

Report of the Head of Planning, Transportation and Regeneration

Address LAND AT RAINBOW INDUSTRIAL ESTATE TROUT ROAD YIEWSLEY

Development: Continued use of land for car parking (sui generis use) and retention of two portacabin units for 24 months.

LBH Ref Nos: 38058/APP/2018/3554

Drawing Nos:

Date Plans Received: 05/10/2018 **Date(s) of Amendment(s):**

Date Application Valid: 05/10/2018

1. **SUMMARY**

The application seeks planning permission for the use of land for car parking and retention of two portacabin units for a period of 24 months.

Whilst the initial temporary planning permission for temporary car parking was allowed at appeal, there is strong opposition to the proposal at both local and regional level which is further supported by National Policy. It is clear that the proposal has not been previously assessed at a strategic level and on further examination, it is clear there are significant concerns raised with the continued use as a car park for Heathrow, outside of the boundary for the airport. The application has been referred to the Mayor of London under the Town and Country Planning (Mayor of London) Order 2008 as an application of potential strategic importance.

The use of the site for off-airport car parking associated with Heathrow Airport clearly constitutes development directly related to Heathrow Airport and is therefore contrary to Policy A4 of the UDP Saved Policies which requires directly related airport development to be located within the boundary of Heathrow Airport. On this basis the principle of the use is considered unacceptable.

Furthermore, Heathrow Airport is subject to a car parking cap imposed as part of the Terminal 5 planning permission. This condition ensures, there is a limit on the level of parking at Heathrow and helps encourage the required modal shift of airport users away from cars and onto public transport. The condition was imposed on the basis that off-airport car parking would not be permitted. Therefore the retention of these parking spaces is contrary to the objectives of the Secretary of State in respect of car parking at Heathrow Airport. Such provision is also contrary to relevant UDP and London Plan policies as well as National Policy (NPPF) which seek to encourage development that is less reliant on access by private cars.

In addition the proposal will actively encourage non-sustainable forms of transport and undermine attempts to increase a modal shift away from the private car in areas already breaching minimum EU standards for air quality; the resulting impacts will add to the harmful impacts on air quality and contribute to the consequential health effects from poor air quality. Therefore, by reason of the traffic generated air pollution within the London Borough of Hillingdon Air Quality Management Area is contrary to Local, Regional and National Policy.

Finally in the absence of an up-to date and accurate Transport Report, the proposal has failed to provide a robust assessment of the proposal in terms of assessing the net highway impact on the immediate and surrounding network.

Accordingly taking all matters into consideration the application is recommended for refusal.

2. RECOMMENDATION

1. The application be referred back to the Greater London Authority to complete Stage 2 referral.

2. Following receipt of the Stage 2 comments from the GLA authorising the council to determine the application, the application is refused for the following reasons:

1 NON2 Non Standard reason for refusal

The off-airport parking is directly related to the operation of Heathrow Airport but is located outside the airport boundary and therefore contrary to Policy A4 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

2 NON2 Non Standard reason for refusal

The proposed off-airport parking provides car parking in addition to the 42,000 space Terminal 5 Heathrow Airport car park cap condition and is contrary to Policies AM2 and AM7 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policies 6.1, 6.2, 6.4, 6.6 and 6.12 of the London Plan (2016) and to advice in the NPPF (2018) to restrain the use of private cars and encourage travel by alternative modes.

3 NON2 Non Standard reason for refusal

In the absence of an up-to date and accurate Transport Report, the proposal has failed to provide a robust assessment of the proposal in terms of assessing the net highway impact on the immediate and surrounding network. The proposal is therefore contrary to Policies AM2 and AM7 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012) and Policies 6.1, 6.2 and 6.4 of the London Plan (2016).

4 NON2 Non Standard reason for refusal

The proposed development will actively encourage non-sustainable forms of transport and undermine attempts to increase a modal shift away from the private car in areas already breaching minimum EU standards for air quality; the resulting impacts will add to the harmful impacts on air quality and contribute to the consequential health effects from poor air quality. Therefore by reason of its traffic generated air pollution within the London Borough of Hillingdon Air Quality Management Area is contrary to Policy OE1 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012); the Council's Supplementary Planning Guidance on Air Quality; The Hillingdon Local Plan: Part 1- Strategic Policies T1 and T4 (2012); The London Plan Policy 6.13(a) (2016); and NPPF Chapter 9 (2018).

5 NON2 Non Standard reason for refusal

The proposed development, by reason of the activities associated with the continued use as a car park, the overall size, extensive and constant use (24 hours a day, 7 days a week all year round) of the site, which could also easily accommodate double the number of vehicles currently estimated; the layout of the site (including the layout of the vehicular accesses and parking areas); and in the absence of a Noise Report and proposed mitigation measures regarding noise from the site including any machinery in relation to the nearby residential properties, the application has failed to demonstrate that the

development will safeguard the amenities of adjoining residential properties. The proposal is therefore contrary to Policy OE1 and OE3 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

INFORMATIVES

1 I59 Councils Local Plan : Part 1 - Strategic Policies

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies (2016). On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.

2 I52 Compulsory Informative (1)

The decision to REFUSE planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

3 I53 Compulsory Informative (2)

The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
BE13	New development must harmonise with the existing street scene.
BE18	Design considerations - pedestrian security and safety
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
LPP 6.13	(2016) Parking
LPP 7.4	(2016) Local character
LPP 7.5	(2016) Public realm
NPPF- 9	NPPF-9 2018 - Promoting sustainable transport

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In dealing with the application, the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. The Council's supports pre-application discussions; however none took place in respect of this proposal.

The Council has been unable to seek solutions to problems arising from the application as the principal of the proposal is clearly contrary to statutory policies and is therefore unacceptable.

