



Appeal Decision

Site visit made on 1 July 2025

by **F Rafiq BSc (Hons) MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7 August 2025

Appeal Ref: APP/C5690/W/25/3362266

E P M C, 251 Bromley Road, Lewisham, London SE6 2RA

- 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 Hus Kanli (Y K Properties Ltd) against the decision of the Council of the London Borough of Lewisham.
 - The application Ref is DC/24/136378.
 - The development proposed is the change of use from office (Use Class E) to large house of multiple occupation (Use Class Sui Generis) and enlargement of windows in the rear elevation.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from office (Use Class E) to a large house of multiple occupation (Use Class Sui Generis) and enlargement of windows in the rear elevation at E P M C, 251 Bromley Road, London, SE6 2RA in accordance with the terms of the application, Ref DC/24/136378, subject to the conditions in the attached schedule.

Preliminary Matter

2. I have utilised the description of development from the decision notice as this more accurately describes the proposed development than the application form.

Main Issues

3. The main issues are:
 - whether the proposed development would result in an unacceptable loss of employment floorspace,
 - the effect of the proposed development on the living conditions of future occupiers with regards to noise and disturbance, and
 - whether the proposed development would make adequate provision to restrict future occupiers from applying for parking permits and secure a financial contribution for the loss of employment floorspace.

Reasons

Loss of employment floorspace

4. DM Policy 11 of the Development Management Local Plan (Local Plan) seeks to retain employment uses on sites and buildings that are considered to be capable of continuing to contribute to and support clusters of business and retail uses. The policy sets out that proposals that do not involve any job creation or retention will require evidence that a suitable period of active marketing of the site for re-

use/redevelopment for business uses through a commercial agent that reflects the market value has been undertaken. Policy E2 of The London Plan adopts a criteria-based approach to proposals that involve the loss of existing business space which includes demonstrating that there is no reasonable prospect of the site being used for business purposes.

5. The appellant has set out that the office space has no short-term future, but no evidence has been provided that the appeal property is not suitable and viable for its existing or an alternative business use. Whilst it may have been vacant, no details of marketing, as required by DM Policy 11 has been provided.
6. As such, when assessed against the relevant development plan policies, I conclude the proposal would result in an unacceptable loss of employment floorspace. It would conflict with Local Plan DM Policy 11, Core Strategy Policies 5 and 6 of the Lewisham Core Strategy and Policy E2 of The London Plan, which seek, amongst other matters, the retention of employment uses.
7. The appellant has referenced the granting of a prior approval application¹ for the provision of two self-contained flats on the appeal site. This forms a fallback position which the appellant argues would result in the loss of the existing floorspace, should this appeal fail.
8. The prior approval scheme post-dates the refusal of the application subject of this appeal, and whilst it has not currently been implemented, the appellant has indicated that preparations are underway to do so. This would result in a residential use, albeit self-contained accommodation rather than a house in multiple occupation. As such, I find that there is a greater than theoretical possibility that the fallback position would take place if this appeal was to fail, and that the likelihood of this happening is such that I afford this matter significant weight.

Living conditions

9. The proposal is set on a busy classified road and would adjoin an MOT centre. In this context, the Council have raised concerns on the impact of noise on future occupants. The appellant has provided with the appeal submission an Acoustic Assessment² which concludes that noise arising from commercial sources would not negatively impact the proposed development and does not require mitigation. This Acoustic Assessment was undertaken for the conversion of this appeal property to residential apartments but given this appeal proposal is also for a residential use, I have no reason to disagree with its conclusions in relation to noise and disturbance.
10. Furthermore, there would appear to be residential uses sited above commercial uses along this terrace row. Whilst the circumstances of these other residential uses differed from those of the appeal scheme, there is no evidence before me of any noise and disturbance arising from the existing relationships between commercial and residential uses in the immediate vicinity of the appeal site.
11. I therefore conclude that the appeal proposal would provide satisfactory accommodation for its future occupants, with regard to noise and disturbance. As such, it would comply with Local Plan DM Policy 32 and Policies D13 and D14 of

¹ LPA Ref: DC/ 24/138291

² Ned Johnson Acoustic Consultants Ltd

The London Plan, which seek, amongst other matters, for new housing development to provide an appropriate level of residential amenity and to avoid significant adverse noise impacts. It would also comply with Paragraph 135 of the National Planning Policy Framework (Framework) insofar as it seeks a high standard of amenity for future occupiers.

