of the 4 office blocks to residential units. New Horizons Court currently has a total of approximately 460 basement and surface level car parking spaces. In the case of Appeal A, 268 residential units are proposed with 265 parking spaces including 27 disabled spaces and 53 with electrical charging points.. Appeal B would provide 297 residential flats with 282 parking spaces including 28 disabled spaces and 56 with electric charging points. The location has an agreed PTAL of 2.

9. The Transport Statements submitted with the applications used TRICS data to compare the trips generated from the existing office use and that for each of the residential proposals. The TRICS Good Practice Guide 2016 advises that sites referenced must be filtered in accordance with selection criteria that reflect the circumstances and location of the development site. The Council's concerns that a number of sites used to assess existing office use were closer to town centres and amenities, had better connectivity to public transport and/or were Council offices which typically have a higher number of visitors than other offices are reasonable. The Guildford and Weybridge sites are considered representative by the Council and the appellant has recalculated the office use trips based on these and a reduced floor area giving a 12 hour two way movements figure of 793. The Council has arrived at a figure of 763 whilst noting that car ownership in Surrey is high compared to Hounslow and that the numbers are likely therefore to be higher than would be expected.
10. Residential sites outside London are likely to have different characteristics to those within London and I note the close proximity of the Camberley site to the railway station and the town centre. The appellant has omitted this site from re-worked TRICS figures submitted at the appeal. Whilst noting that the Romford site provides parking at 0.46 spaces per dwelling (ie. lower than that proposed at the appeal site), like the appeal site it has a PTAL rating of 2. For a residential use comparison the appellant has recalculated using this site and 2 others in London including Enfield and Bethnal Green. Inevitably none will be fully comparable with the proposed developments, but having had regard to the Council's criticisms of the original site selections I consider these provide a closer match to the characteristics of the appeal site than those originally considered. Based on these sites, the appellant calculates 12 hour predicted movements of 307 arising from the 297 dwellings Appeal B scheme and thus again a substantial reduction in vehicle movements overall against both the appellant's and the Council's office use figures, albeit by a smaller margin than originally contended.
11. The Council has adopted a different approach selecting residential sites in Hounslow and Haringey which have higher PTAL levels, taking overall person trip rates from these and adjusting the outputs in accordance with modal share data from the Method of Travel to Work dataset of the 2011 Census for the Middle layer Super Output Area (MSOA) in which the appeal site lies. This records 48% of journeys to work by car in the AM peak period. It is calculated that this equates to 650 vehicle movements over a 12 hour period arising from the proposed development and again therefore a reduction when compared to office use.
12. The Council goes further than this, suggesting that the location of the site on the north side of the A4 Great West Road means that the percentage of trips made by car would be higher still. However, train services from Syon Lane Railway station provide access to central London with frequent services to Waterloo station and to Hounslow, Staines, Chertsey and Weybridge.. This station is approximately 500 metres from the site which Transport for London (TfL) note is a reasonable walking distance. The H91 bus service operates 6 services per hour between Hounslow West and Hammersmith along the Great West Road. And whilst TfL consider the journey time to Hammersmith to be too long to provide a preferred commuting route, it is stated that this bus provides a good link to and from Osterley underground station. The H28 bus service which has stops nearby in Syon Lane provides access to local centres.

The Syon Medical Centre is located opposite the appeal site on the south side of the Great West Road and there are schools to the south within approximately 0.9 to 1.4 kilometres and thus well within the preferred maximum walking distance of 2 kilometres set out in the Institution of Highways & Transportation (CIHT) Guidelines for Journeys on Foot (2000).

