



Appeal Decision

Site visit made on 16 April 2024

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 May 2024

Appeal Ref: APP/R5510/W/23/3327482

Car park adjacent to Axis House, 242 Bath Road, Heathrow UB3 5AY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Acre Hotels Ltd against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref is 43794/APP/2021/3685.
 - The development proposed is erection of hotel building comprising 157 rooms and associated access, parking, landscaping and refuse storage.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of hotel building comprising 157 rooms and associated access, parking, landscaping and refuse storage at car park adjacent to Axis House, Heathrow UB3 5AY in accordance with the terms of the application, Ref 43794/APP/2021/3685, subject to the conditions in the attached schedule.

Background and Main Issues

2. There are two reasons for refusal, relating to the loss of car parking and the absence of a mechanism to secure a range of contributions relating to the scheme. However, during the appeal a signed and dated section 106 Agreement (s106 Agreement) has been submitted which the Council has confirmed would address the second reason for refusal. I will consider the s106 Agreement later in my decision.
3. With this in mind, the main issues are:
 - the effect of the proposal on highway safety, with regard to car parking provision; and
 - whether the proposal would make adequate provision for air quality improvements, carbon offsetting, travel planning, employment strategy and construction training, public realm improvements, hospitality training, highways works and project management and monitoring.

Reasons

Highway safety

4. The appeal site accommodates an area of car parking that originally served the residents of the 71 flats at Axis House. While the planning history of Axis House suggests that there have been varying levels of parking secured by condition, there is existing capacity for around 70 vehicles across the wider car park area that includes the appeal site. The appellant has indicated that for several years

the car park has been segregated by bollards, preventing residents of Axis House parking on the appeal site. The Council's position is that the appeal site remains part of the car parking area secured by condition when Axis House was granted planning permission for residential use. Nevertheless, it is not disputed that the proposal would result in the loss of over 40 car parking spaces and that there would be 28 spaces remaining for the residents of Axis House.

5. Irrespective of the exact number of spaces currently available, parking standards are set out in Policy T6 of the London Plan (2021) (LP). Policy T6 seeks the careful control of parking provision and sets maximum standards for car parking that takes account of Public Transport Accessibility Levels (PTAL), in line with Policy T6.1 for residential parking. Consideration should be given to local circumstances and the quality of public transport provision, as well as conditions for walking and cycling. For developments of 1-2 beds in locations in Outer London with a PTAL rating of 4 the maximum parking provision is up to 0.5 – 0.75 spaces per dwelling. When considering development proposals that are higher density or in more accessible locations, the lower standard should be applied as a maximum.
6. It is not disputed that Axis House has a PTAL of 4 which represents a good level of access to public transport. Nonetheless, the Council's position is that the higher figure of 0.75 spaces per dwelling should be used and that 53 spaces are required to serve the residents of Axis House. This is on the basis that in their view the PTAL rating is deceptive given that the underground services at Heathrow while in proximity to the site are not readily accessible on foot or by bike and do not therefore offer a genuine travel choice. It is also suggested that residents are remote from shops.
7. The PTAL assessment, as provided in the appellant's submissions, shows that the parameters of the PTAL rating of the appeal site relate to the number and frequency of bus services and the walk time to access these services. The assessment does not include the underground services at Heathrow as suggested by the Council. Furthermore, there are several local convenience stores within a short walking distance from the appeal site which may be small scale but would meet residents' day to day needs.
8. Even if statistics indicate that 25% of households in the surrounding area own at least two vehicles, in considering the local circumstances I find that Axis House is accessible to a number of frequent bus routes and local shops and residents would not therefore be reliant on the private car. As such, in my view, based on the submitted evidence, the lower parking ratio of 0.5 spaces per dwelling in more accessible locations should be applied, and that an appropriate level of parking for Axis House would be 35 spaces. The appeal scheme would therefore result in a numerical shortfall of 7 spaces for Axis House residents.
9. However, the appellant indicates that the proposed 28 car parking spaces would be sufficient to meet demand based on a parking survey, undertaken to assess the level of demand for parking at night, when most residents are likely to be at home. At the time of the survey the wider car park was segregated by bollards resulting in the car parking spaces at the appeal site being unavailable to residents. Of the 28 spaces available for parking, the first survey recorded 18 parked vehicles and there were 19 parked vehicles at the time of the second survey. These findings are consistent with the outcomes of a parking survey of

the 28 spaces available to Axis House residents undertaken in 2016 to support a previous application.

