



Appeal Decision

Site visit made on 26 May 2020

by Martin Small, BA (Hons), BPI, DipCM, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd June 2020

Appeal Ref: APP/F5540/W/19/3243065

Worton Court, Unit 1, Worton Road, Isleworth, TW7 6ER

- 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 Mrs Chandima Dharmawickrama against the decision of the Council of the London Borough of Hounslow.
 - The application Ref: 01239/U1/P1 dated 28 August 2019, was refused by notice dated 11 November 2019.
 - The development proposed is change of use from B1 office space to D1 nursery.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: i) whether the location is suitable for the proposed use, having regard to accessibility by means other than the private car and the safety of users; ii) the effect of the proposed development on the local economy, with particular regard to the provision of employment floor space; and iii) the effect of the proposed development on the living conditions of the occupiers of neighbouring dwellings.

Reasons

Suitability of location

3. From the evidence before me, the site has a Public Transport Accessibility Level of 1b, which represents a 'very poor' access to public transport services. Accordingly, it is likely that parents dropping off or picking up their children would use the private car. Whilst it is suggested that bicycles could be stored within the bin store, I have no indication of how many this could accommodate. It is likely, therefore, that at least some of the employees at the proposed nursery will also use private cars. Although the appellant suggests that employees would share cars, I have no mechanism before me to ensure that that would be the case. The application was not supported by a Travel Plan.
4. The proposed site plan submitted with the application indicates 3 parking spaces within Worton Court and another 5 spaces within an existing car park opposite the appeal property as being available for Unit 1. The appellant suggests that 2 of these spaces would be available for dropping off and picking up children and, in addition, the site plan indicates a drop-off bay if required within Worton Court.

5. I noted during my site visit that the parking spaces within Worton Court were fully occupied and the suggested drop-off bay is not formally marked as such. Although the appellant contends that Worton Court is subject to a height restriction precluding its use by larger vehicles, if the 2 drop-off / pick-up spaces would be within Worton Court, conflict between delivery vans, other users wishing to park and cars dropping off or collecting children within the courtyard would be likely.
6. The appellant indicates that the proposed nursery would accommodate a total of 35 children. The appellant suggests that the proposed opening hours of the nursery from 08:00 – 19:00 would be outside the peak hours of traffic accessing or leaving the site. However, there is no certainty that children would be dropped off or collected at these times. In addition, it is likely that the majority of the children would be dropped off and picked up around the same time, thus resulting in high demand for the few available drop-off / pick-up spaces, even if only used for a few minutes at a time. It is thus likely that there would be conflict with other vehicles using Worton Court and the adjacent larger Worton Hall Industrial Estate (the WHIE), which could include heavy lorries and vans as well as cars.
7. Furthermore, the Trustees of ThisWayUp Pension Trust, the owners of the WHIE, advise that there is no visitor parking for Worton Court within the WHIE. Even if the 2 drop-off / pick-up spaces were within the courtyard, parents could be circling the WHIE looking for a space and, in the mornings, potentially using spaces allocated to other premises. Unless able to find a space within the courtyard, parents with children would need to walk from within the WHIE to Unit 1. I observed during my site visit that there is no footway or other dedicated pedestrian route from the car park opposite to Unit 1 and it would be necessary to cross the access road to Worton Court and the WHIE.
8. I consider therefore that, from the evidence before me, the proposed arrangement for dropping off and picking up would not be safe for parents and their children using the proposed nursery and could compromise the safe operation of existing businesses in Worton Court and on the WHIE. The appellant contends that attendees at the adult learning centre for which Unit 1 was formerly used needed support, but I have no evidence of the arrangements for arrivals and departures to demonstrate that the nursery could be accessed safely. The Council's Transport Team has objected to the proposed development on the basis of a lack of significant information on its transport implications, including the potential number of trips generated and the details of the drop-off and pick-up arrangements.
9. Accordingly, I find that the appellant has failed to demonstrate that Worton Court and Unit 1 are suitable locations for the proposed development with regard to accessibility and the safety of users. I therefore find that the proposal conflicts in this respect with Policy EC2 of the Hounslow Local Plan 2015-2030 Volume 1 (2015) (the HLP), which promotes a more sustainable local travel network that maximises opportunities for walking, cycling and using public transport. The policy expects development proposals to provide a minimum number of cycle spaces in accordance with the standards in The London Plan¹ and to prepare Travel Plans. I find limited conflict in this respect

¹ The Spatial Development Strategy for London Consolidated with Alterations since 2011

with Policy EQ5 of the HLP which seeks to reduce the impact of noise from transport and other noise-generating uses.

