



Appeal Decision

Site Visit made on 28 June 2021

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 July 2021

Appeal Ref: APP/P5870/W/20/3257141

Mill House, Wandle Road, Beddington CR0 4SD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Earlswood Homes against the decision of London Borough of Sutton.
 - The application Ref DM2020/00232, dated 11 February 2020, was refused by notice dated 14 April 2020.
 - The development proposed is change of use from offices to 6 flats.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GDPO 2015) for change of use from offices to 6 flats at Mill House, Wandle Road, Beddington CR0 4SD in accordance with the details submitted pursuant to Schedule 2, Part 3, Class O of the GDPO 2015 through application Ref DM2020/00232, dated 11 February 2020, and the attached schedule of conditions.

Preliminary Matters

2. The description of development used in the heading and decision above has been taken from the application form. The Council's Decision Notice and the Appeal Form both use a different description, but I have not been provided with confirmation that either of these amended descriptions have been agreed by both parties. Accordingly, I have taken the description from the original application form. I consider that no party is prejudiced through the use of this description.
3. The provisions of Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (referred hereafter as Class O) require the local planning authority to assess the proposed development on the basis of transport and highway impacts of the proposed development; contamination risks on site; and flooding risks on the site. The Council has confirmed that the sole matter in contention in this appeal is the transport and highway impacts, in particular the resulting harm caused by additional on-street parking in the locality.
4. Paragraph W (10) of the GPDO states that when determining an application for prior approval regard must be given to the National Planning Policy Framework (the Framework), so far as relevant to the subject matter of the prior approval, as if the application were a planning application. In addition to this, I have also had regard to the Council's local plan policies insofar as they are relevant to the matters relating to the proposed development, and representations made on the application.

5. The changes introduced by the Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 includes the provision of adequate natural light in all habitable rooms of the dwelling houses. Yet, in the case of planning appeals, this only applies where the prior approval application was submitted on or after 1 August 2020, which is not the case in relation to this scheme.
6. A parking survey and swept path drawings have accompanied the appeal. This information was not before the Council when it determined the application. Nonetheless, the details submitted do not alter the proposal, whilst the Council have had an opportunity to provide comments. I have therefore assessed the appeal on the basis of the additional information.
7. The swept path drawings showing how cars could manoeuvre in and out of the site, has addressed some of the Council's concerns and they are now satisfied that cars can manoeuvre in a safe manner. Accordingly, it has withdrawn its previous concerns in relation to this aspect of the proposal.

Main Issue

8. The main issue is therefore the effect of the proposed development on transport and highways, with particular regard to car parking.

Reasons

9. The streets surrounding the appeal site are residential in character consisting largely of medium to high density terrace and semi-detached housing. Parking for these dwellings is primarily provided on driveways, front forecourts as well as on-street. There are a small number of parking restrictions in place along Bridges Lane, Bridle Path and Wandle Road and these mainly include double yellow lines around bends, road junctions and narrow sections of those surrounding roads.
10. The proposed development would provide three off-street car parking spaces at the rear of Mill House. Based on the parking standards set out in Policy 37 of the Local Plan, the accompanying Appendix 11 and the site's PTAL 2 location, the Council would expect that six off-street parking spaces are provided. The consequent likely demand for on-street car parking spaces therefore is three. The appellant, however, considers that the appeal site's proximity close to local services and transport connections would mean that not all of the future residents would own a car, such that it would justify a reduction in the number of spaces required.
11. The parking survey that accompanies the appeal has followed the 'Lambeth Methodology'¹ for assessing parking stress. This is an established means for measuring parking conditions, and in the absence of any comparable analysis, I have relied upon the results in the survey in assessing the appeal.
12. The survey included all roads within 200m of the appeal site and has followed the general approach advocated by the guidance. The results of the parking survey showed occupancy levels of between 73% and 74% which were below the threshold at which, according to the Lambeth Methodology, a local parking network is considered to be "stressed" i.e. above 85%-90% of capacity. The parking survey states that this equates to an availability of on-street parking within 200 metres of the application site of 40-42 spaces. In the absence of any compelling evidence to the contrary, I have no reason to dispute those findings.

