



Appeal Decision

Site visit made on 16 May 2023

by Stewart Glassar BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 June 2023

Appeal Ref: APP/P5870/W/22/3304239

Linda Lodge, 91 Worcester Road, Sutton SM2 6QL

- 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 NSS IV (PROPERTIES) LLP against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2022/00106, dated 25 November 2021, was refused by notice dated 19 July 2022.
 - The development proposed is the change of use from former care home (Class C2) to nursery (Class E) with associated elevation change, car and cycle parking and landscaping works.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from former care home (Class C2) to nursery (Class E) with associated elevation change, car and cycle parking and landscaping works at Linda Lodge, 91 Worcester Road, Sutton SM2 6QL in accordance with the terms of the application, Ref DM2022/00106, dated 25 November 2021, subject to the conditions in the schedule below.

Main Issue

2. The main issue is the effect of the trips generated by the proposed development on the living conditions of neighbouring residents.

Reasons

3. The appeal property is a large vacant building that was previously used as a care home and is located within a residential area. Most properties in this part of Worcester Road benefit from some off-street parking although properties in nearby roads appear to have a greater reliance upon on-street parking. Some roads and junctions in the vicinity are subject to restrictions in terms of yellow lines but where permitted, on street parking is generally unrestricted.
4. The proposal is supported by a Transport Statement (TS). The TS indicates that the vast majority of trips are expected to be on foot. Trips by car would still be expected to make up a sizeable proportion. Although the TS is based largely on just two other nursery sites run by the proposed operator, the overall breakdown of how people would arrive does not seem unreasonable given the site and its location.
5. Whilst the TS considers the proposed trip generation to represent only a slight increase from that of the care home, my reading of the figures suggests that the increase would be more than slight. This applies to the total number of

- trips as well as those by vehicle. Between 0700 and 1900 hours the proposal would generate some 5 times more arrivals /departures than the care home. During the morning and evening peak hours, there would be significant differences in trip generation between the existing and proposed uses.
6. Therefore, despite the care home being operational 24 hours a day, 7 days a week, it does not seem as though the intensity of trip generation would have been high or particularly impactful on neighbours. In contrast, it appears likely that the additional comings and goings and increased demand for on street parking would, at the very least, be noticeable to neighbouring occupiers.
 7. However, noticeable does not necessarily mean harmful. Most of the activity will be concentrated towards the front of the building. In this respect, the building benefits from being detached and on a corner plot. This assists in helping to minimise the number of neighbours which might be affected by the additional activity from people arriving and departing and congregating around the entrance. Furthermore, the likely numbers of people arriving/departing across each hour in the 0700 – 1000 and 1600 – 1800 period would be reasonably spread out.
 8. The Noise Impact Assessment (NIA) focussed on the use of the play space rather than the front of the building or any noise/disturbance from arrivals/departures. Nevertheless, the NIA does note the current background noise levels in the immediate area of the site and the Council's Pollution Team has not specifically identified the noise or activity associated with trip generation as being of concern. I have no substantive evidence which would lead me to come to a different conclusion.
 9. The parking surveys within the TS, indicate that there would be sufficient on-street parking capacity within 200m of the site to accommodate the anticipated number of vehicles. Even if the number of vehicular trips quoted in the TS is an underestimation, it still appears that there would be sufficient on-street capacity in the vicinity of the site to cater for any additional demand. Given that the majority of capacity would be on Cornwall Road, this may help to reduce the concentration of some of the activity away from the appeal site itself and the immediate neighbours.
 10. Although the highest number of vehicular movements may be at times of the day when residents are also using their cars, the Council has not indicated that there would be any highway safety concerns with the level of trips that would be generated. No further evidence has been submitted as part of this appeal which would now point towards a different conclusion in this respect.
 11. The change of use will lead to an increase in trip generation to and from the site. The method of transport will be by various different means and collectively this is likely to be noticeable to neighbouring residents when compared to the use of the site as a care home. However, on balance there is not sufficient evidence to indicate that this change would be harmful to the living conditions of neighbouring residents.
 12. Accordingly, I find that the proposal accords with Policies 29, 36 and 37 of the Sutton Local Plan 2018 which, amongst other things, seek to ensure developments provide sufficient levels of parking, minimise any adverse impact on the highway network and do not adversely affect the living conditions of neighbouring residents.

Other Matters

13. Given the number of projected vehicle movements associated with the use, the effect on air quality for those using the nearby footpaths or for local residents is likely to be low. However, there is a need to continue to try to reduce the reliance on the use of private cars and in this respect the appellant submitted a Travel Plan with the application. However, such documents should not be static. I shall therefore impose a condition requiring its revision once the site has been operational for two years, thereby ensuring it remains relevant to the wider environmental issues.
14. There is no substantive evidence before me to indicate that the proposal would lead to parking restrictions being introduced into the area. Any unauthorised/inappropriate parking, should it occur, would be an enforcement matter for the Council.