10. Furthermore, the proposed development would conflict with paragraph 108 of the National Planning Policy Framework (the Framework). This sets out in assessing specific proposals for development, it be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location and that safe and suitable access to the site can be achieved for all users. The proposed development would also be contrary to paragraph 110 c) of the Framework, which sets out that applications for development should create places that are safe, secure and attractive which minimise the scope for conflicts between pedestrians, cyclists and vehicles.

The local economy

11. Worton Court comprises 14 units, predominantly in B1 use as offices. The landlord of Unit 1 confirms that the unit formerly accommodated an adult learning centre, but it has been vacant since January 2019 despite marketing. It was vacant at the time of my site visit. However, I note that the landlord's letter does not express active support for the proposal.
12. Together, Worton Court and the WHIE are designated in the HLP as a Locally Significant Industrial Site (LSIS). Policy ED2 of the HLP seeks to protect LSISs and, in accordance with clause (d) of the policy, development proposals will be expected to provide an assessment showing that they do not compromise the objectives of the LSIS designation.
13. From the policy and its supporting text, the objective of the LSIS designation is to maintain the contribution of such sites to the Borough's employment land supply. The appellant's Design and Access Statement (DAS) suggests that the proposed use would create 20 new jobs although the application form indicates that it would provide 4 full-time and 2 part-time jobs. There is no evidence to support the increased number but even if I were to take the lower estimate, the proposed use would provide some employment opportunities. This, and the increased revenue from the letting, would be benefits over the current situation with the property vacant. Whilst brief, in the absence of any specific guidance on the content or detail of the assessment required by clause (d), I am satisfied that the DAS is adequate in this respect.
14. The Planning Officer's Report refers to detailed information requirements, as set out in clause (e) of Policy ED2. However, the clause indicates that this information is required for proposals where there would be loss of employment uses outside of Strategic Industrial Locations and LSISs. As the appeal property is within a LSIS, clause (e) is not applicable to the proposal.
15. Furthermore, I note that clause (f) of Policy ED2 sets out that facilities that support and enhance employment uses such as a workplace crèche may be acceptable where they are of a small-scale ancillary to the overall employment function of the site. The proposed nursery, from the evidence before me, would not be for the exclusive use by children of parents employed at Worton Court or the WHIE but could nevertheless provide care facilities for the children of parents who are. The modest scale of the nursery would be ancillary to the main employment use of Worton Court and the WHIE.

16. I therefore conclude that the proposed use would not adversely affect the economy of the Borough through the loss of employment floorspace and would provide a facility useable by employees at Worton Court or the WHIE. In these respects, the proposed development would not compromise the objectives of the LSIS designation and so I find no conflict with Policy ED2.

Living conditions

17. Unit 1 backs onto a narrow strip of land to the other side of which are the rear gardens of the residential properties of 1E and 1F Worton Road (Nos. 1E and 1F). To the south-west of the unit are the dwellings of The Mews to the rear of Worton Hall. However, it is likely that these properties already experience a significant degree of noise and disturbance from vehicles passing to and from Worton Court and the WHIE, particularly at peak times.
18. Furthermore, other than at drop off and pick up times, the nursery activity would take place indoors as, from the evidence before me, the premises do not have access to any outdoor areas for play. This would limit the level of noise from the children at the nursery likely to be experienced by occupiers of Nos. 1E and 1F and The Mews. The Council has not provided any evidence that the proposed use of Unit 1 as a nursery would be likely to generate significant additional levels of noise or disturbance.
19. I am therefore not persuaded that the proposed use would harmfully affect the living conditions of the occupiers of neighbouring dwellings. Accordingly, I find no conflict in this respect with Policy EQ5 or Policy EC2 of the HLP. Nor do I find, on the basis of the evidence before me, conflict with Policy CC2 of the HLP which expects, amongst other things, development proposals to have a positive impact on the amenity of current and future residents.

Other Matters

20. Unit 1 is within the setting of Worton Hall, a Grade II listed building. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the setting of a listed building. Paragraphs 190 and 194 of the Framework recognise that development within the setting of a heritage asset can affect its significance.
21. The setting of Worton Hall has been significantly altered by the development of the WHIE and Worton Court such that Unit 1 contributes very little to the significance of the Hall. As the proposed development would not alter the form or external appearance of Unit 1, nor result in materially greater noise or other effects, I conclude that the development would not harm the significance of Worton Hall. The setting of the Hall would therefore be preserved by the proposed development. I have given this neutral weight in my decision.

Conclusion

22. The benefit to the local economy of bringing back into use a vacant unit is not sufficient to outweigh the conflict with the development plan and Framework in respect of accessibility and safety of users that I have identified above. Accordingly, and having regard to the other matters raised, I conclude that the appeal should be dismissed.

Martin Small INSPECTOR