



ROBINSON ESCOTT PLANNING LLP



CHARTERED TOWN PLANNING AND DEVELOPMENT CONSULTANTS
DOWNE HOUSE, 303 HIGH STREET, ORPINGTON, KENT BR6 ONN, TEL: 01689 836334 FAX: 01689 878091

Email: enquiries@replanning.co.uk Website: www.replanning.co.uk

**REPLACEMENT OF THE EXISTING SINGLE STOREY BUILDINGS WITH A NEW
SINGLE STOREY BUILDING
130 – 132 VERDANT LANE,
LONDON SE6 1LG**

PLANNING STATEMENT

JANUARY 2021

JOHN ESCOTT BA (HONS) DipTP MRTPI JO TASKER BSc (HONS) BTP MRTPI PETE HADLEY BA (HONS) DipTP MRTPI
JOE ALDERMAN MA MRTPI NEAL THOMPSON BSc (HONS) MSc MRTPI RACHEL ESCOTT BA (HONS) DipTP
CONSULTANT: BOB MCQUILLAN BA (HONS) MCD MRTPI MRICS

1.0 INTRODUCTION

- 1.1 This application is submitted by Robinson Escott Planning on behalf of Dobbyman Investments Ltd and follows the refusal of an application for full planning permission.
- 1.2 That application proposed the replacement of the existing single storey buildings at 130-132 Verdant Lane, SE6, with a new single storey building.
- 1.3 The application reference was DC/20/115657.
- 1.4 The application was validated by the London Borough of Lewisham on 26th February, 2020.
- 1.5 The application was the considered response to a pre-application discussion which took place at a meeting on 15th March, 2019 at the Council offices
- 1.6 The application was refused permission by a decision notice dated 6th May 2020 for the following reasons:
- 1. The proposed design and layout of the building is not suitable for use as an engine showroom/garage and will give rise to the loss of employment floorspace. The proposal is contrary to London Plan Policy 4.4 'Managing industrial land and premises' of the London Plan 2011 (as amended), Core Strategy Policy 5 'Other employment locations' of the Core Strategy (2011), and DM Policy 11 'Other employment locations'.**
 - 2. The proposed vehicle parking space and extended vehicular cross over would result in disruption to the public footpath, compromising highway and pedestrian safety. As such, the proposal is contrary to the requirements of Core Strategy Policy 14 Sustainable movement and transport (June 2011) and DM29 Car Parking of the Development Management Local Plan (November 2014).**

3. *Insufficient information has been provided to assess the impact of the proposal on nearby trees. Therefore, the proposed development is contrary to London Plan Policy 7.21 'Trees and Woodlands' of the London plan 2011 (as Amended), and DM Policy 25 'landscaping and trees' of the Development Management Local Plan (2014).*

INFORMATIVES

- A. *Positive and Proactive Statement: The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. Further discussions have taken place regarding the application, but no solution was possible. The applicant is invited to continue pre-application discussions.*

- 1.7 A copy of the decision notice is attached (**APPENDIX 1**).
- 1.8 An appeal against the refusal of planning permission was unsuccessful in part.
- 1.9 A copy of the appeal decision dated 5th November 2020 is attached at **APPENDIX 2**.
- 1.10 The Inspector in paragraph 3 identified the main issues to be:
- The effect of the proposal upon the provision of employment land;
 - The effect of the proposed development on highway and pedestrian safety; and
 - The effect on nearby trees.
- 1.11 On the first main issue the Inspector concluded at paragraph 7 as follows:
- "Consequently, the proposed development would not result in the loss of employment floorspace and would accord with Policy 4.4 of the LP, CS Policy 5 and DMLP Policy 11 which seek to retain and protect employment land."*

- 1.12 On the second main issue the Inspector concluded at paragraph 11 as follows:

"I conclude that the proposed development would not harm highway and pedestrian safety in the area. It would therefore accord with CS Policy 14 and DMLP Policy 29 which, amongst other things, require the promotion and prioritisation of access for and the safety of pedestrians and a managed and restrained approach towards car parking provision."

- 1.13 On the third main issue the Inspector concluded at paragraph 14 as follows:

"Whilst the appellant is willing to accept an appropriately worded planning condition post decision, the potential effect on the trees is a significant consideration given the site's immediate setting and the proximity of the building to the trees. I am not satisfied that this matter has been investigated to demonstrate that there would be no harm to nearby trees."

- 1.14 It is clear therefore that the Inspector considered the proposal acceptable subject to the submission of a tree survey confirming that there would be no harm to nearby trees.
- 1.15 This application is accompanied by a tree report which provides the only additional information the Inspector felt was necessary. In all other respects the application is identical to that considered acceptable by the Inspector.

