



Appeal Decision

Site visit made on 8 August 2022

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 October 2022

Appeal Ref: APP/L5240/W/21/3289360

St Mary's Catholic High School, Woburn Road, Croydon CR9 2EE

- 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 The Governors of St Mary's VA RC Secondary School against the decision of the Council of the London Borough of Croydon.
 - The application Ref 21/01452/FUL, dated 1 March 2021, was refused by notice dated 2 September 2021.
 - The development proposed is alterations, construction of an extension infilling the existing underpass area between two existing school building parts.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the heading above I have used the more succinct description of development on the appeal form and decision notice. I am satisfied that this accurately describes the proposed development.
3. While the proposed development would obstruct Croydon Borough Public Footpath 671, a public right of way (PROW) through the appeal site, it is not a function of this appeal under section 78 of the Town and Country Planning Act 1990 (the Act) to determine whether this PROW should be stopped up or extinguished. That would require separate consent under other sections of the Act. Nevertheless, I have had regard to the existence of the PROW, to the extent that it is relevant to the issues raised in the appeal.

Main Issues

4. The main issues are:
 - the effect of the proposed development on accessibility to services and facilities, with particular regard to nearby residents/commuters/pedestrians and cyclists,
 - and; whether any harm would be outweighed by other material considerations.

Reasons

Accessibility to Services and Facilities

5. The appeal site is a secondary school in an urban location close to Croydon town centre. It includes land to either side of Woburn Road, which includes the

route of the PROW. At present, the school buildings cross Woburn Road at first floor level, with an underpass below.

6. Woburn Road links Wellesley Road and Tavistock Road, to either side of the school site. There are a range of local services off Wellesley Road, near the end of Woburn Road, including a Catholic Church, local convenience store, bus and railway stations. While Wellesley Road is a major traffic route, Tavistock Road is a quieter, mainly residential street.
7. Although Woburn Road provides car parking for the school on both sides of the site, there is no general vehicular right of access through the underpass. There is nothing which would physically prevent cycling along its length, but the evidence does not clearly establish whether there is any legal right of way for cyclists not associated with the school. In this regard, I note that the PROW is designated as a public footpath (which would not normally allow use by cyclists) and not as a public bridleway.
8. However, the PROW does unambiguously provide a pedestrian route between Tavistock Road and Wellesley Road, which would be permanently obstructed by the proposed development.
9. Sections of Woburn Road are in need of repair and the footpath is not segregated from the vehicular carriageway. Nonetheless, this relates to only part of the route. Moreover, while lighting within the underpass is limited, much of the nearby routes are lit. In addition, the wider level of street lighting is not relevant during daylight hours, when the majority of trips on foot to local services are likely to take place.
10. During my site visit, I saw evidence that the PROW was in regular use. Based on the typical direction of travel, it appeared to be routinely used as a pedestrian route between the residential areas along Tavistock Road and the local services noted above. I also noted that access to the bus and railway stations is supported by a pedestrian crossing at the junction of Wellesley Road and Station Road, which is conveniently accessible from the PROW. My observations at the time of my site visit are consistent with the Council's and third party evidence about use of the PROW. There has been no compelling evidence presented to the contrary.
11. Alternative walking routes exist, notably via Bedford Park and Wellesley Road. These provide wide, level pavements and pedestrian crossings facilitate access across the busy road. For some trips, notably to the town centre, the difference in distance would be insignificant. However, for trips between the north end of Tavistock Road, or the flats on Woburn Road, and the local services near the school, the route via Bedford Park would be around three sides of the block rather than just one as at present. This alternative route is also busier with traffic, which would make it a less attractive option for some users.
12. Since the surrounding area readily supports travel by a range of modes, those living locally are less likely to have easy access to private motorised transport. As such, maintaining convenient pedestrian access to local services and facilities, including for those who are unable to walk far due to age or disability, is particularly important. With this in mind, when considering this appeal I have had due regard to the relevant aims of the Public Sector Equality Duty (PSED), as set out in s149 of the Equality Act 2010.

13. There is evidence that older and disabled people would be disproportionately disadvantaged by an increased walking distance to local services. They include people who currently use the footpath to access the Catholic Church and who consider that the longer and more heavily trafficked walking route would prevent them from attending their place of worship. As such, the proposed development would have a disproportionate impact on people with protected characteristics related to their age, disability and religion. This conflicts with the aims of eliminating discrimination and advancing equality of opportunity under the PSED.
14. I conclude that the proposed development would have a harmful effect on accessibility to services and facilities, particularly with regard to options for walking and access to public transport. As such, it would be contrary to Policies T1, T2, T3 and T4 of the London Plan, The Spatial Development Strategy for Greater London, adopted March 2021 (the London Plan) and Policies DM29, SP8.3 and SP8.6 of the Croydon Local Plan, adopted 2018. Amongst other things, these policies include measures to support connectivity and accessibility through development, including access for all on foot and by public transport and safeguarding of existing walking networks.
15. The reason for refusal also identifies conflict with Policy T5 of the London Plan and Policies SP8.1, SP8.7, SP8.15 and DM30 of the Croydon Local Plan 2018. These policies focus on new transport schemes, parking provision, new cycling infrastructure and implementation of car free development, none of which are directly related to the proposed development. Therefore, I have afforded these policies limited weight in reaching my conclusion.