10. The surveys were carried out by suitably qualified professionals and at a time of the day that is representative of when parking demand would be at its highest. The Council have not disputed the validity of either the most recent survey or the survey conducted in 2016 and I have no clear reason not to take the findings into account.
11. On-street parking within the vicinity of the appeal site is limited and is subject to various restrictions that further reduce the availability of this provision. I have carefully considered the Council's concerns regarding highway safety arising from existing parking stress on the surrounding streets, which I note has resulted in penalty charge notices being issued. The existing restrictions on surrounding streets suggest that parking is already in high demand, and I have no reason to doubt the Council's evidence or interested parties' comments on these matters.
12. Nonetheless, paragraph 111 of the National Planning Policy Framework (the Framework) states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. Based on the evidence before me, the appeal scheme would not add to the existing parking pressures on the surrounding streets, to the extent that it would adversely affect highway safety or have a severe impact on the operational performance of the road network.
13. Even taking the existing on-street parking situation into account, and the shortfall of 7 spaces based on the requirements of Policy T6 of the LP, the submitted parking survey demonstrates that the 28 spaces currently available to residents at Axis House are not oversubscribed and are sufficient to serve those residents' parking needs. There is no substantive evidence to suggest that the loss of parking spaces through the proposal would result in displacement parking and an increase in on-street parking of such a scale that it would restrict the free flow of vehicle movements that would be harmful to highway safety or the operational performance of the road network. It therefore follows that the scheme would also not result in tensions between neighbours competing for spaces, reduce the likelihood of children playing in the street or be detrimental to residents' perception of street safety.
14. As such, the proposal would not be harmful to highway safety, with regard to car parking provision, and so accords with Policies T2, T4, T6 and T6.1 of the LP and Policies DMT1, DMT2 and DMT6 of the Local Plan Part Two Development Management Policies (2020) (DMP). Amongst other things, these policies require that development facilitates residents making regular trips by means other than the private car, support healthy streets and assess and mitigate transport impacts so that the development has no significant adverse impacts on the safety of all road users and residents. A variation to the required car parking standards is appropriate where it does not lead to a deleterious impact on street parking provision, congestion or local amenity.

Planning obligations

15. The s106 Agreement would secure financial contributions towards the impacts of the development on a range of matters and would satisfy the tests in

Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and Framework paragraph 57, namely that they are all necessary to make the development acceptable, directly related and fairly and reasonably related in scale and kind. Accordingly, they are material considerations in this appeal.

16. While the reason for refusal refers to an obligation for contributions to highways works, these works are unspecified and there is no clear evidence as to what would be required through an obligation. Moreover, the officer report indicates that highways works would be secured through a section 278 agreement through the Highways Act 1980 as part of a planning approval. While a s106 Agreement can be used to control highways works there is no such obligation within the s106 Agreement, and in any event, there is no substantive evidence to demonstrate what works are required or why they are necessary to make the scheme acceptable.
17. Taking account of the planning obligations that are set out in the s106 Agreement, I conclude that the proposal makes adequate provision for air quality improvements, carbon offsetting, travel planning, employment strategy and construction training, public realm improvements, hospitality training and project management and monitoring. On this basis, the proposal accords with the relevant requirements in Policy DF1 of the LP and Policy DMCI7 of the DMP. These policies, amongst other things, require development to provide the relevant infrastructure to meet policy requirements to ensure that development is sustainable and to clearly demonstrate there will be sufficient infrastructure of all types to support it.
18. It would also be in line with the provisions of the Planning Obligations Supplementary Planning Document (2014) which provides guidance on the type and scale of planning obligations for necessary infrastructure to support new development.

Other Matters

19. Interested parties have questioned the need for an additional hotel in this location. However, it has been shown that there are no sequentially preferable sites available for the proposal and that brownfield sites in this location are predicted to continue to play a role in the provision of visitor accommodation given the proximity to Heathrow and it's PTAL 4 rating.
20. Concerns have also been raised regarding the effect of the proposal on the living conditions of occupiers at Axis House, regarding privacy, daylight/sunlight and noise and disturbance. However, given the separation distance to Axis House and the orientation of the hotel with access and car parking located at the part of the site furthest away from Axis House, there would be no adverse effect to resident's living conditions. Some degree of disruption during construction would be unavoidable, however this can be adequately managed through a restriction on construction hours and the implementation of the other measures included within the submitted Construction Logistics Plan (CLP).

Conditions

21. The conditions suggested by the Council have been considered and amended as necessary to ensure compliance with the Planning Practice Guidance and the

Framework. Furthermore, the appellant is in agreement with the pre-commencement conditions.