3. CONSIDERATIONS

3.1 Site and Locality

The application site is 1.3 ha comprising the Rainbow Industrial Estate but which has now been cleared and currently used as a car park along with two portacabins located close to the access point on Trout Road. To the immediate north is a 4/5 storey residential block along with similar residential blocks opposite along Trout Road to the north west; to the east are small industrial units ranging from 1 to 2 storey which are accessed off Trout Road to the north east; to the south are residential properties along St Stephen's Road which are two storey detached and semi-detached properties along with a religious centre located adjacent to the access point off St Stephen's Road; and directly to the east is The Grand Union Canal, beyond which are further residential properties in Peplow Close.

The application site is located within the wider Rainbow and Kirby Industrial Estates site which extends to 2.15 ha on an irregularly shaped plot. However the application site, which falls within the Rainbow Industrial Estate, has since been cleared and is now immediately set within a residential area surrounded by predominantly residential properties varying in size, scale and design.

The site has two access points, one from Trout Road to the north and St Stephen's Road to the south. Around half of the site has a PTAL level of 3 and the remaining area within a PTAL of 2.

The site lies approximately 6km from Heathrow Airport, with the M25 and M4 in close proximity. Trout Road is a single carriageway with the western end providing a bridge access over The Grand Union Canal which is signalised at both ends as the bridge is narrow and can only allow a single lane of traffic to pass. St Stephen's Road is a single carriageway road.

3.2 Proposed Scheme

The current application seeks to use the land for car parking (sui generis use) and retention of two portacabin units for a temporary period of 24 months. The application is a continuation of the existing temporary car park use, which was allowed following an appeal decision in June 2017.

The application submission states that the site is leased to a third party company, who provide off airport parking and also hotel over flow parking. It is submitted that the parking activity operates via two forms; customers can either drive to a Heathrow airport terminal where they are met by a company employee who takes their car to a secure car park for the duration of their trip. On the customer's return to Heathrow their car is delivered by a

company employee to the terminal. Alternatively, customers can use a park and ride service whereby customers drop off their car to the site.

A shuttlebus service is provided for customers dropping off their own cars which operates on demand. The operating company has advised that drop off by private individuals rather than the company drivers is less than 20% of the total number of users.

It is also submitted that the capacity of the site is approximately 500 car parking spaces and it is reported that there is a maximum of 70 (35 in and out) vehicular movements per day during peak holiday periods such as during the month of August and Bank Holidays. In an average period, the expected maximum vehicular movements per day is 20 (10 vehicles in and out of the site).

The company advises that the movement of vehicles to and from the site typically takes place in the following time periods 10:00-12:00, 13:30-15:00 and 21:00-00:30, hence avoiding the traffic peak periods of 07:00 to 10:00 in the morning and 16:00 to 19:00 in the evening.

Parking is provided in unmarked bays across the site.

3.3 Relevant Planning History

38058/APP/2001/2545 Rainbow Industrial Estate Trout Road Yiewsley

ERECTION OF 6 THREE STOREY BUILDINGS FOR CLASS B1 USE, UNDERGROUND AND SURFACE PARKING (INVOLVING DEMOLITION OF EXISTING BUILDINGS)(OUTLINE APPLICATION)

Decision: 09-05-2002 Withdrawn

38058/APP/2002/1262 Rainbow Industrial Estate Trout Road Yiewsley

ERECTION OF 6 THREE STOREY CLASS B1 (BUSINESS) UNITS, UNDERGROUND AND SURFACE CAR PARKING AND ACCESS (INVOLVING DEMOLITION OF EXISTING BUILDINGS)(OUTLINE APPLICATION)

Decision: 08-11-2002 NFA **Appeal:** 08-11-2002 Withdrawn

38058/APP/2012/1203 Rainbow And Kirby Industrial Estates Trout Road Yiewsley

Demolition of existing buildings and existing dwelling and erection of 108 residential units, a 50 unit extra care/dementia sheltered housing scheme, 1,529 m2 light industrial floorspace and 43 m2 of restaurant/cafe floorspace associated open space, car parking and landscaping (Outline Application with Access, Layout and Scale being determined).

Decision: 22-02-2013 Withdrawn

38058/APP/2013/1756 Rainbow And Kirby Industrial Estates Trout Road Yiewsley

Demolition of existing premises and erection of 99 residential units (C3), 50 unit extra care/dementia sheltered housing scheme (C3), 1,529.4sq.m light industrial floorspace comprising 17 business units (B1c) and 611.30sq.m of restaurant/cafe (A3) floorspace, associated open space, car parking and landscaping (Outline Application).

Decision: 16-06-2014 Approved

38058/APP/2016/3153 Rainbow Ind Est(Ex Anglo Swiss Screw Co) Trout Road Yiewsley
Change of use of land for car parking (sui generis use) for a temporary period of 12 months.

Decision:

38058/APP/2017/1340 Rainbow And Kirby Industrial Estates Trout Road Yiewsley

Reserved Matters relating to Appearance and Landscaping of outline planning permission ref: 38058/APP/2013/1756 dated 23-07-2014 for Demolition of existing premises and erection of 99 residential units (C3), 50 unit extra care/dementia sheltered housing scheme (C3), 1,529.4sq.m light industrial floorspace comprising 17 business units (B1c) and 611.30sq.m of restaurant/cafe (A3) floorspace, associated open space, car parking and landscaping.

Decision:

38058/APP/2017/2478 Land At Rainbow Industrial Estate Trout Road Yiewsley

Details pursuant to the discharge of Condition 4 (external lighting details) attached to planning approval APP/R5510/C/16/3163200 (as granted by appeal).

Decision:

Comment on Relevant Planning History

The land subject to the current application was used as an unauthorised off airport car park from 2013 to 2016. In October 2016, an Enforcement Notice was served requiring the cessation of the land for car parking. However, this was allowed at Appeal (ref: APP/R5510/C/16/3163200 & 3163365) dated 8 June 2017 and granted planning permission for a limited period of 12 months from the date of this decision, which expired on 8 June 2018. The current application seeks to continue these operations for a two year period.

