
Appeal Decision

Site visit made on 16 March 2021

by M Philpott BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th April 2021

Appeal Ref: APP/E5330/W/20/3248662

Unit 1 and 2, Meadowcourt House, 2 Meadowcourt Road, Blackheath SE3 9DU

- 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 Messers Martin, Sandle and McCarthy (c/o B C Martin and Co) against the decision of Royal Borough of Greenwich Council.
 - The application Ref 19/3091/F, dated 31 August 2019, was refused by notice dated 30 October 2019.
 - The development proposed is demolition of existing structures and the construction of a single block to create 6 x two bedroom flats with balconies, including refuse and bicycle storage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The site address differs on the decision notice and the planning application and appeal forms. The address in the heading above is taken from the decision notice as it appears to most accurately describe the site's location based on the submitted drawings.
3. In an attempt to overcome one of the Council's refusal reasons a tree survey has been submitted with the appeal. The Council and interested parties have been able to consider this evidence. I have taken it into account in making a decision as I am satisfied that no party is prejudiced in my doing so.
4. The London Plan 2021 (LP) was published on 2 March 2021, following the submission of the main parties' appeal evidence. It comprises the spatial development strategy for London and is now part of the development plan. I have provided the main parties with an opportunity to comment on any implications arising from its publication and taken the responses into account in deciding the appeal.

Main Issues

5. The main issues are:
 - whether or not the proposal would result in the unacceptable loss of employment space;
 - whether or not the proposal would provide an appropriate housing mix;

- the effect of the proposal on trees within and adjacent to the site; and
- whether or not the proposal is acceptable in respect of the flood zone location of the site and having regard to local and national planning policies relating to flood risk.

Reasons

Employment space

6. The site includes a building in office use which is accessed from Meadowcourt Road and backs onto the River Quaggy. The area features both residential and commercial development. The properties on the opposite side of the road are within the Blackheath Park Conservation Area. The appellant seeks planning permission for a new building comprising 6 flats with 2 bedrooms each.
7. The appellant puts forward that LP Policy E1 is relevant. It states that existing viable office floorspace should be retained; however, it supports the redevelopment of surplus office space to housing. The supporting text to the policy explains that evidence to demonstrate surplus office space should include assessments of demand and supply and evidence of vacancy and marketing at rates suitable for the type, use and size for at least 12 months, or greater if required by a Development Plan Document.
8. Policy EA(a) of the Council's Core Strategy¹ (CS) sets out an aim to maximise the contribution in the borough from sites in existing employment use. Non-employment uses will be permitted on vacant employment sites where it can be demonstrated that specific criteria are satisfied. In this case the policy requires that the site is environmentally or physically unsuitable for any employment generating use or that marketing on fair price and terms for at least 2 years indicates that there is no realistic prospect of any form of employment arising. LP Policy E1 and CS Policy EA(a) have a high degree of consistency.
9. The submissions indicate that the current occupiers are seeking to vacate the premises. However, at least part of the building was in office use when I visited. Moreover, no evidence of marketing of the site has been advanced. A statement from local property agents has been provided which comments on factors that could influence potential market demand for office space; however, this does not constitute a marketing exercise.
10. The appellant contends that there is little demand for office space in the area and that the London Office Policy Review 2017 indicates that capacity for office space exceeds forecast demand in the borough. It is also put forward that recent schemes such as the redevelopment of the Leegate Shopping Centre do not include office space due to low demand and the character of the area has evolved, with properties such as the nearby Osborn House having changed to residential accommodation. Competition from other employment spaces, advancements in information technology, the age of the building, its distance from railway stations and a lack of disabled access and on-street parking for businesses are also put forward as influencing factors.
11. The scale and nature of the proposal are not directly comparable with the Leegate Shopping Centre redevelopment. In addition, that scheme is in another

¹ Royal Greenwich Local Plan Core Strategy with Detailed Policies

administrative district and thus different policy considerations apply. I cannot be certain that the circumstances of the proposal are comparable with those elsewhere. However, the individual characteristics of and demand for sites to be used for employment generating uses can vary considerably.

12. In this case, firm and substantive evidence has not been provided which indicates that there is no demand for the site subject to this appeal specifically to be used for employment generating purposes. Although employee numbers have reduced at the site recently, the current occupation of the building indicates that it remains environmentally and physically suitable for employment uses. Even if the building were vacant, the site is accessible by means of public transport despite its low PTAL². In addition, there is nothing compelling before me which indicates that this site is of poorer quality than other office stock. Based on the evidence, employment generating uses could reasonably be carried out at the site.
13. In conclusion, it has not been demonstrated that the site is unsuitable for any employment generating uses, that there is no realistic prospect of any form of employment arising, or that there is a surplus of office space. I thus find that the proposal would result in an unacceptable loss of employment space. Consequently, the proposal conflicts with LP Policy E1 and CS Policy EA(a).