2.0 SITE, CONTEXT AND LOCATION

- 2.1 The property is currently in use.
- 2.2 The rear yard measures approximately 210 m² and is accessed by two gates located on either side of the showroom. There are 12 garages in the rear yard.
- 2.3 The site is adjoined by the residential properties at 134 and 128 Verdant Lane to the north and south and 145- 147 Wellmeadow Road to the rear.
- 2.4 Verdant Lane is a mixed area with small commercial sites like the appeal site set alongside 2 storey detached and terraced dwellings dating from the beginning of the 20th century and of a generally consistent design typical of the period, with brick walls, slated hipped roofs and double stacked bay windows.
- 2.5 The site has a PTAL rating of 2 and is not located in a conservation area or in the vicinity of a listed building.

3.0 PLANNING HISTORY

- 3.1 The site is occupied by buildings originally used as a motor repair workshop and 12 lock up garages. From records held by the London Borough of Lewisham, and inspected by the appellant, it would seem that the use was in existence between 1925 and 1940.
- 3.2 During the war, the site and buildings were occupied by a firm manufacturing office equipment.
- 3.3 In a letter dated 21st June 1979, the Council confirmed that the established use of the site was light industrial. Planning permission was only needed and subsequently granted for the front part of the site to be used for the retail use currently on site.
- 3.4 The application which granted permission was LE16121130/TP- The continued use of the building on the frontage of 130- 132 Verdant Lane, SE6 for the sale and display of motor vehicles. The permission is dated 22nd August 1979. The use is not controlled by condition.

4.0 PLANNING POLICY

- 4.1 Section 38(6) of the Planning Act makes clear that the determination of planning applications and appeals must be made in accordance with the development plan unless material planning applications indicate otherwise.
- 4.2 The National Planning Policy Framework (2019) is a material planning consideration to which significant weight needs to be given.
- 4.3 This is especially the case here where the development plan is out of date.
- 4.4 As the Council does not have a recently adopted development plan and the London Plan is out of date, albeit under review, paragraph (11d) of the National Planning Policy Framework (February 2019) is engaged.
- 4.5 Paragraph 11(d) of the NPPF sets out that there is a presumption in favour of sustainable development.
- 4.6 Paragraph 11d) reads:

“Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

4.7 Footnote 6 reads:

"The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change."

4.8 Therefore while paragraph 11d) i is not engaged, paragraph 11d) ii is.

4.9 Paragraph 11(d) ii of the NPPF sets out; *"that there is a presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

4.10 The appeal proposal is sustainable development.

4.11 Planning permission should be granted.

The Development Plan

4.12 The development plan for Lewisham comprises the London Plan (March 2016), Core Strategy (2011) and Development Management Local Plan (2014).

London Plan (March 2016)

4.13 The relevant policies in this case are :-

- Policy 4.4 Managing Industrial Land and Premises
- Policy 7.21 Trees and Woodlands

Neither of these policies are conflicted.

The proposal does not include a proposed change of use.

There are no existing trees of value on the site or affected by the development. It would not be appropriate to plant large, canopied trees in this location.

LB Lewisham Core Strategy

- 4.14 The reasons for refusal of application 20/115657 referred to two Core Strategy policies:-

- Spatial Policy 5: Other employment locations
- Spatial Policy 14: Sustainable movement and transport

The application retains the existing commercial use of the site and the existing access arrangements. This is exactly what SP5 and SP14 seek to achieve.

The Lewisham Development Management Local Plan (DMLP)

- 4.15 The Lewisham Development Management Local Plan (DMLP) was adopted on 26th November 2014.

- 4.16 Policy DM1 addresses the **Presumption in favour of sustainable development**.

It reads:

"When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will work proactively with applicants to find solutions which mean that proposals secure development that improves the economic, social and environmental conditions in the borough. Planning applications that accord with the policies in the Lewisham Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise."

4.17 The Council explains the application of Policy DM1 as follows:

"Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise, taking into account whether:

a. any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole or;

b. specific policies in that Framework indicate that development should be restricted."

This policy acknowledges that where the development plan is out of date, the NPPF presumption in favour of granting permission is engaged. This policy is relevant to the application.

4.18 The other relevant policies are:

- DM11 Other Employment Locations
- DM25 Landscaping and Trees
- DM29 Car Parking

4.19 Policy DM 11 is complied with as a change of use is not proposed.

4.20 Policy DM25 Landscaping and trees is not engaged.

4.21 Policy DM29 Car Parking is not engaged. The parking and access arrangements remain unchanged.

National Planning Policy Framework

4.22 The current NPPF was published in February, 2019. The presumption in paragraph 11 in favour of granting permission for sustainable development has been referred to above.