38058/APP/2013/1756 - Outline Application for the: Demolition of existing premises and erection of 99 residential units (C3), 50 unit extra care/dementia sheltered housing scheme (C3), 1,529.4sq.m light industrial floorspace comprising 17 business units (B1c) and 611.30sq.m of restaurant/cafe (A3) floorspace, associated open space, car parking and landscaping. Approved 23/07/2014.

38058/APP/2017/1340 - Reserved Matters relating to Appearance and Landscaping of outline planning permission ref: 38058/APP/2013/1756 dated 23-07-2014 for Demolition of existing premises and erection of 99 residential units (C3), 50 unit extra care/dementia sheltered housing scheme (C3), 1,529.4sq.m light industrial floorspace comprising 17 business units (B1c) and 611.30sq.m of restaurant/cafe (A3) floorspace, associated open space, car parking and landscaping. Awaiting determination.

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

PT1.BE1	(2012) Built Environment
PT1.EM3	(2012) Blue Ribbon Network
PT1.EM6	(2012) Flood Risk Management
PT1.EM8	(2012) Land, Water, Air and Noise
PT1.T4	(2012) Heathrow Airport

Part 2 Policies:

AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
BE13	New development must harmonise with the existing street scene.
BE18	Design considerations - pedestrian security and safety
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
LPP 6.13	(2016) Parking
LPP 7.4	(2016) Local character
LPP 7.5	(2016) Public realm
NPPF- 9	NPPF-9 2018 - Promoting sustainable transport

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **21st November 2018**

5.2 Site Notice Expiry Date:- **13th November 2018**

6. Consultations

External Consultees

132 surrounding property owners/occupiers were consulted on 19.10.2018. In addition site notices were displayed near to the site on Trout Road and St Stephen's Road on 23.10.2018. This application was also advertised in the press on 31.10.2018.

Two neighbour objections have been received and one from the local residents group.

Yiewsley and West Drayton Town Centre Action Group:

For and on behalf of Yiewsley and West Drayton Town Centre Action Group, we object to this development application on the following grounds. We are not aware of any previous application for this site as a car parking facility, it just appeared in 2015 after the Rainbow site was demolished and therefore as far as we know the legality is ambiguous, but we are aware of an enforcement made on 16/10/16 regarding illegal use of the site. Vehicle access to the site is dubious, as there are no road signs indicating a concealed entrance when approaching from the Trout Road Bridge which is dangerous. We believe there are protected species of birds and newts at the adjacent canal waterway that may well be affected by non residential use of this site, these species moved in when the Rainbow site went. Finally, the Drive-Fly operation offers a 24/7 service which, if they continue using Tavistock road/Trout Road as access, impacts on the resident's enjoyment of their property especially during the night. We therefore hope this application will be refused.

Neighbour objection:

This site backs onto our house and garden and causes considerable noise nuisance at night between 10pm and 7am due to car alarms going off, generator noise during power cuts for the portacabin (see ASBIT Noise team call outs), moving cars across the gravel all night even when site closed preparing cars for first flights in the following day. It is also an eyesore in a now residential area as the site has planning for flats and landscaping which we have no objection to. Although the gate onto St Stephens Rd is not supposed to be used they do open it and use for access on regular occasions on the weekends when the Council offices are closed. We strongly object to any permanent use as parking, as this is a nice canal side location with new flats having been built at the top of the site so is best suited to quiet residential use.

TfL:

Many thanks for consulting TfL on the above mentioned application to extend temporary permission for 500 airport parking spaces on a site 3 mile from LHR with a Public Transport Access Level which ranges from 2-3. As the original temporary application was made after enforcement, the Council did not consult TfL. After assessing the case documents from a strategic perspective, TfL make the following comments:

- The application has been assessed by TfL against London Plan and Draft London Plan policies, which aim for a restrictive approach towards excessive parking to limit impacts on health, safety and congestion of vehicular trips. London Plan Policy 6.13 'Parking' (Section A) states that the Mayor wishes to see an appropriate balance between promoting new development and preventing excessive car parking provision that can undermine cycling, walking and public transport use.

- Draft London Plan Policy T6 'Car Parking' states that car parking should be restricted in line with levels of existing and future public transport accessibility and connectivity. Para 10.6.4 explains that where there is no standard provided (as is the case for this application's land use), the level of parking should be determined on a case-by-case basis taking account of Policy T6 Car parking, PTAL and future levels of public transport, walking and cycling connectivity.

- It is stated within the Technical Note submitted as part of the application that there is a maximum of 70 (35 in and out) vehicular movements per day during peak holiday periods. However, the applicant's business model offers a choice to aeroplane travellers to drive either to the site or directly to the airport terminal where they will be met by a company employee, with the procedure reversed upon the aeroplane traveller's return journey. TfL contends that the latter equates to 4 no 3 mile journeys per booking. The proposal appears to have accounted for a two-way, not a four-way trip and hence TfL believes that there will be significantly more than 70 vehicular movements per day. No information is provided as to the mode of travel by the employee to/from the airport terminal and additional information is requested on this element of the proposal.

- Draft London Plan Policy T2 Healthy Streets states that development proposals should:

- > Demonstrated how they will deliver improvements that support the ten Healthy Streets Indicators

in line with Transport for London guidance.

> Reduce the dominance of vehicles on London's streets whether stationary or moving
> Be permeable by foot and cycle and connect to local walking and cycling networks as well as public transport.

- TfL does not believe that this proposals supports any of the above and instead may have an adverse effect on the Healthy Streets indicators. Policy T4 Assessing and mitigating transport impacts further states that the Healthy Streets approach should be embedded within, and in the vicinity of the new development, something which this proposal fails to do.

