

# LONDON BOROUGH OF LAMBETH

## Delegated Register 20/03315/93F

Approver:	 <span style="float: right;">27/10/2020</span>
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**Site:** 141 - 149 Railton Road London SE24 0LT

**Description:** S93F Request for Additional Environmental Approval in relation to the extension to 01.05.2021 of planning permission ref.15/04741/OUT (Outline Application seeking redevelopment of existing Clinic (Use class D1) with the erection of 5 new three storey houses plus basement (Use class C3), together with the provision of cycle parking.) (Granted on 07.04.2016 ) by means of a deemed variation to condition 1 (commencement time limit).  
 Deemed variation sought: Alteration of the wording of condition 1 to read: "The development to which this permission relates must be begun not later than 1st May 2021.

**Drawings:** None Applicable

**Case officer:** Mr Muhammad Saleem

**Recommendation:** Refuse planning permission

**Recommendation date:** 26.10.2020

**Section 106:** Not applicable

### 1. Summary

1.1 The proposal seeks to vary condition 1 of planning permission to development to which this permission relates must be begun no later than 1<sup>st</sup> May 2021.

### 2. Designations

#### Site area

Total site area (sqm)	Total site area (hectares(ha))
550	0.055

#### Floorspace comparison

Use class	Description	Existing floorspace (Gross External Area (GEA))	Proposed floorspace (GEA)
C3	Dwellings		400sqm
D1		525sqm	

## Housing details

Residential Type		No. of bedrooms per unit				
		1	2	3	4	5+
Proposed	Private flats					
	Private houses				5	
	Social/affordable rented flats					

### 3. Site Description

- 3.1 The application site is located on the north east side of Railton Road opposite the junction with Spenser Road.
- 3.2 The site is currently comprised of a part single/part two storey building and land of approximately 525sqm. The building is at the end of a terrace of residential buildings that continue south to the junction with Shakespeare Road. The building is currently vacant; however its last known use was as a health centre/clinic (Use Class D1).
- 3.3 To the north of the site is the Railton Methodist Church. To the east of the site is the rear amenity spaces associated with residential properties (nos. 140 – 146) Mayall Road.
- 3.4 The site is not within a conservation area and the site is not listed or nearby to any heritage assets.
- 3.5 Procedural matter – due to travel restrictions as a result of the global pandemic no site visit took place however Officers have had sight to the contents of the previously submitted application and the information available on Google maps and streetview. This information is considered sufficient to enable a considered decision and assessment.

### 4. Proposed Development

- 4.1 This is a Section 93F Request for Additional Environmental Approval in relation to the extension to 01.05.2021 of planning permission ref.15/04741/OUT (Outline Application seeking redevelopment of existing Clinic (Use class D1) with the erection of 5 new three storey houses plus basement (Use class C3), together with the provision of cycle parking. ) (Granted on 07.04.2016) by means of a deemed variation to condition 1 (commencement time limit)
- 4.2 Deemed variation sought:
- 4.3 Alteration of the wording of condition 1 to read: "The development to which this permission relates must be begun not later than 1<sup>st</sup> May 2021.

### 5. Relevant Planning History

#### Planning Application History

15/04741/OUT - Application Permitted - Decision date: 20.05.2016

Outline Application seeking redevelopment of existing Clinic (Use class D1) with the erection of 5 new three storey houses plus basement (Use class C3), together with the provision of cycle parking.

## **6. Consultation**

- 6.1 No public consultation was considered necessary as this proposal only seeks to vary condition 1.
- 6.2 However 3 responses were received in relation to the application; comprising of one letter of support and two objections.
- 6.3 The objections raised the following issues;
- loss of community facility
  - lack of social housing
  - Impact on climate change

Officer Response: It is noted that the planning permission for this development has already been granted; the subject of this application is whether it is appropriate to enable a longer implementation timeframe.

### **London Plan (2016) policies:**

- 6.4 Policy 1.1: Delivering the vision and objectives for London

### **Lambeth Local Plan (2015) policies:**

D1 Delivery and monitoring  
D2 Presumption in favour of sustainable development

## **7. Planning considerations**

- 7.1 The key planning considerations are the effect of extending the time period which to implement the planning permission from 20<sup>th</sup> May 2019 to 1<sup>st</sup> May 2020.

### **7.2 Amenity**

- 7.3 In essence the planning consideration to consider is the effect on the amenity of the neighbouring properties which would result in relation to a delayed start on site until May 2021. As a result of the recent pandemic Section 17 of the Business and Planning Act 2020 inserts new section 93B into the TCPA 1990. for “.....unimplemented planning permissions with time limits for implementation which passed between 23 March 2020 and 19<sup>th</sup> August 2020 and the time limit extended to 1 May 2021, subject to Additional Environmental Approval being granted.
- 7.4 The previous consent lapsed on the 19th April 2019 therefore fails to fall into this category. It is noted that condition 1 states that the time frame for the implementation of the permission is 3 years, or 2 years from the approval of the last reserved matters. Condition 2 required reserved matters to be submitted within 3 years from the date of the permission. Officers do not consider that there would be any adverse impacts of a delayed start on site being delayed however as stated the planning permission granted falls outside the time period outlined between 23<sup>rd</sup> March and 19<sup>th</sup> August 2020.

7.5 The original application did not require an EIA or Habitats Regulation Assessment and this remains the case with there being no material change in policy regime or alteration to the proposed scheme; therefore meeting section 93(b)(8) of the Act.

## **8. Conclusion**

8.1 Upon full assessment of the submitted material supporting the application, taking into account all material considerations, it is considered the objectives of the development plan have not been met.

## **9. Equality Duty and Human Rights**

9.1 In line with the Public Sector Equality Duty the council must have due regard to the need to eliminate discrimination and advance equality of opportunity, as set out in section 149 of the Equality Act 2010. In making this recommendation, regard has been given to the Public Sector Equality Duty and the relevant protected characteristics (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation).

9.2 In line with the Human Rights Act 1998, it is unlawful for a public authority to act in a way which is incompatible with a Convention right, as per the European Convention on Human Rights. The human rights impact have been considered, with particular reference to Article 1 of the First Protocol (Protection of property), Article 8 (Right to respect for private and family life) and Article 14 (Prohibition of discrimination) of the Convention.

9.3 The Human Rights Act 1998 does not impair the right of the state to make decisions and enforce laws as deemed necessary in the public interest. The recommendation is considered appropriate in upholding the council's adopted and emerging policies and is not outweighed by any engaged rights.

## **10. Recommendation**

10.1 Refuse Planning Permission.

## **11. Reasons for Refusal**

1. The time limit for implementation for application ref. 15/04741/OUT did not fall within between 23 March 2020 and 19<sup>th</sup> August 2020 as specified within section 93F(b) of the Town and Country Planning Act 1990 (as amended). As such the proposal fails to comply with section 93F of the Town and Country Planning Act (1990).

## **12. Informatives**

1. Paragraph 38 of the NPPF requires Local Planning Authorities to approach decision on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible. In this instance, the proposal is considered to be in significant conflict with the local development plan and a decision providing clear and transparent reasons for refusal has been issued within the statutory timescale.