
Appeal Decision

Site visit made on 16 May 2017

by Caroline Jones BA (Hons) DipTP MTP MRTPI

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

Decision date: 7th June 2017

Appeal Ref: APP/L5810/W/17/3169200

Land rear of 670 Hanworth Road, Whitton TW4 5NP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Oruc Gurkan against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 16/2022/FUL, dated 25 July 2016, was refused by notice dated 5 December 2016.
 - The development proposed is the conversion of the existing workshop building into Day Care Community Centre.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effects of the proposal on the supply of employment land in the borough; and
 - whether adequate provision is made for parking and the effect on highway safety.

Reasons

Employment land

3. The appeal site is located within an area of mixed use to the rear of a small parade of shops and adjacent to a public house. The wider area is predominantly residential. The site has two accesses, one from Hanworth Road and the second through the car park to the rear of the public house. The appeal building is a single storey rectangular building and the proposal comprises the change of use of the majority of the building to a day care centre. The end unit would be retained for employment space.
 4. Paragraph 5.3.8 of the Richmond upon Thames Development Management Plan (2011) (DMP) states that the borough has limited employment floor space, which is often found in many small sites scattered across the mixed-use and residential areas and relatively few industrial areas. In order to retain land, sites and buildings in employment use, Policy DM E2 of the DMP states that the use of employment land for other purposes will only be permitted where marketing evidence has been provided and a sequential approach has been
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- applied to the development. No evidence of such marketing has been submitted.
5. That said, the supporting text to Policy DM E2 states that there may be some instances, such as the change to a community use, where other appropriate evidence relating to a particular employment site or premises will be considered by the Council instead of marketing evidence. Furthermore, Policy CP16 of the Richmond upon Thames Core Strategy (2009) and Policy DM SI 1 of the DMP provide support for the provision of social infrastructure stating that the overall strategic approach is to ensure the provision of services and facilities for the community and that planning permission will be granted for new social infrastructure where, amongst other things, it provides for an identified need.
 6. The appellant asserts that the centre would largely serve the local community, especially the elderly and provide a suitable place for them to meet and that the centre would be open to other community users or service providers. Policy DM SI 1 supports such a mixed use. The Council do not dispute that such a use could provide a valuable community facility in this location and I have no reason to disagree. However, the Council are concerned that the appellant has not submitted a 'needs assessment', any evidence in relation to engagement with day care centre operators or in relation to the nature of the operation.
 7. Whilst I agree with the appellant that it is not a necessity at this stage to have an end user, a departure from the marketing requirement of Policy DM E2 requires the submission of alternative evidence. I share the Council's concerns that the submitted information regarding the operation of the centre is somewhat ambiguous and does not appear to have been informed by the identification of need or demand for such uses. I am not persuaded that sufficient appropriate evidence has been submitted to demonstrate that the centre would provide for an identified need to justify the lack of marketing or the loss of employment space. Although the policy does not specifically request a 'needs assessment' this would be an effective way of determining the need and demand for such services and to inform the future operation of the centre.
 8. There would be benefits resulting from the proposal including those to the local community and the creation of a small number of jobs. I also acknowledge that the site is in an accessible location close to a large residential area with good public transport links and users of the centre may also contribute to the local economy by using the nearby shops. Nonetheless, the appeal scheme would result in an overall reduction in employment space on the site and I have not been provided with any evidence of a marketing exercise or suitable alternative evidence to justify the overall reduction in employment floor space for the purposes of the development plan.
 9. Whilst I accept that the site has a number of constraints, there is no evidence before me to suggest that this would preclude the site from being occupied for employment purposes. Permitted changes of use within other use classes are not relevant to the determination of this appeal which I must consider on its own merits.
 10. I therefore consider that insufficient evidence has been submitted to enable me to conclude that the benefits of the scheme would outweigh the loss of

employment land in this instance. The proposal would therefore result in an unacceptable loss of employment land contrary to policy DM E2 of the DMP.

Parking and highway safety

11. The National Planning Policy Framework (the Framework) has a core principle of making the fullest possible use of public transport, walking and cycling, and advises that parking standards should take account of (amongst other things) the accessibility of development and the levels of car ownership (paragraph 39). To be read alongside that paragraph, local planning authorities should only impose local parking standards for residential and non-residential development where there is a clear and compelling justification that it is necessary to manage their road network¹.
12. The submitted Transport Statement anticipates the centre would be used by 5-50 people per day. Four car parking spaces would be dedicated within the site for use by the centre and two for parking and delivery vehicles. The site is within close proximity of bus stops on Hanworth Road and there is a pay and display car park within the vicinity of the appeal site.
13. The Council are concerned that as a result of the various potential uses for the centre, there may be insufficient onsite parking which would result in overspill onto the surrounding roads. However, the proposed day care centre would be within easy walking distance of a large residential area and is located close to public transport. Users of the centre would have the option of accessing the site by methods other than the private car and alternative pay and display parking is available. Moreover, there is no clear evidence of a local parking issue within the locality before me. At my site visit, although I appreciate that this was just a snapshot in time, there did not appear to be high levels of on street parking. Nor has it been demonstrated that even if the proposal were to result in a material shortage in parking provision in the locality, how this would be bound to have a harmful effect on highway safety.
14. I note the Council's concerns regarding the external access to the toilet in wet weather but this matter would not justify withholding permission. Given the proposed use of a day care centre I am not persuaded that it would necessitate the need for large delivery or service vehicles.
15. I therefore conclude that the proposal would not have a harmful effect on parking in the area or a severe impact on highway safety and find no conflict with Policies DM TP6, DM TP7 and DM TP8 of the DMP. These seek, amongst other things, to ensure new development provides an acceptable level of parking to avoid an unacceptable impact on on-street parking conditions and local traffic conditions and does not adversely impact on the pedestrian environment or cycling network. I also find no conflict with the Framework in this regard which states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

¹ Written Ministerial Statement – 25 March 2015

Conclusion

16. Although I have found that the proposal would not have a harmful effect on parking or highway safety, this is insufficient to outweigh the unacceptable loss of employment space. I have considered all other matters, including support for the scheme but none outweigh the harm I have identified.

17. For the reasons given above I conclude that the appeal should be dismissed.

Caroline Jones

INSPECTOR