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Location | Land To The Rear Of General Lying In Hospital, Addington Street, Adjacent To Westminster B London

Ward Proposal

Discontinuance of car park and erection of a 394 bed apart hotel (Class C1 Hotel) comprising basement, ground, mezzanine and 13 storeys plus plant, a self contained 3 storey building (Class B1 Office or Class D1 Consulting Rooms), together with associated access, servicing, landscaping, provision for 3 car parking spaces for disabled use, 20 bicycle spaces, 11 motorcycle spaces, two surface coach parking bays, and a taxi drop off point.

Application Type | Full Planning Permission
Application No | 03/03187/FUL/DC_HE/19350
Applicant | Galliard Hotels
Date Valid | 21 November 2003

Considerations

Adopted UDP Archaeological area UDP Archaeological Area : A2 : North Lambeth
Local Plan Area Waterloo UDP Area
Adopted UDP Noise Abatement Zone Waterloo noise abatement zone
Adopted UDP Preferred Site UDP Preferred Site : HO2 : Addington Street Annexe

Approved Plans


Recommendation | MINDED TO GRANT PERMISSION
Officer Report
03/03187/FUL

1. Summary Of Main Issues

1.1. Employment-generating use.

1.2. The design of the development.

1.3. Impact on the character and appearance of the South Bank Conservation Area.

1.4. Impact on the setting of the Grade II* listed County Hall Riverside building, the Grade II listed General Lying-In Hospital and the World Heritage Site of the Palace of Westminster.

1.5. Amenity impacts of the proposed development.

1.6. Access including access to the General Lying-In Hospital, servicing, public transport improvements and pedestrian movement.

1.7. Regeneration benefits for Waterloo and the South Bank.

1.8. Whether an appropriate Section 106 Agreement has been negotiated.

2. Site Description

Addington Street site

2.1. The site is situation to the rear of the General Lying-In Hospital on the corner of Addington Street and York Road and opposite the Island block (now peninsularised) on Westminster Bridge Road in Waterloo. It covers an area of approximately 0.25 hectares.

2.2. The site currently lies undeveloped following the demolition of the previous four-storey pre-fabricated office building. It has been in use as a car park with access off Addington Street.

2.3. The Addington Street Annex site together with the Westminster Bridge Road Island site, the main Riverside Building and North and South Blocks constitutes the former GLC County Hall complex.

2.4. The site is situated adjacent to the South Bank Conservation Area and the Grade II listed General Lying-In Hospital.

Surrounding Area

2.5. The Westminster Bridge Road Island site consists of a six-storey former office building situated on a 0.46 hectare site. The building was constructed between 1970 and 1974. In recent years it was linked by a high-level bridge link into the
County Hall South Block. The bridge link structure was removed when the South Block was converted into residential flats in the mid-1990’s.

2.6. The building on the Island site currently lies vacant and contains damage caused by the removal of the bridge link.

2.7. The General Lying-In Hospital is an early nineteenth century, two-storey building with attic and basement floors is situated in a prominent location on the corner of York Road and Addington Street.

2.8. The General Lying-In Hospital was previously held on a long lease by Guy’s and St Thomas’ Hospital Trust. The freehold of the site has recently been transferred to the Trust from Frogmore Investments Limited following the refurbishment of the hospital building.

2.9. The North and South Blocks of County Hall front onto York Road and were built between 1936 and the 1960’s and were used by the GLC as government offices until its abolition in 1986. The North and South Block were converted into residential flats by Galliard Homes during the mid-1990’s and by and large are now fully occupied.

2.10. Immediately east of the application site are the brick viaducts of Waterloo Station on top of which the Channel Tunnel railway station is situated. There are pedestrian and vehicular routes into Waterloo through the existing viaduct arches.

2.11. Other notable landmarks in the vicinity include Jubilee Gardens and the Shell Centre to the north, and St Thomas’ Hospital to the south. To the east beyond the North and South Blocks lies the Riverside building of County Hall which was completed in 1933 and is a Grade II* listed building.

2.12. To the west across Westminster Bridge lies the World Heritage site of the Palace of Westminster.

2.13. Elsewhere to the north of the site there are a variety of eight and ten storey commercial buildings fronting onto Leake Street.

3. Planning History

3.1. The County Hall group of buildings has a long and complex planning history following the Government’s decision to abolish the GLC in 1986.

3.2. In October 1987, the Secretary of State upheld planning appeals which allowed:

- The redevelopment of the Addington Street Annex and adjacent land to provide a new office building. The approved building was ten storeys in height and considered by the Secretary of State to be acceptable in terms of the scale and massing in relation to surrounding development.