Legal agreement

12. The Council has set out that it is necessary for the development to prohibit new residents from obtaining parking permits for on-street parking should a Controlled Parking Zone (CPZ) be implemented. There is however nothing before me that indicates that such a CPZ is planned as a result of parking demand or congestion on the highway network near the appeal site. As such, I do not consider it necessary for a legal agreement to include a restriction on parking permits in order to make the development acceptable in planning terms.
13. The need to secure a financial contribution for the loss of employment floorspace is also sought. Notwithstanding my findings that significant weight should be afforded to the fallback position of the provision of two self-contained flats, Local Plan DM Policy 11 is clear that the Council will seek contributions to training and/or local employment schemes where there is the loss of local employment as a result of redevelopment or change of use, as is proposed by this development.
14. A legal agreement has been submitted by the appellant which provides for a financial contribution for the loss of employment floorspace. I consider this to be necessary to make the development acceptable and is directly related to the development. I conclude therefore that the proposal would comply with Local Plan Policies 11 and 29, Policies 5 and 6 of the Lewisham Core Strategy and Policies E2 and T6 of The London Plan, which seek, amongst other matters contributions to training and/or local employment schemes where there is loss of local employment.

Conditions

15. I have considered the conditions suggested by the Council, having regard to the six tests set out in the Framework. For the sake of clarity and enforceability, I have amended those suggested as appropriate.
16. In the interests of air quality, a condition is necessary requiring ultra low levels of nitrogen oxide. A condition requiring acoustic protection for habitable rooms has been suggested. Although no mitigation measures were considered necessary in the submitted Acoustic Assessment, as the development includes alterations to the windows, I consider this condition to be necessary to ensure adequate internal noise levels for future occupants.
17. Conditions requiring the provision of cycle parking facilities and refuse and recycling facilities are required to encourage the use of a sustainable means of travel and to ensure adequate provision for the storage of waste.

Planning Balance and Conclusion

18. I have found no harm in relation to the living conditions of future occupiers, on the need to restrict parking permits or securing a financial contribution for the loss of employment floorspace. The proposed development would be harmful in relation to the loss of employment floorspace. I have however given significant weight to

the fallback position and as such, this outweighs the policy conflict. Reference has been made to the benefit of providing housing, although as the fallback position would also provide residential accommodation, I attribute limited weight to this matter.

19. For the reasons given above, I conclude that the appeal should be allowed.

F Rafiq

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 545 01, 545 02, 545 03, 545 04, 545 05, 545 06, 545 07, 545 08 and 545 09.
- 3) Prior to occupation of the development hereby approved, details of the Ultra-Low NOx Gas fired boilers proposed to be installed shall be submitted to and agreed in writing by the local planning authority. The Ultra-Low NOx Gas fired boilers to be provided for space heating and hot water shall have dry NOx emissions not exceeding 40 mg/kWh (at 0% O₂). Where any installations do not meet this emissions standard, they should not be operated without the fitting of suitable NOx abatement equipment or technology as determined by a specialist to ensure comparable emissions. Following installation, emissions certificates will need to be provided and approved in writing to the council to verify boiler emissions. The approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.
- 4) (a) The development hereby approved shall be designed to achieve acoustic protection for habitable rooms against noise and vibration sufficient to secure internal noise levels no greater than:
 - i 35 dB LAeq in living rooms and bedrooms (07:00 hours to 23:00 hours) with windows closed; and
 - ii 30 dB LAeq in bedrooms (23:00 hours to 07:00 hours) with windows closed.

(b) The development shall not be occupied until the sound insulation scheme pursuant to paragraph (a) has been implemented in its entirety. Thereafter, the sound insulation scheme shall be maintained in perpetuity in accordance with the approved details.
- 5) Prior to first occupation, full details of the cycle parking facilities shall be submitted to and approved in writing by the local planning authority. All cycle parking spaces shall be provided in accordance with the approved details and made available for use prior to the first occupation of the development and maintained thereafter.
- 6) Prior to first occupation, details of proposals for the storage of refuse and recycling facilities shall be submitted to and approved in writing by the local planning authority. The facilities as approved shall be provided in full prior to first occupation of the development and shall thereafter be permanently retained and maintained.

End of Conditions