



Appeal Decision

Site visit made on 28 October 2024

by Colin Cresswell BSc(Hons) MA, MBA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 November 2024

Appeal Ref: APP/N5660/W/24/3346933

53 Cavendish Road, Lambeth, London SW12 0BL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr D Levy (Princes Mews Investments Ltd) against the decision of the Council of the London Borough of Lambeth.
- The application Ref is 24/00531/FUL.
- The development proposed is change of use and conversion Class E to Class C3

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr D Levy (Princes Mews Investments) against the Council of the London Borough of Lambeth. This application is the subject of a separate Decision.

Main Issues

3. The main issues in this case are:
 - the effect of the proposal on the sustainability of the highway network, having particular regard to planning policies which seek to promote car free development.
 - whether the proposal would result in the loss of viable office floorspace.

Reasons

Car free development

4. Policy T6 of the London Plan¹ says that car-free development should be the starting point for all proposals that are well connected by public transport. The supporting text explains that as the population grows, a fixed road network cannot absorb the additional traffic that would result from a continuation of current levels of car ownership.
5. This approach is reflected in Policy T6 of the Local Plan². Part D of that policy says that development should be permit free where it *has a PTAL of 4-6 and/or the development falls within an existing or planned controlled parking zone*. In this case, I understand that the appeal property has a PTAL of 4 and is also within a controlled parking zone. Therefore, according to the Local Plan, the development should be made permit-free.

¹ The London Plan 2021, Mayor of London.

² Lambeth Local Plan 2020-2035.

6. As no legal mechanism has been provided to prevent future occupiers of the proposed flats from obtaining parking permits, the proposal is in conflict with Local Plan Policy T6. The development would contribute to car use in the area, thereby undermining the objective of reducing strain on the road network. It would also conflict with the aims of Local Plan Policy T1 to promote safe walking, cycling and public transport over private vehicle use.
7. Policy D4 of the Local Plan sets out the circumstances under which planning obligations will be sought in order to mitigate the impact of development, or to fund local improvements. Amongst other things, this includes contributions towards car clubs and cycling.
8. Annexe 9 of the Local Plan provides further information about the approach taken to contributions in connection with Policy D4. Under the heading *Monetary Contributions for Controlled Parking Zones* there are two paragraphs. The first paragraph says that *on developments consisting of four residential units or more, a financial contribution of £2,500 per residential unit is sought for the management, consultation and implementation of Controlled Parking Zones (CPZs)*. Since the proposal is only for three residential units, this first paragraph is not directly relevant.
9. However, the second paragraph goes on to state that *the contribution is requested for all applications in CPZs*. Therefore, as the property is situated within a controlled parking zone, this part of Annexe 9 does apply to the appeal proposal. In my view, contributions towards a car club and cycling would be necessary to make the development consistent with the Local Plan strategy for car-free housing. In the absence of any legal mechanism to make these contributions, the proposal fails to comply with Policy D4.
10. I therefore conclude on this issue that the proposal would harm the sustainability of the highway network. For the reasons given above, there would be conflict with Policy T6 of the London Plan and Policies T1, T6 and D4 of the Local Plan. While Local Plan Policy T7 is listed in the reasons for refusal, this is not particularly relevant to the main issues in this appeal as it concerns sustainable freight and servicing.

Loss of office space

11. I understand that the building was previously used as offices and so the proposal would lead to a loss of office floorspace. Policy ED1 of the Local Plan is resistant to this. Part C of the policy says that proposals involving a complete loss of office floorspace will not be permitted unless certain tests are met. This includes providing evidence to show that the property has been continuously vacant and marketed for two years, that it would not be possible to modernise the property to meet demand, or it would not be possible to create smaller units to cater for the needs of small businesses.
12. Little evidence has been provided in relation to these matters. Consequently, the proposal fails to comply with Policy ED1 of the Local Plan. There is also conflict with Policy E1 of the London Plan which has similar aims.
13. However, on 2 October 2024, the Council gave prior approval³ for the building to be converted into residential units. The application was made under

³ Council Ref: 24/01957/P3MA

Schedule 2, Part 3, Class MA of the GDPO⁴ and so was subject to different statutory tests than the current appeal proposal is. Nonetheless, it seems highly likely that this planning permission will be implemented in the event of the appeal being dismissed. The office floorspace will therefore be lost regardless. This is a material consideration to which I attach a good deal of weight in this decision.

14. I therefore conclude on this issue that the proposal would not result in the loss of viable office floorspace.

Conclusion

15. Although the proposal would not lead to the loss of office space, it would fail to accord with policies which promote car free development and so would compromise the sustainability of the highway network.
16. The appeal is therefore dismissed.

C Cresswell

INSPECTOR

⁴ Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)