- Furthermore, Draft London Plan Policy T4 further states that "Development proposals should not increase road danger". The technical note refers back to the Transport Assessment submitted as part of the approved outline planning permission granted in 2014. This was, however produced in August 2013, over 5 years ago and as such TfL does not deem this to reflect current trends. In fact, the trip rates which are referred to include survey data from 2004 which is not considered acceptable. The applicant should conduct a more robust assessment of the traffic impact that the proposal will cause.

- Draft London Plan policy SI1 states that, inter alia, development proposals should not lead to further deterioration of existing poor air quality or reduce air quality benefits that result from the Mayor's or borough's activities to improve air quality. This means that all development should actively consider how they are designed and operated to reduce or prevent their own impacts on local air quality, however small. Whilst these policies do not preclude all development, it is clear that they cannot support development, which is in Air Quality terms, simply an additional pollution source

- Lastly, congestion on roads to, from and around Heathrow airport is a notable issues and the airport authority is legally bound through its Travel Plan to increase the proportion of trips by staff and passengers by sustainable modes of transport; this proposal goes against these efforts and will reduce capacity on local roads.

In conclusion, TfL object to the development proposals for the above reasons.

CANAL & RIVER TRUST (Summary of comments received):

The southern site boundary currently includes a metal post fence, a few tall trees and intermittent shrubbery. There are clear views into the car park area. The continued use as a car park detracts from the amenity of the waterway corridor. We therefore request that a planting scheme to screen the car park be implemented within the next planting season. An evergreen, quick growing species would likely be most suitable in this context. We would also support the addition of further ecological enhancements that would promote biodiversity in the canal corridor. We are able to advise on appropriate species and enhancements if the developer wishes to engage in discussions with us.

Should planning permission be granted requested that a condition and informative are added.

MET POLICE (DOCG):

I note that this site has been operating for 12 months. In this time no crime has been reported to police. As such I cannot object.

GLA:

Officer Comments: The GLA have been notified under the Stage 1 Referral and the LPA are awaiting formal comments, which will be updated in the Addendum Report.

Internal Consultees

FLOODS AND DRAINAGE OFFICER:
Surface water

The site is shown in Flood Zone 1 however is a site over a hectare and so a Flood Risk Assessment has been submitted.

The FRA states there is a positive drainage system and that there have been no changes to impermeable area so that it does not increase the run off.

However information contained within the 'Foul Sewerage and Utilities Assessment' prepared by Ramboll (report reference 19890/3 which provide topographic survey details that only a small part of the drainage of this site is known which is pumped to the canal there is no information on the condition of that pump or the system it drains.

The Environment Agency mapping bases the risk on the old site levels and pre-demolition. This shows that part of the site is at risk of surface water ponding of a medium risk up to 900mm in places. It is unclear why this is of negligible risk to the proposed use of cars parking.

Although it may be considered likely that the process of demolition of the buildings on site may have altered the level of that risk, there is no information on the new level of risk or where that risk may have moved to.

On a large site which is compromised of hardstanding, the concern is that this can cause an issue off site to other surrounding residents as much as it can cause issues within the site itself. As a minimum the FRA should include a new level survey for the site, to allow the FRA to adequately assess the level of risk this site could cause, and inform any mitigation measures.

The FRA should incorporate a drainage strategy which should include proposals to capture water where necessary which is informed by appropriate surveys, so that it can demonstrate it will not increase the flood risk to the surrounding area, and the more vulnerable residential units nearby.

Recommendation: Refusal

Reason:

The application should be refused as the applicant does not demonstrate that the site is safe and flood risk is suitably mitigated through the provision of an appropriate flood risk assessment including adequate management of surface water drainage as required by:

- Policy EM6 Flood Risk Management in Hillingdon Local Plan: Part 1-Strategic Policies (Nov 2012).
- Policy DMEI 9 Management of Flood Risk in emerging Hillingdon Local Plan Part 2 - Development Management Policies.
- Policy 5.12 Flood Risk Management of the London Plan (March 2016)
- National Planning Policy Framework (July 2018) and the
- Planning Practice Guidance (Flood Risk and Coastal Change March 2014).

OFFICER COMMENTS:

The site is not within a flood risk zone and therefore the risk of flooding only relates to impacts off site from surface water. Given the temporary nature of the use, the imposition of the condition is deemed unreasonable.

AIR QUALITY:

We object to the proposed development in principle on the grounds of adverse impacts on air quality. The development is situated in air quality management area but importantly will route vehicles through air quality focus areas. Air quality focus areas where the annual mean limit value is exceeded and there is high human exposure resulting in health impacts.

Reason for refusal:

The proposed development will actively encourage non-sustainable forms of transport and undermine attempts to increase a modal shift away from the private car in areas already breaching minimum EU standards for air quality; the resulting impacts will add to the harmful impacts on air

quality and contribute to the consequential health effects from poor air quality.

The proposal is contrary to the principles of sustainable development as set out in the National Planning Policy Framework and in particular Chapter 9, promoting sustainable transport. The NPPF states that:

Transport issues should be considered from the earliest stages of plan-making and development proposals so that the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account - including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains;

The Council consider the proposed development would introduce an unjustified increase in private car usage that would actively introduce more environmental harm (air quality impacts) in the areas serving Heathrow airport. Furthermore, the Council already considers there is sufficient car parking serving the airport as approved as part of Terminal 5 decision (Condition A85) which caps airport parking at 42,000. Since this decision air quality impacts from road borne transportation has been steadily worsening and now breaches minimum standards for health in various locations on, around and serving the airport. The air quality impacts subsequently spread to nearby sensitive receptors creating harmful health impacts. In addition, many of the roads serving the airport are heavily congested resulting with subsequent impacts on the wider network resulting in harmful air quality impacts.

The focus on new development is to ensure a sustainable approach to transportation. The London Plan policy 6.13(a) states:

" A The Mayor wishes to see an appropriate balance being struck between promoting new development and preventing excessive car parking provision that can undermine cycling, walking and public transport use."

