

Section 55 Town and Country Planning Act

Design and Access Statement
Air Quality Assessment

Conversion of a 3-bedroom house (Class C3) to a flexible use of HMO (Class C4) and 3
bedroom house (Class C3)

24 Polsted Road, London, SE6 4YQ

Site Information

Consultant

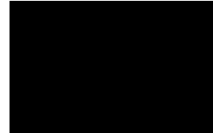
Client

Site Address

LA

Description of Development

Pathway (PD/Application/Appeal)



24 Polsted Road, London, SE6 4YQ

London Borough of Lewisham

Conversion of a 3-bedroom house (Class C3) to a flexible use of 3-bedroom HMO (Class C4) and 3 bedroom house (Class C3)

Planning Application

Constraints Review

Flood Risk Zone

1

Contaminated Land

No

Tree Preservation Order

No

Heritage Assets

No

Noise Abatement Areas

No

Explosive Hazard Areas

No

Area of Outstanding Natural Beauty

No

Special Protection Area

No

Site of Special Scientific Interest

No

RAMSAR Convention Site

No

Site of Importance to Nature Conservation

No

Article 4(1) Directions (C4 HMO)

Yes - Effective from 19th January 2024

Local Policy Requirements

Local Plan/Core Strategy

Lewisham Local Development Framework Core Strategy
adopted June 2011

Development Management Local Plan 26 November 2014

Effective Policies in Development Control

DM Policy 6: Houses in Multiple Occupation (HMO)

SPG/SPD's

Report Date

10 November 2023

1. Introduction

- 1.1. The application site relates to a two-storey semi-detached house at 24 Polsted Road, London.
- 1.2. The property is currently a 3-bedroom dwellinghouse (Class C3) with a loft. The owner would like to secure the conversion to a flexible use of 3-bedroom HMO (Class C4) and 3 bedroom house (Class C3)
- 1.3. The application is required in connection with the Article 4 direction, which will be enforced on 19 January 2024. Lewisham Council approved a non-immediate Article 4 for the remainder of the Borough in addition to the existing 2020 Article 4 direction. This is to withdraw permitted development rights for the change of use from dwellinghouse (Use Class C3) to small HMO (Use Class C4).

About Town Planning Expert

- 1.4. Town Planning Expert is a general needs planning consultancy formed in 2012 and practising as a Chartered Planning Practice. Town Planning Expert is instructed to submit a planning application for development as set out below.

Our VICTORY © Framework

- 1.5. Our VICTORY Framework applies a policy, plan-led approach to development with the intent of gaining planning permission in a manner that complies with National and Local Planning Policy in accordance with S38 of the Planning and Compulsory Purchase Act 2004.

The Development Proposed

- 1.6. Planning Permission is being sought for the the conversion to a flexible use of 3-bedroom HMO (Class C4) and 3 bedroom house (Class C3).
- 1.7. There are no physical changes to the building proposed with this development.

2. National and Local Development Frameworks

National Planning Policy Framework (NPPF)

- 2.1. The Ministry of Housing, Communities and Local Government published the revised National Planning Policy Framework on 24 July 2018. This was the first revision of the NPPF since 2012. It implemented around 85 reforms announced previously through the Housing white paper, the planning for the right homes in the right places consultation and the draft revised NPPF consultation. Following a technical consultation on updates to national planning policy, the Government made minor changes to the text and published an updated Framework in September 2023. The NPPF is a vital tool in ensuring that we get planning for the right homes built in the right places of the right quality at the same time as protecting our environment.
- 2.2. The relevant sections of the NPPF are set out below:

Introduction

2. *Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.*

5. *The Framework does not contain specific policies for nationally significant infrastructure projects. These are determined in accordance with the decision making framework in the Planning Act 2008 (as amended) and relevant national policy statements for major infrastructure, as well as any other matters that are relevant (which may include the National Planning Policy Framework). National policy statements form part of the overall framework of national planning policy, and may be a material consideration in preparing plans and making decisions on planning applications.*

Achieving sustainable development

7. *The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.*
8. *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.*
- 9. *These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.*
- 10. *So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).*
- 11. *Plans and decisions should apply a presumption in favour of sustainable development.*

For decision-taking this means:

- c) *approving development proposals that accord with an up-to-date development plan without delay; or*
- d) *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 proposed; 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.*

Decision Making

38. *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.*

Determining Applications

47. *Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.*

Delivering a sufficient supply of homes

60. *To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.*
61. *To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.*

62. *Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).*
71. *Where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends. Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.*