Conditions

15. In addition to the standard time limit, conditions are required in the interests of certainty that list the approved plans and ensure the site functions in accordance with details relating to fire safety, car parking and car charging.
16. The Officer report makes reference to the cycle parking being covered, but this is not shown on the submitted plans. Furthermore, the Travel Plan indicates that there will be dedicated on-site scooter and buggy parking but no details are provided. A condition to address these matters is therefore necessary.
17. As noted above, a condition relating to the monitoring of the Travel Plan and production of a revision is required in the interests of encouraging sustainable transport and minimising any effect on neighbouring residents.
18. The proposal has been assessed on the basis of the nature and extent of the use. As such, conditions restricting the extent of the use and its hours of operations are necessary and reasonable. A condition requiring the implementation of the acoustic measures recommended by the NIA is also necessary.
19. Given the residential nature of the area a condition is reasonable which limits the hours of construction on the site. I have given consideration as to whether a management plan is required in relation to the highway and delivery of plant, machinery, materials etc. However, given the nature of the works, the existing access and forecourt, as well as the unrestricted on-street parking I am satisfied that such a plan is not necessary in this instance.

Conclusion

20. For the reasons given above, having considered the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions below.

Stewart Glassar
INSPECTOR

Schedule of 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 approved plans and documents listed below:

Site Location Plan & Block Plan	-	335(GA)001
Existing Site Plan	-	335(GA)002
Proposed Site Plan	-	335(GA)003 Rev 2
Proposed Ground Floor Plan	-	335(GA)020 Rev 2
Proposed First Floor Plan	-	335(GA)021 Rev 3
Proposed Roof Plan	-	335(GA)023 Rev 2
Proposed North Elevation	-	335(GA)025 Rev 1
Proposed South Elevation	-	335(GA)026 Rev 1
Proposed East Elevation	-	335(GA)027 Rev 2
Proposed West Elevation	-	335(GA)028 Rev 2
Proposed section Drawing	-	335(GA)029 Rev 2

Fennies Nursery Travel Plan (prepared by TPP Consulting)
Fire Strategy (prepared by Fennies)
Noise impact assessment (Report Reference: 211112-R001A)
- 3) The development hereby permitted shall not be used until cycle, scooter and buggy parking provision has been implemented in accordance with details that have first been submitted to and approved in writing by the local planning authority. The approved parking shall thereafter be retained.
- 4) The development hereby permitted shall not be used until noise mitigation measures to the external play area have been implemented in accordance with details that have first been submitted to and approved in writing by the local planning authority. The approved measures shall thereafter be retained.
- 5) Prior to the first use of the development hereby permitted, the parking spaces shall be laid out within the site in accordance with drawing no. 335(GA)003 Rev 2. The spaces shall thereafter be kept available at all times for the parking of vehicles.
- 6) The development hereby permitted shall not be used until a scheme (including timescale) for the provision of facilities to enable the charging of an electric vehicle to serve the nursery has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme, which shall be retained as such thereafter.
- 7) The development hereby permitted shall operate in accordance with the submitted Travel Plan.

Within 26 months of the first use of the development, a revised Travel Plan, shall be submitted in writing to the local planning authority for approval. The revised Travel Plan shall include but not be limited to:

- i) information about travel patterns gathered from surveying the travel patterns of visitors, users and employees during the first 24 months of use of the development;
- ii) mechanisms for the implementation of the measures to reduce dependency on the private car and encourage sustainable travel to and from the site; and
- iii) details of ongoing measures to monitor and review the effectiveness of the Travel Plan in achieving its objectives.

Any revision to the Travel Plan, as approved by the local planning authority, shall be implemented in full at all times when the development hereby permitted is in use.

- 8) The provisions of the Fire Safety strategy submitted with the application shall be implemented in full at all times when the development hereby permitted is in use.
- 9) Demolition or construction works shall take place only between the hours of 0800 and 1800 Monday to Friday; 0800 and 1300 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 10) The development hereby permitted shall only open for use as a nursery between the hours of 0700 – 1900 hours Monday to Friday. It shall not be open on Saturdays, Sundays or on Bank or Public Holidays.
- 11) The rear play area shall only be used between 0900 – 1630 hours Monday to Friday. It shall not be used at any other times.
- 12) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) (UCO) or the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or revoking and re-enacting those Orders with or without modification) the development hereby permitted shall be restricted and limited to use as a nursery and shall not be used for any other use or purpose, including any other use specified in Class E of the UCO.

END