Evidently the new development would result in an increase use of private car usage to access Heathrow Airport with the consequential clear discouragement away from public transportation. This is at odds with the NPPF and London Plan.

The Local Plan Part 1 contains clear objectives to see an increased usage of public transportation in Policy T1 and T4:

Policy T1: The Council will steer development to the most appropriate locations in order to reduce their impact on the transport network. All development should encourage access by sustainable modes and include good cycling and walking provision.

Policy T4: Heathrow Airport: Recognising the economic importance of the airport to the borough this Hillingdon Local Plan: Part 1-Strategic Policies will support the sustainable operation of Heathrow within its present boundaries and growth in the Heathrow Opportunity Area by facilitating improvements to public transport and cycle links, enhancing the public transport interchange to provide the opportunity for a modal shift from the use of private cars and from short haul air to sustainable transport modes and providing transport infrastructure to accommodate economic and housing growth whilst improving environmental conditions, for example noise and local air quality for local communities

Finally, the Airport has its own action plans for improving air quality around the airport including targets for a modal shift away from private transportation.

In summary, the development will increase reliance on private modes of transportation at a time when policies all seek the contrary approach. The harmful air quality impacts in accumulation with

existing poor conditions will increase the impacts on sensitive receptors along the route to the airport and in the surrounding areas where congestion impacts will be spread.

HIGHWAYS:

This application follows an appeal which was approved by the planning inspectorate on a notice dated 8th June 2017 for car parking and a temporary 12-month period which is understood to be expired. The current proposals seek to renew planning permission for a further 24-month period for 500 parking spaces linked to airport parking.

The application site is located approximately 5.5km from LHR and contains a Public Transport Accessibility level of 2. Upon assessing the submitted Transport Note, I have the following observations.

The Transport Note states that as part of the proposals there will be a maximum of 70 (35 in and out) traffic movements per day, it is my understanding from the previous (albeit temporary) consent that this figure was based on customers having to drive to the airport terminal where they are met by a parking valet who will then deliver the car to the customer upon returning to the terminal (2 trips per customer). However, the Transport note also indicates that the site now offers a shuttle bus service where customers drop their vehicles off to the site and are transported. This suggests a total of 4 trips per customer which does not appear to be included as part of the number of trips to be associated with the site. It is considered that there will be significantly more trips per day.

The Transport Note refers to a Transport Assessment which was produced in 2013 as part of ref, 38058/APP/2016/3153. It should be noted that the surveys undertaken as part of that consent were undertaken in 2011 (with trip rates taken from 2004 data) well over 5 years ago and as such is not considered to reflect the current network situation. It is therefore considered that a robust assessment of the proposals have not been carried out in terms of assessing the net highway impact.

The submissions should not only include up to date surveys but include committed developments since the granting of the approved outline planning consent in 2014. I have included the following for ease.

Committed Development:

- 45200/APP/2014/3638 + 45200/APP/2012/3082 - PADCROFT WORKS, TAVISTOCK ROAD - 308 units
- 26628/APP/2014/675 - 21 HIGH STREET - 51 units
- 24485/APP/2013/138 - FORMER BENTLEY'S, 39 HIGH STREET - 28 units
- 24843/APP/2018/269 - COMAG, TAVISTOCK ROAD - 104 units
- 3678/APP/2013/3637 - CAXTON HOUSE, TROUT ROAD - 44 units
- 1724/APP/2016/3513 - ONSLOW MILLS, TROUT ROAD - 24 units
- 65480/APP/2015/1862 - 5 STATION ROAD, WEST DRAYTON - 38 units

Policy AM2 of the Hillingdon Local Plan states that all proposals will be assessed against their contribution to traffic generation and their impact on congestion, particularly on the Principle Road Network and present and potential availability of public transport, and its capacity to meet increased demand.

Policy AM7 of the Hillingdon Local Plan considers whether the traffic generated by the proposed developments is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway safety.

The London Borough of Hillingdon does not believe that this proposal supports any of the above

policy and is instead (without a more robust assessment) to have adverse implications upon the safety and convenience of the highway network.

Mindful of the above, I would recommend that this application is refused on lack of information.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The application site is a designated Industrial Business Area (IBA), referred to as Trout Road, within the saved Unitary Development Plan policies which now forms the Local Plan Part 2. The site is also located within the Hayes/West Drayton corridor.

The use of the site for off-airport car parking associated with Heathrow Airport constitutes development directly related to Heathrow Airport and is therefore contrary to Policy A4 of the UDP Saved Policies which requires directly related airport development to be located within the boundary of Heathrow Airport. On this basis the principle of the use is considered unacceptable.

Furthremore, Heathrow Airport is subject to a car parking cap imposed as part of the Terminal 5 planning permission. In his decision to allow Terminal 5 the Secretary of State imposed a planning condition limiting the number of on-airport car parking spaces within BAA's main car parks to 42,000 (including a maximum of 17,500 staff spaces). This condition ensures, for the first time, a limit on the level of parking at Heathrow Airport and helps encourage the required modal shift of airport users away from cars and onto public transport. The condition was imposed on the basis that off-airport car parking would not be permitted.

It is estimated that there is space at the site for a minimum of five hundred cars. The retention of these parking spaces is contrary to the objectives of the Secretary of State's decision in respect of car parking at Heathrow Airport. Such provision is also contrary to relevant UDP and London Plan policies as well as National Policy (NPPF) which seek to encourage development that is less reliant on access by private cars.

The off-airport parking is directly related to the operation of Heathrow Airport but is located outside the airport boundary and therefore contrary to Policy A4 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

The proposed off-airport parking provides car parking in addition to the 42,000 space Terminal 5 Heathrow Airport car park cap condition and is contrary to Policies AM2 and AM7 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policies 6.1, 6.2, 6.4, 6.6 and 6.12 of the London Plan (2016) and to advice in the NPPF (2018) to restrain the use of private cars and encourage travel by alternative modes.