13. Whilst the A4 is 3 lanes in each direction in the vicinity of the site, the speed limit is 40 mph and there are pedestrian crossing points nearby. I agree that the subway crossing is not attractive to pedestrians and the stepped bridge crossing only marginally less so. However, the staggered ground level crossing at the Harlequin Avenue junction is closer to the appeal site and the evidence of TfL indicates that it is well used by pedestrians walking between the site and the public transport access points to the south of the Great West Road. This suggests users are not put off by having to wait twice when crossing the Great West Road and as necessary also crossing Harlequin Avenue. Indeed this is not an unusual experience when crossing a major road in London. I do not consider that crossing the road is therefore a significant barrier to pedestrians wishing to join public transport or access schools and facilities on the south side.
14. Some 140 metres west of Harlequin Avenue is Gillette corner at the junction of Syon Lane and the A4. The garage at this junction has a convenience store and there is a small parade of shops on the west side of Syon Lane. Whilst there is no controlled crossing and pedestrians must wait for a gap in the traffic to cross the road to get to these shops, they are within a reasonably short walking distance of the appeal site and in my view there would be no significant barrier to future occupiers of the development accessing them on foot. In addition, approximately 450 metres further north, on the east side of Syon Lane, there is a Tesco Superstore with late night weekday and Saturday opening. Thus although Brentford town centre at some 1.5 kilometres distance is beyond the CIHT maximum preferred walking distance of 800 metres, there are food shops and some other facilities within a reasonable walking distance of the appeal site.
15. In terms of the experience of walking in the area I note that traffic speeds are restricted to 40 mph, the pavements in the vicinity of the site are wide, local routes are reasonably level and I was able to cross private access roads without undue delay. There are footways along Shield Drive giving access to NHC 1, 2 and 3 and I have seen no evidence to indicate that conflicts between vehicles accessing the commercial units north of the site and pedestrians accessing the offices have occurred. NHC4 is accessed from Harlequin Avenue. Whilst I note that permission is in place for a new multi-storey car park to be accessed from this road, it has footways on both sides providing pedestrian routes separated from vehicular traffic. None of the 4 recorded Personal Injury Accidents (PICs) at the junction of Harlequin Avenue and the Great West Road involved pedestrians.
16. Of the 75 recorded PICs in the area only 2 occurred at the Shield Drive junction and 4 at the Harlequin Avenue junction. The majority are clustered around the Syon Lane and Boston Manor Road junctions. Future occupiers of the developments would need to negotiate these when walking in the area. However, though undoubtedly tragic the 3 recorded pedestrian fatalities and 2 severe accidents do not demonstrate that the roads immediately adjacent to the site are particularly or unusually dangerous for pedestrians.

17. The Council states that the whole borough is classified as an Air Quality Management Area where one or more air quality objectives are not expected to be met unless action is taken to improve air quality. It accepts that air quality on its own is not an issue on which the appeal proposal can be judged, and whilst levels of NO₂ are high along the A4 Great West Road and higher still east of Boston Manor Road this is evidently not an issue specific to the appeal site. Nevertheless I accept that this will detract from the quality of the walking and cycling environment along the Great West Road. On the positive side the road is a designated cycle route with cycle ways on both sides separated from the carriageway except where crossing access roads and junctions. And the proposals include the provision of more than 300 secure cycle parking spaces in the basement car parks which would be readily accessible by lift from within the buildings and via the access ramps externally.
18. Space for cycle parking would be freed up in the car parks by the significant reduction in parking spaces proposed in each case. Whilst the level of provision would allow for higher car ownership levels than is typical in the area as indicated by the census data in the MSOA, the number of spaces provided would accord with the London Plan parking standards albeit at the higher end of the range. Importantly, it would also provide a physical constraint on the number of vehicles that could be accommodated on the site at any one time – a number that would be substantially less than that which could be accommodated at present. Judged on the basis of parking spaces alone, this suggests that the proposals would result in a reduction in vehicle movements to and from the site.
19. Consequently, whilst I accept that the appellant's original calculations of vehicle trip generation overestimated the potential trip reduction resulting from the proposed developments, I have found no robust evidence to support the Council's contention that the use of private vehicles for trips by future occupiers would exceed either that of comparable developments in similar locations or that of local sites with higher PTAL ratings adjusted according to local recorded modal share. I give little weight therefore to the results of Council's sensitivity test figure of 60% car borne trips which is significantly higher than the 48% recorded for the local MOSA. That said, even this calculation which results in a trip rate of 819 in a 12 hour period shows only a marginal increase over the amended office use trip rates of the appellant and that of the Council. In terms of numbers of vehicles added to the local road network I consider the impact would not be significant.
20. Similarly, I consider the use of a single site, one in central Hounslow which has a PTAL of 6a, adjusted to reflect the local census journey to work car borne trip rate of 48% to calculate potential trip rates at the appeal site that include weekend journeys has too few direct comparative elements to provide robust evidence of likely trip generation as a result of the proposed developments. Nevertheless this calculation undertaken by the Council suggests that the resulting number of trips would be similar to the numbers arising from office use of the site. On the Council's own evidence therefore, taking account of not just trips to work but also weekend and leisure trips, the proposals would not result in a significant increase in vehicle movements on the road network.
21. In summary therefore I conclude that at worst there would be no significant change in the number of car borne trips to and from the site, and nothing therefore to add cumulatively to the traffic that may be added to local roads by