4.23 Paragraph 8 reads:

“Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and

c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”

4.27 Para 10 reads:

“So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.”

4.28 Paragraph 38 is clear:

“Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.”

5.0 PLANNING MERITS

- 5.1 The development is sustainable as defined in the NPPF and the DMLP. Paragraph 11 of the NPPF as reflected in Policy DM1 commits the Council to take a positive approach. There is a clear presumption in favour of granting planning permission.
- 5.2 As the existing survey plans show, there is 100% site coverage of buildings and hard surfaces in commercial use. There is no vegetation of value on the appeal site.
- 5.3 The proposed site plan shows the positive improvement in the useability of the site by the proposed purpose-built replacement building at a height comparable with that existing.
- 5.4 The building is well designed and will sit well with its settings and its neighbours.
- 5.5 This application is accompanied by a tree report which provides the only additional information the Inspector felt was necessary. In all other respects the application is identical to that considered acceptable by the Inspector.
- 5.6 The application is policy compliant and permission should be granted speedily in view of the clear indication from the appeal decision that the development is acceptable.
- 5.7 It would be unreasonable to do otherwise.

6.0 CONCLUSIONS

- 6.1 The general approach of national, regional and local policies is to secure sustainable development.
- 6.2 This proposal is sustainable development. It simply seeks the replacement of old tired buildings with a modern fit for purpose replacement building. A change of use is not proposed.
- 7.3 The proposal does not change the access arrangements, respects the amenity of all neighbours and involves no removal of boundary planting.
- 7.5 The tree report confirms that there is no impact.

APPENDICES

- 1. Decision notice DC/20/115657.
- 2. Appeal decision dated 5th November 2020.

APPENDIX 1



Planning Service
Laurence House
1 Catford Road
London SE6 4RU

Mr McQuillan
Robinson Escott Planning
Downe House
303 High Street
Orpington
BR6 0NN

Direct Line: 020 8314 7400

Email: Planning@lewisham.gov.uk
Date: 06 May 2020
Property Ref: LE/612/130/TP
Our Ref: DC/20/115657

Dear Mr McQuillan,

**REFUSAL OF PERMISSION TO DEVELOP
Town and Country Planning Act 1990 (as amended)**

Notice is hereby given that the London Borough of Lewisham, in pursuance of its powers as local planning authority under the above Act, Regulations, Rules & Orders made thereunder, refuses to permit the development referred to in the Schedule below as shown on the plans submitted.

Your attention is drawn to the Statement of Applicant's Rights endorsed overleaf.

SCHEDULE

Application Valid Date: 26 February 2020

Application No: **DC/20/115657**

Plan Nos: VR-876-PD-COM-07, VR-876-PD-COM-06, VR-876-PD-COM-05,
VR-876-PD-COM-02, VR-876-PD-COM-03, Design and Access
Statement -Received 11/02/2020

VR-876-PD-COM-01 - Received 27/02/2020

Development: Demolition of the existing single storey buildings at 130-132 Verdant
Lane, SE6, together with the construction of a new single storey
building

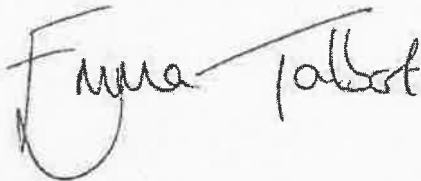
REASON(S) FOR REFUSAL

1. The proposed design and layout of the building is not suitable for use as an engine showroom/garage and will give rise to the loss of employment floorspace. The proposal is contrary to London Plan Policy 4.4 'Managing industrial land and premises' of the London Plan 2011 (as amended), Core Strategy Policy 5 'Other employment locations' of the Core Strategy (2011), and DM Policy 11 'Other employment locations'.
2. The proposed vehicle parking space and extended vehicular cross over would result in disruption to the public footpath, compromising highway and pedestrian safety. As such, the proposal is contrary to the requirements of Core Strategy Policy 14 Sustainable movement and transport (June 2011) and DM29 Car Parking of the Development Management Local Plan (November 2014).
3. Insufficient information has been provided to assess the impact of the proposal on nearby trees. Therefore, the proposed development is contrary to London Plan Policy 7.21 'Trees and Woodlands' of the London plan 2011 (as Amended), and DM Policy 25 'landscaping and trees' of the Development Management Local Plan (2014).

INFORMATIVES

- A. **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. Further discussions have taken place regarding the application, but no solution was possible. The applicant is invited to continue pre-application discussions.

Yours sincerely



Emma Talbot
Director of Planning

Statement of Applicant's Rights arising from Refusal of Planning Permission:-

Appeals to the Secretary of State

- If you are aggrieved by the decision of the London Borough of Lewisham to refuse planning permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Planning Inspectorate, Room 3/13, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, Tel No. 0303 444 5000, Email: enquiries@pins.gsi.gov.uk or fill in a form online via

<https://www.gov.uk/appeal-planning-decision>

- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Planning Inspectorate that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by the Planning Inspectorate.