Other Material Considerations

16. The National Planning Policy Framework July 2021 (the Framework) states in paragraph 95 that decision-makers should give great weight to the need to create, expand or alter schools. This is in the context of a wider aim, expressed earlier in paragraph 95, to ensure a sufficient choice of school places to meet the needs of existing and new communities.
17. There is no suggestion in the evidence that the proposed development would create new, permanent school places. The need for additional facilities arose in part due to a temporary relocation of students from another school, as a result of the Covid pandemic. However, the period of that temporary expansion has elapsed.
18. Nevertheless, the proposed development would provide enhanced facilities for existing students. These improved facilities would be of particular benefit to young people, including those from the Catholic faith community served by the school. This is a positive aspect of the proposed development, to which I have had due regard, in accordance with the PSED.
19. There is, however, limited evidence to demonstrate that providing the new facilities necessitates building in this specific location, with the associated consequences for the PROW. While portacabin toilet provision in the Lower Playground has been ruled out due to the topography, it is less clear to what extent other options within the school site have been fully explored. Furthermore, the scale of the additional facilities proposed is relatively small in relation to the scale of the school, which inherently limits the level of public benefit.

20. I have had regard to the evidence of crime and anti-social behaviour by members of the public gaining access along Woburn Road, which impacts on staff, students and Police services. In some cases, there is no clear connection with the proposed development; for example, incidents of shoplifting and burglary do not appear to be directly connected with either the school or use of the PROW. However, the evidence does identify other incidents which have impacted the safety and wellbeing of staff and students and includes specific, recent examples highlighted in a letter from the Metropolitan Police.
21. Although both Woburn Road and the PROW pass through the school site, this does not amount to a general right of public access into the school grounds. Fencing and gates are in place to maintain security in the playgrounds. While younger students currently use Woburn Road to access the Lower Playground, the playground can also be accessed through the building, via an external door at playground level. Therefore it is not essential for students to mix with members of the public during the school day; this is a function of the way that access to the playground is currently managed.
22. The existence of a PROW does not amount to a right for unauthorised persons to congregate or to behave in a disruptive manner. Furthermore, since the proposed development would not close the PROW, but only obstruct it at one particular point, it has not been clearly demonstrated that the proposed development would eliminate any risk of crime or anti-social behaviour along the remainder of Woburn Road.
23. The letter from the Metropolitan Police refers to installation of a gate and closure of Woburn Road from outside number 3. However, no such measures are shown on the proposed plans. There is also no indication in the application that the parking areas to either side of the school buildings would be taken out of use. Therefore, there would still be access along much of the length of Woburn Road during school hours, by means of the extant PROW. This would include access into other areas which have limited natural surveillance.
24. Elimination of a through route and the sheltered underpass would reduce the extent to which this specific part of the site attracts criminal or anti social behaviour. The evidence is less persuasive that such behaviour would be eliminated, as opposed to being displaced into other nearby areas which would continue to affect staff and students to some degree.
25. The proposed development would eliminate doorways onto the roadway, which may reduce the risk of interaction between students and emergency vehicles in the event of fire. However, there are other exits into the roadway which would be retained, including at least one other gate marked as a fire exit. As such, the evidence does not clearly demonstrate that there would be a material improvement in fire safety as a result of the proposed development. I have therefore given this issue limited weight.
26. I nevertheless conclude that the proposed development would have a limited but positive effect on education facilities meeting the needs of the local community. It is also likely to reduce the risk of crime and anti-social behaviour in the immediate vicinity of the school building. These positive consequences of the development would particularly benefit young people from the Catholic faith community, consistent with the aims of the PSED.

27. In terms of the enhanced education facilities, the proposed development also accords with Policy S3 of the London Plan and Policy SP5 of the Croydon Local Plan 2018 which are supportive of investment in the improvement and expansion of education facilities to meet the needs of the community and its growing population.

Conclusion

28. I have found that the proposed development would have a harmful effect on accessibility to local services and facilities, particularly for the population of residential areas along Tavistock Road. This would disproportionately affect people with disabilities and older people who currently use the PROW to access local services, including a place of worship. Alternative walking routes would not adequately address the needs of older and disabled users in particular. As such, I have attached substantial weight to this finding against the appeal.
29. The enhancement of educational facilities and improvements in public safety are benefits of the proposed development to which I have attached significant weight. It is also a positive consideration that the development would benefit young people from the Catholic faith community served by the school.
30. However, the scale of these benefits is moderated by the limited extent of the additional facilities and the lack of persuasive evidence that there are no alternative options which would avoid obstructing the PROW. Similarly it has not been clearly demonstrated that incidents of crime and anti-social behaviour would be eliminated by the proposed development, given the level of access along Woburn Road which would remain.
31. I have had due regard to the PSED, recognising that in this case the proposed development would negatively affect people with protected characteristics relating to old age, disability and religion, while also benefitting people with protected characteristics relating to youth and religion. I conclude that the clearly identifiable harm to accessibility for the wider population outweighs the more limited benefits which would accrue to the school community.
32. Therefore, having had regard to the development plan as a whole, along with all other relevant material considerations, I conclude that it is proportionate and necessary to dismiss the appeal.

Jane Smith

INSPECTOR