In consideration of the above there is an in principle objection to the proposal which is supported at Local, Regional and National level.

7.02 Density of the proposed development

Not applicable to this application.

7.03 Impact on archaeology/CAs/LBs or Areas of Special Character

The site is not located in a conservation area or an archeological priority area and does not contain any listed buildings.

7.04 Airport safeguarding

There are no airport safeguarding issues arising from this development.

7.05 Impact on the green belt

The site does lie within or near the Green Belt.

7.07 Impact on the character & appearance of the area

Policy BE1 of the Local Plan: Part 1 (November 2012) requires all new development to improve and maintain the quality of the built environment in order to create successful and sustainable neighbourhoods. Policies BE13 and BE19 of the Hillingdon Local Plan: Part 2 (November 2012) seek to ensure that new development complements or improves the character and amenity of the area, whilst Policy BE38 seeks the retention of topographical and landscape features of merit and provision of new planting and landscaping in development proposals.

Policy BE13 states that new development will not be permitted if the layout and appearance fail to harmonise with the existing street scene or other features of the area which the local planning authority considers it desirable to retain or enhance.

London Plan Policy 7.1 sets out a series of overarching design principles for development in London and policy 7.6 seeks to promote high quality design and design-led change in key locations.

It is noted that the Canal and River Trust have raised concerns that the continued use as a car park detracts from the amenity of the waterway corridor. They have therefore requested that a planting scheme to screen the car park is required in addition to further ecological enhancements that would promote biodiversity in the canal corridor. It should be noted that if the application was recommended for approval then appropriate conditions would have been included and are also addressed within the outline scheme.

7.08 Impact on neighbours

Policy BE19 of the Hillingdon Local Plan (November 2012) requires new developments within residential areas to complement or improve the amenity and character of the area. Policies BE20 and BE21 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) seek to prevent developments which would be detrimental to the amenity of nearby occupiers by way of their siting, bulk, proximity or loss of light.

Policy BE24 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) seeks to ensure that new developments do not have adverse impacts on the amenity of existing residential properties due to loss of privacy.

The Council's Supplementary Planning Document (SPD) on Residential Layouts sets out more detailed guidance aimed at avoiding developments which are overdominant or which cause unacceptable levels of overlooking or overshadowing.

There are no new buildings or changes to the existing layout. The lack of any physical changes to the site and the nature of the proposed use does not raise any concerns regarding visual intrusion and possible loss of daylight and sunlight issues in relation to the surrounding residential dwellings.

7.09 Living conditions for future occupiers

Not applicable as this is not residential development.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Paragraph 108 of the revised NPPF (2018) states that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

a) appropriate opportunities to promote sustainable transport modes can be - or have been

- taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

London Plan Policy 6.1 seeks the integration of transport and development by encouraging development which reduces the need to travel; seeking to improve the capacity and accessibility of public transport, walking, and cycling; and supporting development which generates high trip levels at locations with high public transport accessibility.

Policy 6.3 notes that Development proposals should ensure that impacts on transport capacity and the transport network, at both a corridor and local level, are fully assessed. It also requires that development should not adversely affect safety on the transport network.

Policy AM2 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (2012) states that all proposals for development will be assessed against: (i) their contribution to traffic generation and their impact on congestion, particularly on the principal road network as defined in paragraph 14.14 of the plan, and (ii) the present and potential availability of public transport, and its capacity to meet increased demand.

Local Policy AM7 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012) considers whether the traffic generated by proposed developments is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety.

Local Policy AM14 of the Local Plan (Part Two) specifies that new development will only be permitted where it is in accordance with the Councils adopted car parking standards.

Notwithstanding the in principle objection to off airport car parking and the direct conflict with the existing planning condition imposed by the Secretary of State in relation to Terminal 5; it is also considered that limited weight should be given to the submitted information.

Indeed, it is noted that the supporting information in particular the planning statement and transport technical note which have been submitted, rely on information which has been provided by the tenant currently operating and managing the car park. This site has now been in operation for over a year with the benefit of the previous temporary consent and for a longer period without planning permission. However no detailed survey or accurate monitoring of the site and its use has been undertaken in order to provide a robust quantitative analysis of the proposal. Instead both the transport technical note and planning statement, along with the previous Inspector's findings, are all based on speculative scenario data from 2011. Indeed the car parking number of 500 spaces and the 'reported 70 vehicular movements', were provided by the tenant and there is no clear understanding or explanation as to how they have arrived at these figures. Therefore there has never been any clear robust evidence submitted to substantiate these suggested movements or the suggested capacity for car parking numbers.

It has been submitted that parking is provided in unmarked bays across the site and it was noted during the officer's site visit that vehicles were parked hard up against the site boundaries and bumper to bumper. Taking the standard parking area of 2.4m x 4.8m, the suggested 500 spaces only accounts for 44% of the total area of the site and therefore it is clear that there is significant scope for the application site to accommodate parking well

above this figure. Whilst a condition may be imposed to restrict the total number, in reality this would be unenforceable and this would lead to significant knock on effect to vehicular movements, traffic congestion and impact on the air quality.

Furthermore the suggested vehicular movement 'scenarios' are only provided for airport customers and no information or figures have been provided on the number of car parking spaces or additional vehicular movements pertaining to the hotel over flow parking use; which would be in addition to the airport related use.

The council's highways engineer has also raised concerns with the reliability of the submitted data. He comments:

"The Transport Note states that as part of the proposals there will be a maximum of 70 (35 in and out) traffic movements per day, it is my understanding from the previous (albeit temporary) consent that this figure was based on customers having to drive to the airport terminal where they are met by a parking valet who will then deliver the car to the customer upon returning to the terminal (2 trips per customer). However, the Transport note also indicates that the site now offers a shuttle bus service where customers drop their vehicles off to the site and are transported. This suggests a total of 4 trips per customer which does not appear to be included as part of the number of trips to be associated with the site. It is considered that there will be significantly more trips per day.