Promoting sustainable transport

104. *Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:*
- a) the potential impacts of development on transport networks can be addressed;*
 - b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;*
 - c) opportunities to promote walking, cycling and public transport use are identified and pursued;*
 - d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and*
 - e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.*

Making effective use of land

119. *Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.*
120. *Planning policies and decisions should:*
- a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;*
 - b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;*
 - c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;*
 - d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure);*

Achieving well-designed places

124. *Planning policies and decisions should support development that makes efficient use of land, taking into account:*
- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*
 - b) local market conditions and viability;*

- c) *the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*
- d) *the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*
- e) *the importance of securing well-designed, attractive and healthy places.*

Flexible Uses

- 2.3. A flexible planning permission allows occupiers to switch between specified planning uses without the need for multiple planning permissions. The right to switch lasts for ten years and the use in operation at the end of the ten year period becomes the lawful use of the property from that date onwards.**

- 2.4. In order to qualify as a flexible planning permission, the permission should explicitly state that the uses are flexible in the description of development. Ideally, the permission should also reference Class V of the General Permitted Development Order 2015, to remove any uncertainty over whether the right to switch uses is intended to apply.**

- 2.5. The accurate wording of the description of development is crucial. Planning permission which grants consent for a flexible use of Class C3 and C4 can be considered as a flexible use application as it makes specific reference to flexible use. Flexible permissions to re-instate permitted development allowances lost by Article 4 directions. For HMO’s and Dwellings specifically there is very little material difference between C3 and C4 and as such a flexible permission can indeed be considered.**

Local Policy

- 2.6. The relevant policies are located within the Local Plan 2036 adopted 8 June 2020.
- 2.7. The applicant sets out below the reasons why this development complies with the noted policies in full.

Policy	Compliance
DM Policy 1: Presumption in favour of sustainable development	Improves the economic and social conditions in the borough.
DM Policy 2: Prevention of loss of existing housing	The conversion will gain more accommodations from a single to multiple occupancy.
DM Policy 6: Houses in multiple occupation (HMO)	The site is in PTAL 3 and the conversion has no significant impacts on the surrounding neighbourhood.
DM Policy 32: Housing design, layout and space standards.	There are no physical changes proposed in the conversion.

3. The Planning History

- 3.1. No planning history for the development site was recorded/found.

4. Site, Context and Comparable Forms of Development

- 4.1. The proposed site is at 24 Polsted Road, London. It is within the Rushey Green ward, which is in the constituency of Lewisham East.
- 4.2. The street is characterised by two-storey semi-detached houses on both side of the road.
- 4.3. The proposal relates to a two-storey 3-bedroom semi-detached house with a garage attached to the house.

5. Alternative Forms of Development Considered

- 5.1. The existing building comprises a 3-bedroom C3 dwellinghouse. This comprises the fallback position for this property should this application be unsuccessful.
- 5.2. Until 19th January 2024 the property also enjoys the provision of Class C4 of the Use Classes Order through the application of Class L of Part 3 of Schedule 2 of the General Permitted Development Order 2015.

6. Constraints to Development

- 6.1. Article 4 direction to withdraw permitted development rights for the change of use from dwellinghouse to small HMO (use Class C4) will come into force on 19 January 2024. It means that planning permission will be required for the conversion of a dwellinghouse to a small HMO (Use Class C4) after this date.

7. The Principle of Development

- 7.1. 24 Polsted Road is within the built-up area of Lewisham, where development is permitted subject to any material considerations.

- 7.2. The existing building comprises a garage, hallway, lounge, dining and kitchen on the ground floor and 3 bedrooms and a bathroom on the first floor. There is also a loft room/study.
- 7.3. The proposed development seeks to change the use of the property from a 3-bedroom house (Class C3) to a flexible use of HMO (Class C4) and 3 bedroom house (Class C3)
- 7.4. There is one existing HMO property found within a 100m radius of the property and therefore, the proposal result does not cause an overconcentration of HMO in the area.

8. Site Capacity Assessment

Scale

- 8.1. No change in the scale of the property.

Layout

- 8.2. No change in the layout.

Amount

- 8.3. No change in the amount of development proposed. The allowable number of people in a dwellinghouse is 6 while small HMOs allow a maximum of 6 people.

Landscape

- 8.4. There is no change in the landscape.

Appearance

- 8.5. The proposal does not require any physical changes and, therefore, no change in the appearance of the building.

9. Amenity of adjoining surrounding and proposed occupiers

- 9.1. There is no significant impact on the adjoining surrounding and the proposed occupiers.