22. It is necessary to impose a condition identifying the approved plans for clarity. Relevant supporting documents are referenced in several conditions and so a separate condition requiring general compliance is not necessary. A condition securing material details in the interests of the character and appearance of the area is imposed. For the same reason, and to ensure provision for the protection of retained trees a condition requiring the submission of an arboricultural method statement is imposed. This is required before the commencement of development to ensure damage is not caused to the trees during the construction stage. I have included a condition to secure the submission of an energy strategy in the interest of delivering on-site carbon savings which is required before the commencement of development to ensure an appropriate carbon saving can be achieved.
23. Furthermore, in the interest of visual amenity a hard and soft landscaping condition is necessary, this includes measures to secure the long-term maintenance of newly-planted vegetation and the retained trees and so separate conditions are not necessary. It is required prior to the commencement of development to ensure that an appropriate scheme is implemented and maintained. I have omitted reference to electric charging points as this is covered by building regulations, and I have not included car parking layout, cycle storage or refuse storage as these matters are covered by other conditions.
24. A condition is necessary to secure appropriate archaeological building recording in the interest of providing an archive record of the site which falls within the Heathrow archaeological priority area, and before the commencement of development to ensure an accurate recording can be made. The submission of a radar mitigation scheme is required in the interest of aircraft safety and the operation of national air traffic services and before the commencement of development to ensure a suitable scheme can be achieved.
25. To protect living conditions and highway safety, I impose a condition that the development is carried out in accordance with the submitted CLP. The CLP includes details regarding servicing and delivery and the officer report states that Transport for London are content that the proposal complies with Policy T7 of the LP, and as such I have not imposed a condition requiring the submission of a servicing and delivery plan. This condition also includes reference to the use of Bath Road and the placement of skips and so a separate condition is not necessary. A condition is necessary to secure proper drainage and to manage the risk of flooding. It is required before the commencement of development to ensure a suitable scheme can be achieved.
26. Control over non-road mobile machinery is required in the interests of protecting air quality and the submission of a piling method statement is necessary to protect underground sewerage utility infrastructure. A condition to secure the submission of a fire strategy is imposed to ensure high standards of fire safety. This includes provision for the evacuation of persons with disabilities using lifts and so a separate condition is not required.
27. In the interest of protecting living conditions and highway safety a condition securing a refuse and recycling management plan is necessary. It is required prior to the commencement of development to ensure that appropriate

arrangements can be achieved. Also in the in the interest of highway safety a condition is imposed to secure the submission of a parking design and management plan.

28. A condition is necessary to secure accessible bedrooms to ensure the development is designed for people with disabilities. In the interest of preventing crime a condition requiring that the development achieves 'Secured by Design' accreditation is imposed.

Conclusion

29. For the reasons given above the proposal accords with the development plan, read as a whole. There are no material considerations that indicate that I should take a decision otherwise than in accordance with it. Therefore, I conclude that the appeal is allowed.

F Harrison

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan PL(00)200; Proposed Site Plan PL(00)001 (Rev. D); Proposed Ground Floor PL(00)002 (Rev. C); Proposed Second and Third Floor PL(00)004 (Rev. B); Proposed Fourth Floor PL(00)005 (Rev. B); Proposed Fifth Floor PL(00)006 (Rev. B); Proposed Sixth Floor; Proposed Sixth Floor PL(00)007 (Rev. B); Proposed Roof Plan PL(00)008 (Rev. B); Proposed Sections PL(00)010 (Rev. B); Proposed North and East Elevations PL(00)100 (Rev. B); Proposed South and West Elevations PL(00)101.B; Proposed Refuse Store PL(00)150.

Pre-commencement

- 3) No development shall take place until a Radar Mitigation Scheme (RMS) has been agreed with the national air traffic services operator and is submitted to and approved in writing by the local planning authority. The RMS shall set out measures to be taken to avoid the impact of the development on the H10 primary and secondary surveillance radar and air traffic management operations and include a timetable for its implementation, which shall be prior to any construction work above 5 metres above ground level. The development shall be carried out in accordance with the approved RMS thereafter.
- 4) Notwithstanding the Sustainability and Energy Statement (2021) undertaken by Bluesky Unlimited, no development shall take place until an Energy Strategy has been submitted to and agreed in writing by the local planning authority. The development shall be carried in accordance with the agreed ES thereafter.
- 5) No development shall take place, including site clearance works, until an Arboricultural Method Statement (AMS) has been submitted to and approved in writing by the local planning authority. This shall show that all trees shown to be retained on approved plan TRP_242BATHRD_2(Rev D) H will be fully safeguarded by protective fencing and ground protection in accordance with the provisions of British Standard 5837: 2012 'Trees in relation to design, demolition and construction. Recommendations' (or equivalent if replaced). Site clearance works and development shall be carried out in accordance with the approved AMS.
- 6) Notwithstanding the Landscape Management and Maintenance Plan (2022) prepared by ACD Environmental Ltd and the landscape proposal plans within it, no development shall take place until details of both hard and soft landscaping works have been submitted to and approved in writing by the local planning authority. The details shall include:
 - hard surfaced areas, site furniture and materials;
 - boundary treatments;
 - external lighting;
 - existing and proposed functional services above and below ground;
 - proposed finishing levels or contours;
 - planting plans, specifications and schedules (including retained trees, planting size, species and numbers/densities);