other consented but as yet unimplemented schemes. Indeed there is stronger evidence to indicate that the proposed developments would lead to a reduction in the number of car borne trips.

22. I turn now, to consider 'tidal switch' of traffic to and from the site in the morning peak period. As a result of the proposed conversions to residential use a larger percentage of trips in the morning peak period would leave the site than would be the case if the buildings were in office use. TfL refer specifically to the *left in left out* arrangement of the Shield Drive junction and the effect this would have in directing all traffic leaving Shield Drive through the Great West Road / Boston Manor Road junction. However, it is not the case that all traffic leaving the appeal site would take this route. The car parking at NHC 1 and 4 (amounting the appellant states to some 51% of the bays) has direct access onto Harlequin Avenue from where vehicles can turn west or east onto the Great West Road.
23. Those drivers that leave the site via Shield Drive that wish to travel west would need to do so via the Boston Manor Road junction using the clearly marked filter lane that takes vehicles through the junction and back along the A4 with the option to turn south towards Brentford. These vehicles, together with those travelling east would add to traffic at the junction. TfL report that the east bound approach to this junction currently suffers a degree of saturation in excess of 100% in the AM and PM peaks as well as congestion at early Saturday afternoon. Vehicles leaving Shield Drive would add to this. However not only, as outlined above, would this be less than the total number of vehicles leaving the appeal site, but balanced against this would be a decrease in vehicles approaching the Gillette Corner junction from the west as a result of an absence of office workers travelling to the site. Given the relative numbers and that this junction is recorded as being at 150% saturation in the AM peak, I consider that across the 2 junctions this would amount to an overall benefit to traffic flows on this part of the Great West Road.
24. There would be a change also in the direction of pedestrian flows with residents leaving the site to travel to work. But at the same time there would be a reduction in numbers of office workers walking to the site. There is no evidence that the overall demand for crossings at the Harlequin Avenue junction, albeit in 2 directions, would as a result increase significantly. A similar situation would arise at the staggered crossing at the Syon Lane junction where the numbers of pedestrians crossing north to south would increase and the numbers of office workers crossing south to north would decrease. At this crossing the proposals would result in the flow of pedestrians in the AM peak becoming two way. However, there is no evidence that this change of direction would result in the pedestrian islands becoming 'very overcrowded' or potentially unsafe as alleged by TfL.
25. On the basis of the evidence before me I conclude therefore that the proposals would have no significant adverse transport or highways impacts and find no conflict therefore with paragraph 32 of the National Planning Policy Framework which states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