The Transport Note refers to a Transport Assessment which was produced in 2013 as part of ref, 38058/APP/2016/3153. It should be noted that the surveys undertaken as part of that consent were undertaken in 2011 (with trip rates taken from 2004 data) well over 5 years ago and as such is not considered to reflect the current network situation. It is therefore considered that a robust assessment of the proposals have not been carried out in terms of assessing the net highway impact.

The submissions should not only include up to date surveys but include committed developments since the granting of the approved outline planning consent in 2014."

In light of the above concerns the proposal cannot be supported. Therefore, in the absence of an up-to date and accurate Transport Report, the proposal has failed to provide a robust assessment of the proposal in terms of assessing the net highway impact on the immediate and surrounding network. The proposal is therefore contrary to Policies AM2 and AM7 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012); and Policies 6.1, 6.2 and 6.4 of the London Plan (2016).

7.11 Urban design, access and security

This is an accessible location and there are no issues relating to security.

7.12 Disabled access

Parking is provided in unmarked bays across the site and whilst there would be no specific marked disabled bays, the site is one level and is accessible. Therefore there is no reasonable justification to refuse the proposal on these grounds.

7.13 Provision of affordable & special needs housing

Not applicable as this is not residential development.

7.14 Trees, landscaping and Ecology

Policy BE38 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) advises that new development should retain topographical and landscape features of merit and that new planting and landscaping within development proposals should be provided wherever it is appropriate.

The site has been cleared of development and the comments from the Canal Trust are noted. If the application was recommended for approval then conditions would have been added to ensure appropriate landscaping measures were introduced.

7.15 Sustainable waste management

Not applicable to this type of application.

7.16 Renewable energy / Sustainability

Not applicable to this type of application.

7.17 Flooding or Drainage Issues

Government guidance requires that consideration be given to flood risk in the planning process. The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Where development is necessary in flood risk areas, it can be permitted provided it is made safe without increasing flood risk elsewhere.

The London Plan (2016) reiterates national policy guidance, and Policy 5.12 seeks to ensure development proposals comply with the flood risk assessment and management requirements set out in the NPPF and the associated technical guidance on flood risk over the lifetime of the development.

London Plan Policy 5.2 (2016) sets out that development should address the issues of flood resilient design and emergency planning. Development should remain safe and operational under flood conditions and buildings should be designed for quick recovery following a flood. Policy 5.13 of the London Plan (2016) seeks to ensure that Sustainable Urban Drainage Systems are included in development proposals.

Policies OE7 and OE8 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) seek to ensure that development incorporates appropriate measures to mitigate against any potential risk of flooding.

The Council's Floods and Drainage Officer has reviewed the submission and has objected as the proposal fails to demonstrate that the site is safe and flood risk is suitably mitigated through the provision of an appropriate flood risk assessment including adequate management of surface water drainage, contrary to local, regional and national policy.

However the site is not within a flood risk zone and therefore the risk of flooding only relates to impacts off site from surface water flooding. This risk is no different with or without the proposed use and therefore it would be difficult to request surface water drainage works on land to be used for a temporary period, as these works could be substantial.

7.18 Noise or Air Quality Issues

The National Planning Framework makes a presumption in favour of sustainable development. However it acknowledges that pursuing sustainable development involves 'seeking positive improvements in the quality of the built environment and peoples's quality of life'.

Policy OE1 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that uses that become detrimental to the amenity of the adjoining occupiers or surrounding area will not be approved. Policy OE3 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) requires measures to be undertaken to alleviate potential disturbance where a development is acceptable in principle.

The proposal has been reviewed by the Council's specialist air quality officers who have

concluded that the proposal is wholly unacceptable and contrary to local, regional and national policy. The Council consider the proposed development would introduce an unjustified increase in private car usage that would actively introduce more environmental harm (air quality impacts) in the areas serving Heathrow airport. Furthermore, the Council already considers there is sufficient car parking serving the airport as approved as part of Terminal 5 decision (Condition A85) which caps airport parking at 42,000. Since this decision air quality impacts from road borne transportation has been steadily worsening and now breaches minimum standards for health in various locations on, around and serving the airport. The air quality impacts subsequently spread to nearby sensitive receptors creating harmful health impacts. In addition, many of the roads serving the airport are heavily congested resulting with subsequent impacts on the wider network resulting in harmful air quality impacts.

The proposed development will actively encourage non-sustainable forms of transport and undermine attempts to increase a modal shift away from the private car in areas already breaching minimum EU standards for air quality; the resulting impacts will add to the harmful impacts on air quality and contribute to the consequential health effects from poor air quality. Therefore by reason of its traffic generated air pollution within the London Borough of Hillingdon Air Quality Management Area is contrary to Policy OE1 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012); the Council's Supplementary Planning Guidance on Air Quality; The Hillingdon Local Plan: Part 1- Strategic Policies T1 and T4; The London Plan Policy 6.13(a); and NPPF Chapter 9.

Furthermore, the proposed development, by reason of the activities associated with the continued use as a car park, the overall size, extensive and constant use (24 hours a day, 7 days a week all year round) of the site, which could also easily accommodate double the number of vehicles currently estimated; the layout of the site (including the layout of the vehicular accesses and parking areas); and in the absence of a Noise Report and proposed mitigation measures regarding noise from the site including any machinery in relation to the nearby residential properties, the application has failed to demonstrate that the development will safeguard the amenities of adjoining residential properties. The proposal is therefore contrary to Policy OE1 and OE3 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.19 Comments on Public Consultations

The local objection has been noted and the Council's Environmental Protection Unit who deal with noise complaints were notified however they were unable to substantiate these claims. In any event they have also added that the proposed use would be acceptable in regards to noise.

