
Appeal Decision

Site visit made on 9 September 2016

by Elaine Gray MA(Hons) MSc IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 October 2016

Appeal Ref: APP/N5660/W/16/3151617

66 Railton Road, London SE24 0LJ

- 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 Mr Dorrell Bravo against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 15/07284/FUL, dated 15 December 2015, was refused by notice dated 25 February 2016.
 - The development proposed is change of use of basement and ground floor from offices (B1) to dry cleaners and laundrette (sui generis).
-

Decision

1. The appeal is allowed, and planning permission is granted for change of use of basement and ground floor from offices to dry cleaners and laundrette at 66 Railton Road, London SE24 0LJ in accordance with the terms of the application ref 15/07284/FUL, dated 15 December 2015, subject to the conditions set out in the schedule to this decision letter.

Preliminary Matter

2. The description of the development varies between the application form and the subsequent documents. I have used the description on the appeal form as it describes the development more succinctly.

Main Issues

3. The main issues are the effect of the proposal on the provision of employment floorspace in the area, and the effect of the proposal on the living conditions of nearby residents, with particular regard to fumes and odours.

Reasons

Provision of employment floorspace

4. The appeal site comprises the ground and basement levels of the property at 66 Railton Road. The last lawful use of the premises is as an office space, falling into Use Class B1. The development would change the use to a dry cleaners and laundrette service, classed as sui generis, which is excluded from any use class by virtue of Section 3(6)(c) of the Town & Country Planning (Use Classes) Order 1987.
 5. Policy ED2 of the Lambeth Local Plan (LP, September 2015) seeks to maintain a stock of sites and premises in business use across the borough. Section (b)
-

of the policy states that the loss of land or floorspace in business, industrial or storage (B class) use, or in employment-generating sui generis use, will not be supported unless clear and robust evidence is submitted which shows there is no demand for the floorspace. The development would create three full-time jobs, and in my view, such a use would fall comfortably within the definition of employment-generating sui generis uses which Policy ED2 seeks to maintain.

6. I note from the planning officer's report that an active frontage would be created, with activities visible from outside, and customers coming and going. I consider that such an increase in vitality at ground floor level would be of significant benefit to the wider area. I have also had regard to the letter of support from the Brixton Society, stating that shopping in the area has been in decline, suggesting that the proposal would provide a useful amenity for local residents, and welcoming the employment opportunities it would generate. All of these factors weigh in favour of the development.
7. It appears from the information before me that the B1 office use ceased during 2012. The fact that the application for the change of use has been made demonstrates that there is demand to keep the floorspace in employment use, albeit within a different use category. On the first issue, I therefore conclude that there is no conflict with LP Policy ED2.

Living conditions

8. A ventilation and extraction system is proposed to the rear elevation of the building. The Council has voiced concern with regard to the potential effect of fumes and odours from this system on the occupants of the first floor flat located above the appeal site.
9. Although some schematic diagrams regarding the operation of the extraction system were provided with the application, these appear to be taken from a typical laundrette installation guide, and so do not take into account the specifics of the appeal site. However, I am satisfied that this matter could be dealt with by a suitable condition. Therefore, I find no conflict with LP Policy Q2, insofar as it seeks to avoid disturbance through the operation of service equipment.

Conditions

10. The Council has suggested a number of planning conditions which I have considered against the relevant advice in the PPG. As a result, I have amended some of them for clarity. For certainty, it is necessary that the development is carried out in accordance with the approved plans. Conditions relating to opening hours and the control of fumes are necessary to safeguard the living conditions of nearby residents. I have not imposed the proposed condition regarding waste and recycling facilities as it has not been shown to be necessary.

Conclusion

11. For the reasons above, and taking all other matters into consideration, I conclude that the appeal should be allowed.

Elaine Gray

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 01/06, 02/06, 02A/06, 03/06, 04/06, 05/06, 06/06.
- 3) Before the use hereby permitted takes place, equipment to control the emission of fumes and smells from the premises shall be installed in accordance with a scheme to be first submitted to and approved in writing by the local planning authority. All equipment installed as part of the approved scheme shall thereafter be operated and maintained in accordance with that approval and retained for so long as the use continues.
- 4) The use hereby permitted shall only take place between the following times:
07.30 to 21.00 – Mondays to Fridays;
08.00 to 17.00 – Saturdays;
09.00 to 16.00 – Sundays, Bank Holidays or Public Holidays.