- the inclusion of living walls and roofs, or justification as to why these cannot be included; and
- an implementation and maintenance programme.

The hard landscaping works shall be carried out in accordance with the approved scheme and shall be completed prior to the first use of the development and thereafter maintained as such. All planting, seeding or turfing comprised in the approved details of soft landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees/hedge/shrubs planted or retained in accordance with this condition which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The completed works shall be maintained in accordance with the approved programme.

- 7) No development shall take place until a scheme for the provision of sustainable water management and water efficiency is submitted to and approved in writing by the local planning authority. The scheme shall demonstrate that the site will not flood in the 1 in 30 and 1 in 100 year events and shall include:

- the proposed runoff rates;
- the proposed attenuation volume;
- how exceedance events will be managed;
- consideration of implementing a green roof; and
- a management and maintenance plan, including the name of the management company who will be responsible for the site drainage and evidence of consent for the proposed discharge point connection.

No part of the development shall be brought into use until works have been completed in accordance with the approved scheme. The development shall be maintained and managed in accordance with the approved details thereafter.

- 8) No development, including site clearance works, shall take place within the red line boundary shown on approved Location Plan PL(00)200, until the implementation of a programme of archaeological recording has been secured. This recording must be carried out by an appropriately qualified and experienced archaeological consultant or organisation, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.
- 9) Notwithstanding the details included in the Waste and Recycling Strategy (2022) prepared by Progress Planning, no development shall take place until a refuse and recycling management plan is submitted to and approved in writing by the local planning authority. It shall include a collection schedule, the distance collection crews will need to reverse to collect the waste containers and details to demonstrate that sufficient provision is made available for food waste, recycling and general waste containers.

After commencement

- 10) The approved Construction Logistics Plan (2021) shall be adhered to throughout the construction period. No construction or servicing vehicles shall park/ load/ unload/ wait on Bath Road at any time and no construction materials/ skips shall be positioned on the public highway at any time.

- 11) All Non-Road Mobile Machinery (NRMM) used during the course of the development that is within the scope of the Greater London Authority Control of Dust and Emissions during Construction and Demolition' Supplementary Planning Guidance (2014), or any successor document, shall comply with the emissions requirements therein. The developer shall also sign up to the NRMM online register.
- 12) No piling shall be carried out until a piling method statement has been agreed with Thames Water and is submitted to and agreed in writing by the local planning authority. It shall include details of the depth and type of piling, the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works. The approved statement shall be adhered to throughout the construction period.

Prior to above ground construction

- 13) Prior to above ground construction, details including make, product/type, colour and photographs/images of all external surface materials to be used in the construction of the development, including details of balconies, cycle storage and refuse storage shall be submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details and maintained as such thereafter.
- 14) Notwithstanding the Planning Fire Statement (2021) prepared by Bespoke Fire Safety Design, prior to above ground construction, a Fire Strategy (FS) shall be submitted to and approved in writing by the Local Planning Authority. It shall include details of how the development will function in relation to the building's construction and the means of escape for all building users, which shall include a minimum of one fire evacuation lift designed to meet the technical standards set out in BS EN 81-76, BS 9991 and/or BS 9999. The development shall thereafter be completed in accordance with the approved FS and measures included within it retained thereafter.

Prior to the development being brought into use

- 15) Either 10 per cent of the bedrooms at the site shall be wheelchair-accessible in accordance with Figure 5 incorporating either Figure 30 or 33 of British Standard BS8300-2:2018, or 15 per cent of the bedrooms at the site shall be accessible rooms in accordance with the requirements of 19.2.1.2 of British Standard BS8300-2:2018. The accessible rooms shall be implemented prior to the development being brought into use and the level of provision shall be retained as such thereafter.
- 16) Prior to the development being brought into use a parking design and management plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved plan thereafter.
- 17) The development hereby approved shall incorporate measures to minimise the risk of crime and achieve 'Secured by Design' accreditation awarded by the Metropolitan Police prior to the development being brought into use.

***** End of Conditions *****