Housing mix

14. CS Policy H2 states that a mix of housing types and sizes are required in all developments, which should contain a proportion of units with 3, 4 and more than 4 bedrooms. However, it explains that the exact mix on each site will vary according to the location of the development and the character of the area. A range of unit sizes is also supported by LP Policy H10 having regard to a variety of matters.
15. The proposal fails to provide any units with 3 or more bedrooms and thus conflicts with CS Policy H2. Although the site is beside the river and there are flats in the area, compelling reasons have not been advanced which indicate that the site cannot accommodate a scheme with suitable family sized accommodation with adequate outdoor amenity space.
16. Whilst Table 8 of the CS indicates that most market housing should have one or 2 bedrooms, and I note that 2-bed units have a role to play in freeing up existing family housing, these matters do not obviate the requirement for some larger units to be provided. The appellant contends that 2-bed housing can be occupied by families; however, the LP describes family housing as generally having 3 or more bedrooms. Moreover, the size of the flats and the amount of outdoor amenity space proposed in this scheme would likely limit their suitability for many families.
17. Although LP Policy H10 does not state that larger units must be provided in all cases, CS Policy H2 nevertheless provides flexibility in the proportion of larger units that must be provided. The policies are not in conflict nor has it been put forward that CS Policy H2 is inconsistent with the National Planning Policy Framework (the Framework). Based on the evidence before me, CS Policy H2 is not out of date. The proposal thus fails to provide an appropriate housing mix and conflicts with CS Policy H2 and LP Policy H10.

² Public Transport Accessibility Level

Trees

18. A tree is located in front of the building and several others are adjacent to the river, including an off-site sycamore tree that is within the boundary of the adjacent property. The trees are visible from Meadowcourt Road, Lee Road and Osborn Terrace. Although the trees to the rear of the building soften the appearance of the surrounding built form and positively contribute to the character of the area, they are sited close to and constrained by the building, the adjacent property and Osborn House.
19. The tree survey sets out that most of the trees within the site are of low quality. Firm and substantive evidence to the contrary has not been produced. Furthermore, I have not been informed that any are protected by tree preservation orders. Replacement planting, if achievable, would be able to offset the loss of the trees within the site.
20. The survey indicates that the off-site sycamore tree is of moderate quality and that a large part of its root protection area is within the site. The appellant's arborist has said that there should be no effect on the off-site trees provided that the proposed building is not closer to them than the existing one. The drawings show that the proposed building would not be located closer to the tree to its front; however, it would extend right up to the boundary nearest the sycamore tree. In addition, the appellant's statement indicates that new foundations would be located within the root protection area of the tree. Moreover, the arborist has stated that they have not seen the proposed scheme. I cannot be certain as to the effects on the tree as a result.
21. Based on the evidence provided, I cannot be satisfied that the tree would not be harmed by the development. Consequently, the proposal is contrary to CS Policies DH1 and OS(f), which seek to protect trees.

Flood risk

22. Paragraph 155 of the Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. This is achieved through the application of the sequential test, which aims to steer new development to areas with the lowest risk of flooding. Paragraph 158 of the Framework states that development should not be permitted if there are reasonably available sites in areas with a lower risk of flooding. It also explains that the exception test may also have to be applied; however, this is only the case if the sequential test reveals that there are no sites with a lower risk of flooding. CS Policy E2 states that the sequential and exception tests set out in the Framework must be applied.
23. The site is located within Flood Zone 3 and thus at a high risk of flooding. However, I have not been provided with evidence showing that the sequential test has taken place and that there are no other suitable alternative sites for the development. Therefore, on the basis of the lack of substantive evidence before me, the proposal cannot pass the sequential test. Consequently, there is no need to consider flood risk any further as this would have no bearing on the outcome of this main issue even if flood risk was mitigated.
24. The proposal fails to demonstrate that it is an acceptable form of development having regard to the site's flood zone location. The proposal is contrary to CS Policy E2 and paragraph 158 of the Framework.

Other Matters

25. The appellant contends that the proposal would have a positive effect on the setting of the conservation area. However, the existing building does not detract from the significance of the conservation area. Its replacement would have a neutral rather than a positive effect and as such this matter does not constitute a benefit weighing in favour of the development.
26. The proposal would make a modest contribution to housing supply and delivery. In this regard I note that the Framework seeks to significantly boost housing supply and promotes the use of brownfield land. In addition, LP Policy H1 encourages development on windfall sites and the optimisation of suitable and available brownfield sites, especially small sites as set out by LP Policy H2. The appellant states that the Council is not meeting the LP's housing targets and objectives and the site should be released for housing to address this. It is also advanced that CS Policy EA(a) is out of date as a consequence.
27. However, compelling evidence has not been provided which indicates that the presumption in favour of sustainable development is currently engaged due to housing supply or delivery issues. In addition, firm and substantive evidence has not been forthcoming which indicates that there are issues regarding the supply or delivery of small sites for housing at this time. Moreover, I have already found that CS Policy EA(a) is not in conflict with recently published LP Policy E1 and I have not been referred to specific paragraphs of the Framework which might indicate that it is out of date. Based on what I have read and seen, I do not consider that CS Policy EA(a) is out of date or that the promotion of small sites for housing outweighs the identified conflicts with the development plan.
28. In any event, taking all matters into consideration, even if the presumption in favour of sustainable development were applicable, the Framework's policies in respect of flood risk provide a clear reason for refusing the development proposed. Moreover, the adverse impacts of the development significantly outweigh its benefits when assessed against the policies in the Framework as a whole. The Framework does not indicate in favour of the development.

Conclusion

29. The proposal is contrary to the development plan. There are no material considerations that outweigh the conflict with the development plan.
30. For the above reasons, the appeal is dismissed.

Mark Philpott

INSPECTOR