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the London Borough of Lewisham. This notice will require the London Borough of Lewisham to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 Part VI of the Town and Country Planning Act 1990.

APPENDIX 2



Appeal Decision

Site visit made on 20 October 2020

by **Bhupinder Thandi BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 November 2020

Appeal Ref: APP/C5690/W/20/3253892

130-132 Verdant Lane, London SE6 1LG

- 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 Dobbyman Investments Ltd against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/20/115657, dated 7 February 2020, was refused by notice dated 6 May 2020.
 - The development proposed is demolition of the existing single storey buildings at 130-132 Verdant Lane, SE6, together with the construction of a new single storey building.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. It is evident that the Council and the appellant agreed a revised description of development during the planning application. As such, I have taken the description of development from the Council's decision notice and the appeal form.

Main Issues

3. The main issues are:
 - The effect of the proposal upon the provision of employment land;
 - The effect of the proposed development on highway and pedestrian safety; and
 - The effect on nearby trees.

Reasons

Provision of employment land

4. Policy 4.4 of the London Plan (2011) (LP), Core Strategy Policy 5 of the Lewisham Core Strategy (2011) (CS) and DM Policy 11 of the Lewisham Development Management Local Plan (2014) (DMLP) set out that industrial land will be managed to ensure sufficient stock to meet future needs and that employment uses and locations are retained and protected.

5. The layout of the proposed development would be different compared to the existing site. However, the overall amount of employment floor space and the established use would not change and would not result in a loss of employment or business floorspace.
6. The Council contend that the proposed layout would not enable the existing car related uses to take place on site. Whilst this may be the case there is no evidence to indicate that the use of the site has been restricted solely to such uses. Moreover, the proposal would not preclude a car related use or another business use from occupying the proposed building.
7. Consequently, the proposed development would not result in the loss of employment floorspace and would accord with Policy 4.4 of the LP, CS Policy 5 and DMLP Policy 11 which seek to retain and protect employment land.

Highway safety

8. The appeal site comprises a series of single storey buildings along the road frontage and extending into the site occupied in varying uses including car repair, a tyre workshop and a car wash. There is a small forecourt to front and a narrow access to the rear. The site is served by two footway crossings and parking in front of the site is unrestricted.
9. The proposed parking arrangement and singular access would not be dissimilar to many of the properties along this section of Verdant Lane. Moreover, the frontage is open and there is satisfactory visibility along the road in both directions. As such, I am satisfied that vehicle movements and the proposed parking arrangement is unlikely to result in a conflict and would not unduly harm pedestrian safety.
10. Whilst there would no longer be parking to the rear, there would be spaces in front of the building and parking along the road is largely unrestricted. At the time of my visit I observed large sections of the road freely available for vehicles to park and did not witness instances of ad hoc parking either at the site or nearby. Whilst a snapshot in time there does not appear to be an obvious parking issue in the area. Whilst the parking arrangement would change, I am satisfied that it would not result in indiscriminate or inconsiderate parking taking place in front of the building or in the area. Furthermore, there is no evidence to indicate that parking demand and traffic movements would increase as a result of the proposed development.
11. I conclude that the proposed development would not harm highway and pedestrian safety in the area. It would therefore accord with CS Policy 14 and DMLP Policy 29 which, amongst other things, require the promotion and prioritisation of access for and the safety of pedestrians and a managed and restrained approach towards car parking provision.

Effect on trees

12. Along the side boundaries are a number of mature trees. Due to their size, form and height they provide an attractive backdrop and are highly visible, given the low height of the building, positively contributing to the visual amenity of the area.

13. The Council's Tree Officer has stated that an Arboricultural Assessment is required to consider the impact upon the trees including the ground excavations and foundations.
14. Whilst the appellant is willing to accept an appropriately worded planning condition post decision, the potential effect on the trees is a significant consideration given the site's immediate setting and the proximity of the building to the trees. I am not satisfied that this matter has been investigated to demonstrate that there would be no harm to nearby trees.
15. Therefore, the proposed development would be contrary to LP Policy 7.21 and DMLP Policy 25 which, amongst other things, seek to protect and maintain existing trees.
16. Whilst the Council may not have raised this issue previously, it is incumbent on me to assess the merits of the proposal before me in respect of its impact upon trees.

Other Matters

17. I acknowledge that the proposed development would be a modern building and that it would not unduly harm the living conditions of neighbouring occupiers. However, this would not overcome my concerns regarding the impact upon trees.

Conclusion

18. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR