
Appeal Decision

Site visit made on 15 January 2020

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 January 2020

Appeal Ref: APP/P5870/W/19/3239452

Greenview House, 5 Manor Road, Wallington SM6 0BW

- 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 Gareth McCullough of Serenity School Ltd against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2019/00899, dated 28 May 2019, was refused by notice dated 10 September 2019.
 - The development proposed is change of use from offices (B1a) to education use (D1).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development set out on the planning application and appeal form include matters which relate to the merits of the case. This description of development is not wholly clear, but the appellant in their Full Statement of Case sets out the same description of development that is found on the decision notice. This says: "Change of use from offices (B1a) to education use (D1)." I consider that this description of development best reflects the scheme that is before me, and on the basis on which interested parties have been consulted upon. Thus, I have considered the appeal on this basis and I have used this description of development in the banner above.

Main Issues

3. The main issues are the effect of the proposed change of use on: (i) the vitality and viability of Wallington Green Local Centre; (ii) highway safety, with regards to the proposed vehicular access and travel and parking arrangements.

Reasons

Wallington Green Local Centre

4. The appeal site lies within Wallington Green Local Centre. Policy 18 of the Sutton Local Plan 2016-2031 (Local Plan) states that within Local Centres, the Council will grant planning permission for new development that: (i) is suitable to the scale, role, function and the character of the centre and its catchment. (ii) makes the optimum use of the site providing a town centre use or mix of town centre uses suitable to the scale of the development and its location within the centre. (iii) provides active frontages at ground floor level and is compatible with council's requirements on shopping frontages.

5. Local Plan Policy 17 e) adds that the council will grant planning permission for other town centre uses in Local Centres, subject to the use being suitable to the function of the centre and other policies in this plan. The glossary of the Local Plan defines the term 'Town Centre Uses'. This closely follows the glossary definition of a 'Main Town Centre Use' as set out in the National Planning Policy Framework (the Framework). The proposed education use does not accord with either the Local Plan or Framework definition.
6. Local Plan Policy 16 says that the council will not grant planning permission for proposals involving the loss of existing B1(a) office accommodation unless it is shown that the office accommodation is no longer required. The need for the particular office accommodation will be assessed against: (i) proof of marketing for a 12-month period at a reasonable market value with a recognised agent; and (ii) proof that opportunities to reconfigure and reuse the accommodation as offices have been exhausted.
7. The ground floor of the appeal building was at the time of my site visit occupied and functioning as an office. The upper floors were vacant. I understand that the first and second floors have been vacant since the last occupiers served a break notice, with the lease for these floors ending on 22 November 2019.
8. The appellant states that there have been long-term marketing efforts made between 2007 and 2019. The letter from Gildersleve and Payne explains that they have acted as sole agent for the marketing of the third floor and as joint agents with Centro since October 2017. Gildersleve and Payne say that very little interest has been received from traditional office occupiers. Of the marketing evidence before me this seems to solely relate to the third floor, and from 2011 which is some time ago.
9. On face value the period of marketing stated by the appellant would exceed the 12-month period stated in Local Plan Policy 16. However, there is no substantive evidence before me to indicate that the whole building has been marketed for any or the entirety of the stated period; that it is currently taking place (no marketing details enclosed); whether the office space was marketed at a reasonable market value; and what the interest has been/was and perhaps why the interest has not been followed up. Without this detail, I cannot agree with the appellant that office space a few miles away is more appealing and with the same or a better price. Furthermore, despite claims that the building will, if the appeal is dismissed, be demolished and/or turned into flats, and that the building is no longer suited to office space based on the site's location and appearance/appeal, there is no substantive proof that consideration has been given to reconfiguring and reusing the office accommodation before me.
10. A Class D1 use would result in jobs and spending in the local economy by the school, staff and pupils. This would help the viability and vitality of the Local Centre, but equally an office use could achieve the same. So, while the proposal would occupy the entire building with a use that would result in an active frontage, the lack of substantive evidence around marketing means that the appellant has not demonstrated that the existing Class B1a office accommodation is no longer required; that opportunities to reconfigure and reuse the accommodation as offices have been exhausted; or that other town centre uses suitable to the function of the Local Centre have been explored. Thus, it has not, based on the submitted evidence, been demonstrated that the proposed use would be a suitable replacement function for the Local Centre and

that harm would not arise to the vitality and viability of the Local Centre.

11. Therefore, I conclude, on this issue, that the proposed change of use would significantly harm the vitality and viability of Wallington Green Local Centre. The proposal would conflict with Local Plan policies 16, 17 and 18 which jointly, among other things, will grant planning permission for other uses in Local Centres where they are suitable to the function of the centre; and for proposals involving the loss of existing B1(a) office accommodation provided that it is shown that the office accommodation is no longer required.

