

Ms Caitlin Baile
Development Management
London Borough of Lambeth
10 Wandsworth Road
London
SW8 2LL

4 December 2023

Dear Caitlin,

FULL PLANNING PERMISSION FOR THE CHANGE OF USE FROM A BUILDER'S YARD TO B8 USE (OPEN STORAGE).

6 Streatham Common South, London, SW16 3BT

I write on behalf of our client, NW1 IOS 1 Unit Trust c/o Marchmont Investment Management, to submit a full application in relation to 6 Streatham Common South, Lambeth, London, SW16 3BT ("*the Site*").

This application is made under the Town and Country Planning Act (TCPA) 1990 and proposes the change of use from a builder's yard which has operated at the site for the last 70 years to B8 use (open storage). The existing lawful use as a builder's yard largely comprises the storage of building materials. The proposed change of use to B8 use continues this storage dimension.

This planning application modifies the previous planning application (22/03283/FUL) that was refused on 20 March 2023. The previous application sought permission for the flexible planning permission for retained builder's yard use and/ or a new B8 use (open storage). This new planning application seeks to simplify the proposition by seeking planning permission for a straight change of use to B8 use only.

Subsequently, the council granted planning permission (23/01415/FUL) for demolition of most buildings on the site other than the retained two storey building adjacent the boundary with 7 Streatham Common South.

The application submission

The application comprises of the following documents and architectural plans:

- Application forms duly completed and signed;
- Planning Submission letter addressing, the key planning issues of Use, Design and Access, Noise, Transport and Lighting matters this document);
- Site Location;
- Existing and Proposed Plans;
- Noise Impact Assessment;
- Noise Management Plan;
- Transport Statement; and
- Travel Plan.



The scope of the application and the documents supporting it were agreed with the planning officer Ms Caitlin Baile in our telephone conversation on 5 October 2023.

The Site and Surroundings

The application site is located at 6 Streatham Common South, located on the south side of Streatham Common. The Site is located within the administrative boundary of the London Borough of Lambeth.

The Site area is approximately 0.3 hectares (ha).

The Site comprises of an existing builder's yard which has been in such use for over 70 years. Following the demolition of the buildings granted permission in application 23/01415/FUL, the site is almost entirely given over to hard surfaced open yard space, save for the retained two storey building adjacent no. 7 Streatham Common South.

The site does not contain any trees, shrubs or other plants.

Access and egress to and from the Site is gained from a single point of access off Streatham Common South.

The Site is largely characterised by residential development surrounding Streatham Common. Streatham High Road located to the west has a number of different commercial uses.

Site Designations

In accordance with the Lambeth Local Plan Policies Map (2021) the Site is located within the Streatham Common Conservation Area.

According to the Environment Agency's flood map for planning, the Site is also located within Flood Zone 1 (low risk of flooding).

The TfL PTAL map which rate's locations by distance from frequent public transport measures gives the Site a PTAL rating of 4.

Planning History and Background to the Current Application

The most relevant planning history is summarised below:

Reference	Description of Development	Decision	Decision Date
23/01415/FUL	Partial demolition of the existing buildings and repair of the retained walls which form the boundary	Approved	18 July 2023

22/03283/FUL	Redevelopment of site involving the demolition of all existing structures to provide continuous use of site as builders yard (Sui Generis) and/ or change of use to storage or distribution (Use Class B8).	Refused	20 March 2023
21/02840/FUL	Redevelopment of site involving the demolition of the buildings and erection of 4no. buildings ranging from one to three storeys in height plus a basement to provide flexible commercial floorspace (Use Class E(g)(iii)) and 27 residential units (Use Class C3), together with the provision of car and cycle parking, refuse storage, hard and soft landscaping and other associated works.	Refused	13 October 2021
DC/96/3339/CO/23219	Demolition to facilitate the widening of vehicular access, the installation of new gates and the erection of a new front boundary wall.	Approved	20 May 1997
DC/96/3338/CO/23219	Construction of an enlarged vehicular access, the installation of new gates and the erection of new front boundary wall.	Approved	20 May 1997
DC/96/3337/CO/23219	The installation of storage racks 4.6m and 3.6m high.	Refused	17 February 1997
94/03259/PLANAP	Demolition of existing buildings in connection with planning application 23219/94/3019 for change of use and redevelopment of the site to provide 11 houses. (Regd. Plan Nos. 23219.94/3249). Applicant's plan Nos.240/01A, 100D and 101B).	Withdrawn	2 May 1995
94/03091/PLANAP	In outline change of use from a builders depot to residential by the redevelopment of the site by the erection of eleven houses with gardens (seven x 4-bedroom and 2-storey plus attic and four x 3-bedroom 2-storey) together with the provision of an access road and associated car parking.	Withdrawn	2 May 1995
DC/TW/ank/23219	The erection of a single storey storage building and a single storey shop/display/storage/office building in connection with the builders yard at 6 Streatham Common South, Lambeth.	Approved	22 July 1980

There are 4 main points arising from some of the site's recent planning history above.