¹ Lambeth Council Parking Survey Guidance Note

13. Therefore, even if I were to agree with the Council's position that the 'worst case scenario' of the proposed development would generate a shortfall of three parking spaces the balance of evidence indicates that these could be provided by existing on-street parking along local streets. The proposal would not, therefore, adversely affect existing parking conditions to the extent that it would render parking opportunities unattainable for future residents.
14. The Council's reason for refusal sets out that the effects of increased parking pressure in the vicinity would result in harm to the efficient working of the local highway network. I can appreciate that should future users of the proposed development choose to park in those areas where there is already high parking stress this could compound competition for on-street spaces and could cause inconvenience and frustration.
15. However, such inconvenience cannot necessarily be equated to material harm to highway safety of a magnitude that would warrant withholding permission. Also, I have not been presented with any evidence as to how the minor increase in future residents, choosing to park on surrounding streets would lead to any harm to highway safety or any unacceptable levels of congestion. Furthermore, I have been given no reason to indicate that the availability of on-street parking would necessarily lead to residents of the flats, to choose or be forced to park illegally or dangerously, particularly in light of the evidence of availability of on-street parking in the vicinity. Therefore, there is no substantive evidence to suggest that the proposal would result in any material harm to highway safety.
16. I note the photographs submitted by the Council to demonstrate the lack of parking opportunities nearby. However, these do not provide a detailed analysis of local parking conditions or quantify the existing stress levels to any great extent. Accordingly, I cannot deduce, from that information, that there would be no opportunities elsewhere for on-street parking.
17. The Council has not disputed the appellant's use of the Lambeth Methodology in establishing the level of parking stress in the area. Yet, it has questioned the veracity of the findings given that there are no photographs of the parking conditions at the time of the survey. Whilst these may have been useful, there is no requirement, in the Lambeth Methodology, for them to be submitted.
18. The Council also considers that the parking survey should be retaken in light of the covid-19 pandemic. However, the survey was carried at 05.00 when most cars would likely be parked up. I am satisfied that this has provided a good indication of when on-street parking would be at its highest.
19. Taking all of the above factors into account, I conclude that some of the car parking generated by the development could be accommodated safely on-street and consequently, the development would not have a harmful effect on transport and highways.

Other Matters

20. The appeal building is locally listed, while the site is within the Beddington Village Conservation Area. The information before me indicates that the proposal would not alter the fabric of the building. Given that there are no obvious physical alterations or visual changes proposed, the proposal would not harm the special features of the building and surrounding area.
21. There is concern that the increase in residential development in the locality in recent years has placed added pressure on the availability of on-street parking. I

have no specific details of those schemes or the uplift in on-street parking that has occurred as a consequence. I have therefore given limited weight to this matter.

22. I noted during my site visit that Wandle Road is bollarded in part with only access for pedestrians and cyclists. Yet, I see no reason why this would prevent future residents of the proposed flats parking on the northern half of that street, given that access by car could be gained via other roads in the vicinity.

Conditions

23. I have had regard to the Council's suggested conditions, amending them where necessary for clarity and to ensure compliance with the tests set out in paragraph 55 of the Framework.
24. Standard conditions are set out in paragraph W(12) of the GDPO 2015, whilst Paragraph W(13) allows conditions to be imposed that are reasonably related to the subject matter of the approval.
25. I have imposed a condition requesting a construction management plan (CMP) and construction logistics plan (CLP). A condition setting out the hours of construction has also been included. These are necessary in the interests of the living conditions of nearby occupiers and highway safety. As the details in the CMO and CLP relate to the construction phase, they are required for approval prior to development commencing.
26. I consider it is necessary to impose a condition requiring the provision and retention of cycle parking and bin storage in order that adequate facilities are provided for residents and that an acceptable location for these facilities clear of the highway is agreed. A condition requiring the provision of three parking spaces within the site is necessary in the interests of highway safety and to reduce on-street parking demand in the locality.
27. A condition requiring remediation of any contamination found within the appeal building during the construction phase is necessary in the interests of the health and safety of future occupiers.
28. I have not imposed the Council's suggested plans condition for the completion of the development of the works as this is routinely required by the Order, unless otherwise stated. Notwithstanding this, the development must also be completed in accordance with the details referred to in the conditions I have imposed.
29. No time limit condition has been imposed in the attached schedule as the GPDO 2015 requires at paragraph O.2(2) that the development must be completed within a period of 3 years starting with the prior approval date.

Conclusion

30. For the reasons given above, I conclude that the appeal should be allowed.

RE Jones

INSPECTOR

Schedule of Conditions

- 1) No development shall begin, including demolition and site clearance works, until a Construction Logistics Plan (CLP) and Construction Management Plan (CMP), to include details of: (a) loading and unloading of plant and materials; (b) storage of plant and materials; (c) programme of works (including measures for traffic management); (d) provision of boundary hoarding, behind any visibility zones of construction traffic routing; (e) hours of delivery; (f) and means to prevent deposition of mud on the highway have been submitted, to and approved in writing by, the Local Planning Authority. The development shall be constructed in accordance with the approved details.
- 2) No part of the development shall be occupied until full details for secure and weatherproof cycle storage and refuse and recycling storage facilities within the site have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed on site prior to the first occupation of any of the proposed residential units and thereafter permanently retained.
- 3) No part of the development shall be occupied until details showing space within the site for the parking of three cars has been submitted to and approved in writing by the Local Planning Authority and that space shall thereafter be kept available at all times for those purposes.
- 4) Site construction works shall only be carried out between the hours of 0800 and 1800 hours Monday to Friday, 0800 and 1300 hours on Saturday and not at all on Sundays and Bank Holidays.
- 5) If, during the course of construction works relating to the development hereby approved, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate additional measures and a verification report for all the remediation works and shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

*****End of Schedule*****