Highway safety

12. The appeal site is near to a busy junction of Croydon Road / Acre Lane (A232), which is a Transport for London Red Route, which prohibits stopping, and Manor Road / Manor Road North (A237). The designation extends around the junction and onto Manor Road and across the front of the appeal site. The site currently has a Public Transport Access Level (PTAL) of 4. Bus stops, serving seven bus routes, can be found on each of the four legs to the traffic light-controlled junction. These stops are a short walk away from the site.
13. To the rear of the appeal building is an off-street car park. Access into and out of the car park is gained using a narrow single width track that extends alongside the flank elevation of 367 to 371 Croydon Road. To the east of the junction of the access and Croydon Road is a bus stop. The alignment of the road and pedestrian footway kinks outwards in this direction. To the west are on-street car parking spaces in front of the terraced row of properties that extend to the junction of Croydon Road and Manor Road.
14. The proposed development would create a new special educational needs (SEN) school for 90 no. pupils, with 35 no. staff, though some of these would be part-time roles and such staff would work across the appeal site and the appellant's existing site in Croydon. Setting aside the proposed occupier, and the proposed transport arrangements, a Class D1 education use in terms of the potential trip generation could result in a significant number of trips to and from the site each day and during concentration periods of time, focussed around the peak AM and PM hours.
15. There is no substantive evidence to support the appellant's estimate that the lawful office use at full occupancy accommodated around 110 no. staff in the 1980s. The building itself may well lend itself to that quantum of staff, but there is no substantive evidence before me to indicate that the appellant's view that 80 to 90 no. cars would have been associated with the 110 no. staff. Given the size of the car park, the nature of nearby roads, parking restrictions close to the site and the availability of public transport, this number of cars would be unlikely to arise in my view if the office was used to its maximum today. I cannot therefore agree with the appellant's opinion about the number of cars and their effect on the area.
16. Given the significant number of potential trips, a transport statement or transport assessment would be beneficial in assessing the likely impacts of the proposal, especially given its location and the existing highway conditions. Furthermore, the existing car park would be split to provide a playground and 10 no. car parking spaces. While access to these spaces would remain as per the current arrangement, the proposed number of spaces would fall significantly below the maximum parking standard of 31 no. spaces. While my

site visit is a snapshot in time, I saw that it is likely that these spaces would not only be required not just for vehicular parking, but so that vehicles do not block the busy public highways in the area. Given the limited availability of parking in the area and the mixture of commercial and residential uses nearby, the proposed number of spaces have the potential to under provide for the proposed use.

17. The appellant does not dispute the need for a transport statement or transport assessment. However, they point to the submitted School Travel Plan (STP). The STP outlines the link between the appeal scheme and the existing SEN at South End in Croydon, which according to the appellant operates with no staff members driving to work, except for those who drive company vehicles and those who provide shuttle services for pupils. However, even if I were to accept that the two sites are comparable in terms of their location and transport links, despite the lack of any substantive evidence, the number of pupils and staff potentially using the appeal building would be considerably higher.
18. This brings into question whether the proposed mitigation measures set out in the STP would successfully address the effect of the proposed use, even with the proposed school day and the lack of any after school clubs during the week. My concern is underlined by the lack of precise details for many of the proposed measures. For example, there is no indication where drop offs and pick-ups would take place. If they were to take place on Croydon Road or Manor Road, then vehicles would block other road users and queues would be likely to quickly form in and around the junction, and on the roads leading to it. This would be to the detriment of the safety of road users as visibility and the safe operation of the highway would be unacceptably impacted. There is also no evidence to suggest that the site in Croydon is capable of enabling staff members, of the scale explained, to be transferred to and from the appeal site, even if they live locally. The catchment area for pupils is South East London. This is not defined and could involve a variety of journey types and lengths. So, while pupils, staff and parents would be encouraged not to use the private car, the practicalities of this approach are unclear insofar as whether they could mitigate the potential highway safety implications set out.
19. I agree with the appellant that there are many benefits to active travel, which the appeal scheme may deliver on, but the evidence before me does not indicate that the proposal would result in Wallington becoming less traffic heavy. As such, I consider that the proposed parking arrangements are not acceptable, and overspill parking is more than likely to occur to the detriment of highway safety for the reasons previously explained. There are no planning conditions or other mechanism before me that would overcome the adverse impacts of the development that I have identified.
20. On this issue, I conclude that the proposed change of use could lead to a significant unacceptable impact on highway safety, with regards to the proposed vehicular access and travel and parking arrangements. The proposal would not accord with Local Plan policies 36 and 37 and Framework paragraphs 109 and 111. These, jointly require proposals that will generate a significant amount of movement to provide a travel plan and a transport statement or transport assessment and the applicant to demonstrate that the proposed limited or no parking will not result in an increase in on-street parking which would adversely affect traffic flow including bus movement and highway safety. Where the unacceptable impact of development cannot be secured by a

planning agreement or planning conditions then planning permission will not be granted.

Other matters

21. I recognise the appellant's efforts to provide a school for pupils with SEN and disabilities and the proactive, positive and collaborative approach that Framework paragraph 94 advocates in terms of meeting the needs of existing and new communities so that there is a wider choice in education. London may or may not have the highest rates of children with social, emotional and mental health in the country, but even if I were to agree with the appellant about marketing, these matters do not outweigh the significant unacceptable impact that would arise with highway safety. This issue is paramount given the proposed use and the existing highway conditions. While the appellant has tried to work with the Council before and after the refusal of planning permission, it is open to the appellant to provide the necessary evidence to the Council with a view to finding a solution to overcome the concerns identified. Effective engagement between applicants, local planning authorities and other interested parties is also key to good decision-making.
22. The appeal site lies within the Wallington Green Conservation Area (WGCA) but having regard to the proposed use and operational development, I consider that the proposal would have a neutral effect on the character and appearance of the WGCA. As such, the proposal would preserve the WGCA.

Conclusion

23. For the reasons set out above, I conclude that the appeal is dismissed.

Andrew McGlone

INSPECTOR