Firstly, a key issue for the council in the refusal of application 21/02840/FUL in October 2021, was the inadequate level of replacement industrial or industrial related use sufficient to comply with the council's adopted planning policy which seeks to protect the existing uses such as Builder's Yards.

This application deals with this issue by proposing the change of use of the whole site to B8 use, a very similar and related use to that of a Builder's Yards. This complies with the council's adopted policies to protect, retain, and support such uses.

Secondly, in refusing planning permission for application 23/01415/FUL set out above and despite 1950 planning permission for the storage of building materials being unrestricted in terms limitations on the hours of use, the council wanted hours of use conditions imposed on any new use. This application proposes an hours of use restrictions to be secured by planning condition. This is discussed later in this submission.

Thirdly, and again despite the unfettered nature of the lawful use of the site and the proposed uses being similar in nature, the council wanted more information arising comparing the existing and proposed noise impacts. This application includes a noise impact assessment prepared by specialist acoustic engineers, SVA Acoustics. It demonstrates that there will be less noise arising from the proposed change of use to B8 than the current lawful use of the site. This is a betterment in planning terms compared to the existing situation. The application is also accompanied by a Noise Management Plan setting the applicant's approach to the use of the site from an operational perspective.

Fourthly, the application includes a Transport Statement and Travel Plan proposals. The Transport Statement is based on some of the key survey information and data agreed with the council's transport team on the last planning application. It demonstrates a reduction in the number of vehicular movements for the proposed use compared to the site's existing use. Again, a betterment in planning terms.

Proposed Development

The proposals seek to obtain planning permission for the change of use from the Builder's Yard Use to B8 use.

Access and egress to and from the Site will be retained from the existing single access off Streatham Common South and will continue to operate as it has done for 70 years.

As part of the planning application the applicant will invest in some works to repair parts of existing hardstanding which have been damaged or are in a poor physical condition. These damaged areas were seen by planning officers when they visited the site in the summer of 2023 prior to the grant of planning permission to demolish most of the buildings on the site. This will improve the appearance of the site and allow for safer movement around the site.

The proposed storage use will be very similar in character to the existing builder's yard use but in planning terms will benefit from the proposed hours of use restrictions and the reduced traffic movements.

Planning Policy Context

Planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

Development Plan

The Development Plan for the purposes of this application comprises:

- Lambeth Local Plan (2021);
- The London Plan (2021).

Supplementary Planning Design (SPDs):

The Development Plan is supported by a range of SPDs. Relevant SPDs include:

- The Lambeth Design Guide SPD (Part 1 - Introducing Lambeth) (August 2023); and
- The Lambeth Design Guide SPD (Part 2 - Advice for All Developments (August 2023).

Material Considerations

Important material considerations include:

- National Planning Policy Framework (September 2023); and
- Planning Practice Guidance (PPG).

Principle of Development

The existing site is considered to be a non-designated industrial site within the London Plan and Lambeth Local Plan Policy ED4. The lawful use of the Site is a builder's yard which is a sui generis use.

London Plan Policy E7 (Industrial intensification, co-location and substitution) part C states that mixed-use or residential development proposals on Non-Designated Industrial Sites should only be supported where:

- 1) there is no reasonable prospect of the site being used for the industrial and related purposes set out in Part A of Policy E4 Land for industry, logistics and services to support London's economic function; or
- 2) it has been allocated in an adopted local Development Plan Document for residential or mixed-use development; or
- 3) industrial, storage or distribution floorspace is provided as part of mixed-use intensification (see also Part C of Policy E2 Providing suitable business space).

To satisfy Policy E7 only one of the above criteria needs to be met. Given that the Site will remain in use for industrial and related purposes it is considered that the proposals fully accord with criteria (3) of Policy E7. Given that the use is being retained as an industrial type use, in line with Paragraph 6.7.5 of the London Plan marketing evidence is not required to justify the proposed development.

The proposals also fully accord with Policy E4 (Land for industry, logistics and services to support London's economic function) which seeks to retain a sufficient supply of land for industrial and related functions.

Paragraph 81 of the NPPF states that: *“Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity.”* The proposal for a B8 use and / or sui generis use for a builder’s yard is a wholly appropriate use for the site and is in keeping with the existing operation. In terms of economic considerations, the proposed development will continue to provide a vital local resource and will contribute both directly and indirectly to local economic activity.

