
Appeal Decision

Site visit made on 12 July 2017

by Roy Merrett BSc(Hons) DipTP MRTPI

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

Decision date: 17 August 2017

Appeal Ref: APP/H5960/W/17/3173510

Ground Floor, 43-45 Parkgate Road, London SW11 4NP

- 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 John Cooke against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2016/5392, dated 14 September 2016, was refused by notice dated 28 November 2016.
 - The development proposed is the change of use from Use Class A1 (retail) to Use Class B1(a) (office).
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from Use Class A1 (retail) to Use Class B1(a) (office) at Ground Floor, 43-45 Parkgate Road, London SW11 4NP in accordance with the terms of the application Ref 2016/5392, dated 14 September 2016 and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Existing Floor Plan; Proposed Layout Plan.

Main Issue

2. The main issue is the effect of the development on retail provision in the locality.

Reasons

3. Policy DMO 8 of the Wandsworth Local Plan Development Management Policies Document 2016 (DMPD) states that town centre uses will generally be appropriate in the Borough's Focal Points of Activity. The main parties do not dispute that the appeal site falls within such a Focal Point. Furthermore it is uncontested that town centre uses are defined in the Glossary to the DMPD as including B1(a) (offices). This is consistent with the definition of main town centre uses in the National Planning Policy Framework.
 4. Policy DMO 8 goes on to state that existing town centre uses in Focal Points of Activity will be protected against change of use unless there is evidence of a lack of demand and that the alternative use will add to the economic vitality
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and viability of the area. Whilst the proposal would involve change of use, it would, nevertheless, result in the continued operation of a recognised town centre use at this site. From the information before me there is no policy preference expressed, within the DMPD, between one type of town centre use and another at the appeal site location. Accordingly, it seems to me that there should be no need for the proposal to be justified based on a failed marketing exercise for an alternative retail provider and the contribution it would make to economic development in the area.

5. Policy DMTS 7 of the DMPD states that outside shopping frontages and parades, planning permission will be granted for change of use of shops provided there are alternative shopping facilities within reasonable walking distance (acknowledged to be 400 metres). It is undisputed by the parties that there is alternative shopping provision well within this distance threshold, given the presence of the Co-op supermarket on Battersea Bridge Road which is situated some 300 metres away. In addition, it was apparent from my visit that there are smaller shops even closer to the appeal site than this, for example at the petrol filling station on Parkgate Road and elsewhere on Battersea Bridge Road, albeit that they would be expected to stock a much smaller range of products.
6. The explanatory text to Policy DMTS 7 states that the loss of A1 shops, where there are no alternative shops within 400 metres will require marketing evidence to justify the loss. However as set out above it is not part of the Council's case that the proposal is in conflict with Policy DMTS 7 and given the proximity to alternative shopping facilities, I find no basis in the wording of the policy to justify a requirement that the site be marketed for retail use.
7. Furthermore, it is undisputed that the site is in close proximity to a number of local bus services. This would enable access to further convenience facilities in the wider locality. Drawing the above considerations together I am not therefore persuaded that the proposal would lead to any material increase in reliance on car use and additional traffic congestion.
8. I am mindful that many representations have been received from local residents who are concerned that the proposal would result in the loss of an important community facility and greater inconvenience for residents; that there would appear to be demand for the premises from an alternative retailer and that the proposed office use would result in a more sterile environment. However I have not been provided with any compelling evidence that would lead me to the view that the proposal would result in undue harm to overall retail provision in the locality and that would justify the favourable policy position towards the proposed office use, as set out above, in light of reasonable alternative retail provision, being set aside in this case.
9. Whilst it has been suggested that the proposal would generate higher business rates for the Council, there is no evidence as to how such a local finance consideration would help to make the proposed development acceptable. Accordingly I have afforded this matter no weight in my decision.
10. I therefore conclude that, for the above reasons, the proposal would accord with Policies DMO 8, DMTS 1 and DMTS 7 of the DMPD insofar as they seek to safeguard retail provision and town centre uses within the Borough's Focal Points.

Other Matters

11. Concerns have been expressed that the proposal was not sufficiently publicised. However, a significant number of representations were submitted in relation to the development and I am not persuaded that any parties have been prejudiced in this regard.
12. With regard to parking demand associated with the proposed office, I note that the Council considers there would be no material difference when compared with the existing retail use. I have not been presented with any evidence that would lead me to take a contrary view.
13. I have considered the argument that the grant of planning permission would set a precedent for other similar changes of use. However each application and appeal must be determined on its own individual merits and a generalised concern of this nature would not in itself justify withholding planning permission in this case.
14. In terms of the effect of the development on property value, I am unable to attach any significant weight to this matter as it is not the purpose of the planning system to arbitrate over competing private interests.
15. From the information before me and my visit, it would appear that Parkgate Road provides a connection between Battersea Bridge Road and Battersea Park, both of which are busy and vibrant areas. I am not therefore persuaded that the proposal would result in a significant loss of footfall and trade to nearby businesses or material harm to surveillance and security along the street. In terms of job creation potential, there is no information before me that would lead me to conclude that the proposed office development would result in material disadvantage to lower income workers. Whilst any construction work associated with the development may result in some disturbance to local residents, this would be for a temporary period only and would not justify refusal of planning permission.

Condition and Conclusion

16. A condition specifying the plans is required in the interests of the proper planning of the area.
17. For the above reasons and having had regard to all other points made, the appeal is allowed and planning permission is granted.
18. I recognise that the many local residents who objected to the proposal will be disappointed by this outcome. However, the views of local residents, very important though they are, must be balanced against other considerations. In coming to my conclusions on the determinative issues, I have taken full and careful account of all the representations that have been made, which I have balanced against the provisions of the development plan as well as the physical context of the appeal site. However, for the reasons set out above, the evidence in this case leads me to conclude that the appeal should succeed.

Roy Merrett

INSPECTOR