7.20 Planning obligations

Not applicable to this application.

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

No other issues.

8. Observations of the Borough Solicitor

General

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including

regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probity in Planning, 2009.

Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

9. Observations of the Director of Finance

Not applicable.

10. CONCLUSION

There are significant concerns raised with the continued use of the large site as a car park for Heathrow, outside of the boundary for the airport and there are strong objections raised at both local and regional level which are supported by National Policy.

Notwithstanding the in principle objection to off airport car parking and the direct conflict with the existing planning condition imposed by the Secretary of State in relation to Terminal 5; it is also considered the proposal will actively encourage non-sustainable forms of transport and undermine attempts to increase a modal shift away from the private car in areas already breaching minimum EU standards for air quality.

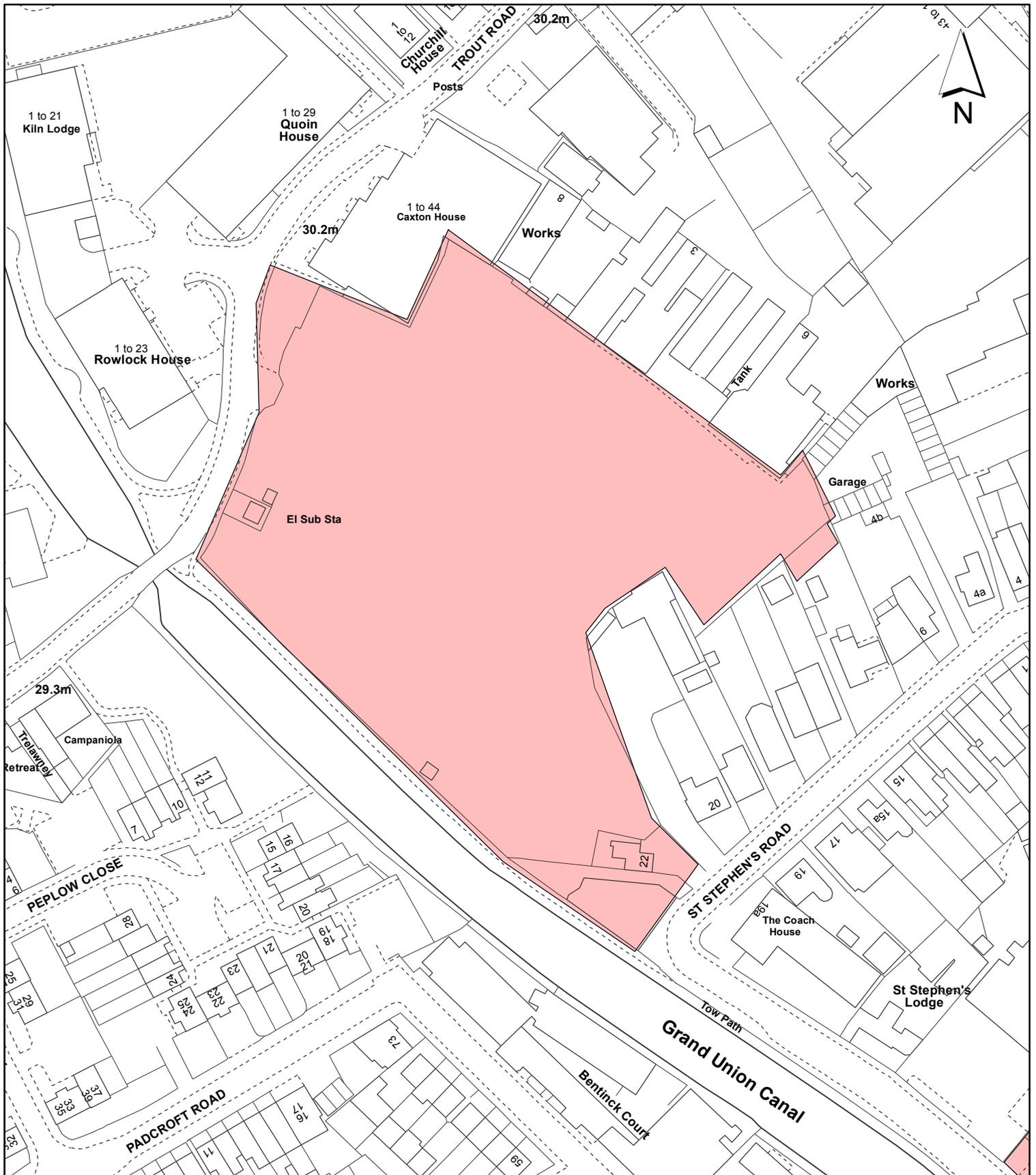
Accordingly taking all matters into consideration and subject to the Stage 1 referral to the GLA, the application is recommended for refusal.

11. Reference Documents

The Hillingdon Local Plan: Part 1- Strategic Policies (November 2012)
Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012)
London Plan (March 2016)
National Planning Policy Framework (NPPF) (July 2018)
Hillingdon Supplementary Planning Document - Community Safety by Design (July 2004)
Hillingdon Supplementary Planning Document - Air Quality (May 2002)
Hillingdon Supplementary Planning Document - Planning Obligations (July 2014)
Hillingdon Supplementary Planning Document: Accessible Hillingdon January (2010)
Hillingdon Supplementary Planning Document : Residential Layouts (July 2006)
Hillingdon Supplementary Planning Document : Public Realm (April 2006)

Contact Officer: Hardeep Ryatt

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Notes:

 Site boundary

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Site Address:
Land at Rainbow Industrial Estate
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LONDON BOROUGH OF HILLINGDON
Residents Services
Planning Section
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 Telephone No.: Uxbridge 250111

Planning Application Ref:
38058/APP/2018/3554

Scale:
1:1,250

Planning Committee:
Major

Date:
December 2018