Overall, the proposed development is in accordance with policies E2 and E7 of the London Plan, Local Plan Policy ED4 which places strong protection and support for such uses.

Design and Heritage

As has been made clear above, the planning application does not propose any built development and simply proposes the change of use from sui generis (builder’s yard) to B8 use (storage and distribution). Planning permission was secured in July 2023 for the demolition of some of existing buildings (23/01415/FUL). This earlier application dealt with the design and heritage matters and concluded that the removal of these poor-quality buildings was a benefit to the character and appearance of the area. This application will not change the nature of the site and therefore the proposals do not raise any heritage issue and according with the council’s design and heritage policies.

Noise Matters

In discussions on the last planning application, officers expressed the view that any new use should be subject to restrictions on the hours of deliveries and use. Given the use of the site as a Builder’s Yard and that this application proposes a B8 which will be of a similar character to the existing, there seems to be very limited planning justification given the unrestricted fall-back position. However, in the spirit of trying to reach agreement with the council, the application proposes hour of use restrictions for normal operations on the following basis.

1. 07:00 to 19:00 hours Monday to Saturday
2. 09:00 to 18:00 hours Sundays and Bank Holidays
3. Outside of these hours, it is proposed that quieter reduced working could occur with limited deliveries, and loading unloading of the site away from residential properties for example to the rear of the site. Similarly, if members of staff wanted to work in the site’s existing building to undertake office or managerial duties there is no reason for this not occur, particularly in the light of activities which could take place within the existing use of the site.

Taking account of the above restrictions, the proposals have been subject to a Noise Impact Assessment, prepared by SVA Acoustics, specialists in acoustic engineering matters. The Noise Impact Assessment Accompanies the submission of the application. It demonstrates a significant reduction in noise emissions from the site when compared to the existing lawful use of the site with potential adverse noise impacts being minimised further a condition securing the above the 3 principles and the submitted Noise Management Plan. This plan sets measures that can be adopted for the day to day operation of the site. Again, the site had not been subject to any such proposals for the last 70 years and operated quite happily with no undue impacts.

The conclusions of the Noise Impact Assessment alone demonstrate a significant betterment in reducing noise emissions from the site. The additional proposals contained in the Noise Management Plan provide a double planning benefit that weighs very positively in favour of the application.

Transport

The application is accompanied by a Transport Statement.

It assesses the proposed change of use to B8 against the existing use of the site and the movements surveyed with similar sites discussed with the council's transport officers on the last planning application. The assessment also takes account of relevant information from the TRICS database of developments and their associated transport movements in accordance with the recognised professional practice for such assessments.

Taking account of the above, the assessment demonstrates a reduction in movements arising from the proposed change of use to B8 use.

The application proposes the formalisation of 6 car parking spaces towards to the front the site. This is a reduction on the higher level of informal parking that has taken place in the past and could carry on in the future under the terms of extant lawful use of the site.

Furthermore, the application is accompanied by a Travel Plan which sets out proposals to promote walking, cycling and the use of public of transport to access the site.

The applicant is happy to discuss the proposed parking proposals recognising that parking was sought by the council on the last application to deal with the local comments.

Lighting

The applicant proposes the imposition of an appropriate condition to secure details of a lighting strategy in the event that lighting proposals are required by the applicant or operator.

Conclusion

This application proposes a change of use from an existing Builder's Yard use to B8 use. The proposed use responds to directly to the London Plan and Lambeth adopted policies which seek to encourage and protect such commercial uses because of the critical role they play in meeting the servicing and commercial needs to the capital. Such sites are under threat from competing land uses. The grant of planning permission for B8 which is very similar in character to the existing builder's yard use will assist in the site being relet and put back into productive use, a point which should be subject to the strong support of the council taking account of the emphasis and importance placed on such matters in the London and Lambeth Plans.

The submitted Noise Impact Assessment demonstrates a betterment in the reduction of noise from the site. The proposed restrictions on the hours of use (to be secured by condition) and the submitted Noise Management Plan will provide a significant further betterment in planning terms in the context of the local area and will for the first time introduce significant mitigation on the site.



Similarly, the accompanying Transport Statement demonstrates a reduction in traffic movements from the site compared to the existing situation creating planning and environmental benefits in the local area. The application is also accompanied by a Travel Plan and its proposals to encourage active travel and the use of public transport. Again, measures that will create improvements in the local area by reducing reliance on the car.

For the reasons outlined above, the application merits the strong support of the council. We trust that the council will be able to grant planning permission within the normal timetable.

I trust the enclosed information agreed with planning officers in October allow the prompt registration and consideration of the application. However, should you have any queries or require additional information please do not hesitate to contact me or my colleague Sian Thomas / sthomas@hghconsulting.com .

Yours Sincerely

Mathew Mainwaring

Executive Director

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