Other considerations

26. Appeals against refusal to grant prior approval for conversion of offices to residential use on sites at Bracken Hill Business Park, Peterlee¹ have been drawn to my attention. Paragraph W.10(b) of the GPDO requires the decision maker to *have regard to the National Planning Policy Framework ... so far as relevant to the subject matter of the prior approval*. What is relevant is a matter of planning judgement.
27. Whilst accepting that trip generation would be lower than for existing uses and would not therefore exacerbate traffic problems, the Inspectors in those cases went on to conclude that no shops, services, green space or community service would be within the CIHT preferred maximum walking distances, the walk towards the town would be particularly unpleasant and only very limited bus services were available. The decisions describe a location that is thus very different to that of New Horizons Court. No direct comparison can therefore be drawn with the appeal proposals which I have considered on their own merits. Whilst I have examined the accessibility of services, facilities and public transport in terms of potential effects on levels of car borne trips, the sustainability of the location per se as examined in the Bracken Hill decisions is not in my judgement a matter relevant to the transport and highway impacts of the proposals before me.
28. Concerns have been raised that conversion of the buildings to residential use may restrict the business activities of adjacent commercial users. The appeal buildings however are clustered together, readily accessible from the Great West Road and I saw at my site visit have a reasonable degree of separation from surrounding commercial units. The submitted Noise Report found that noise from the Great West Road and aircraft noise associated with Heathrow Airport dominate the soundscape rather than noise from surrounding commercial premises. I have found no reason to disagree with the view of the Council's officers that prior approval in respect of noise impact should be granted and I conclude therefore that there are no grounds for dismissing the appeals on this basis.

Conditions

29. Paragraph W.13 of the GPDO states that prior approvals may be granted subject to conditions reasonably related to the subject matter of the prior approval. I consider that the requirements to provide and manage parking and cycling spaces on the site relate to highway and traffic issues as does the provision and operation of a Travel Plan. The width of the access ramps was clarified by submission of a drawing² and a condition requiring this information is not therefore necessary.

Conclusion

30. Having had regard to all matters raised I conclude that both appeals should be allowed.

Olivia Spencer

INSPECTOR

¹ APP/X1355/W/15/3129016 & 3129020 APP/X1355/W/15/3138161

² Hearing document 5

APPEARANCES

FOR THE APPELLANT:

Richard Harwood QC	Instructed by Nabarro Solicitors
Rupert Lyons	Transport Planning Associates
Matthew Finch	Representing the Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Robert Walton of Counsel	Instructed by the Council Legal Services
Robert Heslop	Principal Transport Planner
Eamon Cassidy	Planning Officer
David Watson	Principal Transport Planner
Arjun Singh	TfL Case Officer
Paklim Wong	TfL

INTERESTED PERSONS:

Gavin Leonard	Architect working with adjoining owners
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DOCUMENTS SUBMITTED AT THE HEARING

- 1 Costs application submitted by the appellant
- 2 Agreed Statements of Common Ground
- 3 Photograph – pedestrians crossing 08.10 on a Friday morning submitted by the appellant
- 4 Photograph – sheep pen in the centre of staggered crossing submitted by the appellant
- 5 Ramp dimensions drawing submitted by the appellant
- 6 Suggested Travel Plan condition submitted by the appellant

DOCUMENT SUBMITTED FOLLOWING CLOSE OF THE HEARING

- 7 Costs response
- 8 Final costs comments

Schedule of conditions (Appeal A and Appeal B)

- 1) No dwelling shall be occupied until car parking has been laid out in accordance with details submitted to and approved in writing by the local planning authority.
- 2) No dwelling shall be occupied until a Car Parking Management Plan that includes details of how car parking spaces are to be allocated to residents, how parking, deliveries and waiting on the internal roads is to be managed to ensure access is not obstructed, and other measures to monitor and enforce parking within the site has been submitted to and approved in writing by the local planning authority. Parking and deliveries on the site shall be operated in accordance with the approved Car Parking Management Plan.
- 3) No dwelling shall be occupied until bicycle parking facilities have been installed in accordance with details and a specification submitted to and approved in writing by the local planning authority. The bicycle parking facilities shall thereafter be kept available for the parking of bicycles.
- 4) No dwelling shall be occupied until a Travel Plan has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved Travel Plan.