10. Access and Parking Appraisal

- 10.1. There is no change in the existing access to the property.
- 10.2. The property can be accessed from A205 (south of the property) and off to Ravensbourne Park, then turned left to Casslee Road and then turned left to Polsted Road.
- 10.3. The property is within PTAL 3 and has a good link to public transport. There are 8 bus stops surrounding the property, which are 322 to 804 metres away. The Bournville Catford train station is 482 metres away, and the Bournville Road bus stop is 322m away.
- 10.4. The NPPF suggests that the development should be designed to minimise journey times. The area is in a sustainable location and within walking distance of local amenities and transport links.

11. Conclusion

- 11.1. The proposal seeks the conversion of the existing 3-bedroom house (Class C3) to a flexible use of HMO (Class C4) and 3 bedroom house (Class C3).
- 11.2. The change of use has physical change to the building and therefore, no demonstrable harm to the locality or the adjoining residential amenity and the appearance of the area.

- 11.3. Within the planning balance, the proposed development offers an opportunity to provide further dwellings for the area in a manner which would have no negative effects on the character and appearance of the street scene, impact the amenity of adjoining and surrounding occupiers.
- 11.4. As such it is submitted that planning permission could be granted for this development and the applicant looks forward to discussing the matter with the LPA.

Air Quality Assessment

The application is for the change of use from a house (Class C3) to a flexible use of a House (Class C3) and and HMO (Class C4).

The proposed development will be heated by the existing gas boiler and no additional off-street parking spaces are proposed.

The Air Quality Standards Regulations 2010 and subsequent amendments, regulate the concentrations of major pollutants in outdoor air in the UK, including particulate matter (PM10 & PM2.5), nitrogen dioxide (NO2), sulphur dioxide (SO2), ozone (O3), carbon monoxide (CO) and lead (Pb). These regulations seek to minimise the public's exposure to air pollution by requiring ambient concentrations to be within legally binding limit values, as well as target values.

The Environment Act 1995 requires the Government and devolved administrations to produce a National Air Quality Strategy for the UK. The last major update to the National Air Quality Strategy (NAQS) was published in 2007, with minor updates occurring in 2011 and in 2023.

Under the Environment Act 2021, the Secretary of State must review the NAQS every five years. The most recent review in April 2023, included a PM2.5 annual mean target of 10 µg.m-3, to be achieved by 2040.

The London Plan is the overarching spatial development strategy for Greater London. It contains several policies of relevance to air quality, including Policy SI 1 Improving Air Quality, which states:

“A Development Plans, through relevant strategic, site-specific and area based policies, should seek opportunities to identify and deliver further improvements to air quality and should not reduce air quality benefits that result from the Mayor's or boroughs' activities to improve air quality.”

Development proposals should ensure that where emissions need to be reduced to meet the requirements of Air Quality Neutral or to make the impact of development on local air quality acceptable, this is done on-site. Where it can be demonstrated that emissions cannot be further reduced by on-site measures, off-site measures to improve local air quality may be acceptable, provided that equivalent air quality benefits can be demonstrated within the area affected by the development.”

The Lewisham Local Development Framework has adopted several plans which are used to assess planning applications.

Core Strategy Policy 9 states:

“1. The Council will seek to improve local air quality and minimise any negative air quality impacts by:

- a. supporting a co-ordinated and partnership approach to implement national policy, London Plan policy and the actions outlined in the Council's Air Quality Management Plan
- b. working with Transport for London to manage and improve air quality along transport corridors and traffic congestion points
- c. working with all businesses, including SELCHP, within Lewisham to manage and improve air quality.”

DM Policy 23 - Air quality states:

“1. The Council will require all major developments that have the potential to impact on air quality to submit an Air Quality Impact Assessment (AQIA) considering the potential impacts of pollution from individual and cumulative development on the site and on neighbouring areas and detailing any appropriate mitigation measures that would reduce exposure to acceptable levels.

2. Applications for planning permission for all new developments that have the potential to impact on air quality in an Air Quality Management Area (AQMA) will not be permitted to include a biomass boiler.”

The site is within the Lewisham AQMA.

Air Quality Neutral Assessment

All development unless specifically excluded, are required to undertake an Air Quality Neutral Assessment.

An Air Quality Neutral Assessment compares a proposed development against benchmarks for transport and building emissions. These benchmarks set out the maximum allowable emissions of NOX and PM based on the size and use class of the proposed development. A development must be air quality neutral for both transport and building emissions.

This proposal does not seek to alter the existing heating system within the building and does not propose to add to the complement of off-street parking.

This proposal does not seek to add to the number of persons that could otherwise occupy the building as a single family dwellinghouse.

As such the proposal is considered to be air-quality neutral compared to the existing baseline.