3.3. In November 1994, an outline planning permission for the Addington Street Annex site was submitted for erection of a five-storey office building of 5,436sq.m. linked to the Island Block site at second floor level with 16 car parking spaces. The Borough Council resolved to approve the application. A
Section 106 Agreement securing the link to the Island Block was signed on 31 August 1995.

3.4. In 15 June 1999, Lambeth Council resolved to approve a detailed planning application on the Addington Street Annex site for the erection of an eleven-storey office building comprising 13,219sq.m. of office floorspace together with eleven ancillary car parking spaces, servicing and access arrangements. The associated Section 106 Agreement requirements to ensure the safeguarding of a vehicular route through towards the Waterloo International Terminal and to facilitate a range of other pedestrian and vehicular improvements have now been completed.

3.5. In 19 September 2000, Lambeth Council resolved to refuse permission for the following applications:

- Planning application for – Erection of eight and fourteen storey linked office buildings (on the Island and Addington Street sites) comprising 60,094sq.m. of B1 office floorspace and 1,592sq.m. of A1 retail and/or restaurant floorspace together with 20 car parking spaces and ancillary access/servicing arrangements, closure of the section of York Road between County Hall South Block and Westminster Bridge Roundabout to form a landscaped pedestrian area and associated highway works.
- Conservation Area consent for – Demolition of six storey Island Block building.
- Listed Building consent for – Alterations to listed building by virtue of demolition of single storey structures on the eastern elevation of the General Lying-In Hospital and alterations to the boundary wall.

3.6. The Council’s decision notice dated 20 October 2000 refused planning permission on the grounds that:

1. The proposal, by virtue of the height of the Addington Street block, would have an adverse impact upon the setting of the Grade II listed County Hall building as viewed from the surrounding area, including Westminster Bridge, contrary to Policy W30 of the adopted Lambeth Unitary Development Plan.
2. The proposed bridge link across Addington Street would have an adverse impact on the setting of the Grade II listed former General Lying-In Hospital building contrary to Policy CD13 of the adopted Lambeth Unitary Development Plan.”

3.7. Frogmore appealed against the Council’s decision to refuse permission for the proposed fourteen-storey scheme. An Inspector held a public inquiry in April 2001. By letter dated 28 September 2001, the Secretary of State dismissed the appeal against the planning and conservation area applications, but allowed the appeal in respect of the application for listed building consent.

3.8. The Inspector’s report identified that the principle of office development was acceptable and the use of contemporary architecture would not be out of keeping in the context of the surrounding area. The Inspector considered that although the proposal accorded with many strategic and local policies, including national policies concerning the re-use of derelict or underused urban land, it would unacceptably detract from both the setting of County Hall and from important views of it. Further, the scheme would severely detract from the setting of the General Lying-In Hospital. The Secretary of State accepted the Inspector’s conclusions and dismissed the appeal on the grounds that the proposal would not preserve the setting of either the Grade II* listed County Hall Riverside building or the Grade II listed General Lying-In Hospital, and that the proposal
failed to either preserve or enhance the character or the appearance of the South Bank Conservation Area.

3.9. An application for the erection of an eight and twelve storey linked office building comprising 49,597sq.m. of B1 office floorspace and 1,507sq.m. of retail and/or restaurant floorspace together with 20 parking spaces and ancillary access/servicing arrangements, including the closure of York Road between County Hall South Block and Westminster Bridge Roundabout to form a landscaped pedestrian area was submitted in March 2000. The Committee concurred with the Officers’ recommendation and were minded to grant planning permission, conservation area consent and listed building consent subject to conditions, a Section 106 Agreement and referral to the Mayor of London.

3.10. On 19 February 2001, the Mayor of London directed the Council to refuse planning permission for the above-mentioned application. The Mayor’s main reason for refusal was that the design of the building, particularly the bridge link, was unsatisfactory, and would have an adverse impact on the General Lying-In Hospital. The Mayor also concluded that the proposed reconfigured road system was unsatisfactory, preferring instead a two-way system that kept York Road open and closed Addington Street. The application was refused by Lambeth Council on 6 March 2001 following the Mayor’s direction.

3.11. In November 2002, planning permission was issued for redevelopment of the Addington Street site and the Island site for two separate office buildings of 21,402sq.m. (eleven storeys) and 38,140sq.m. (nine storeys) together with ancillary plant, servicing, landscaping and a total of 17 car parking spaces. The approval included the creation of independent vehicular access to both the Addington Street and Island sites, the safeguarding of vehicular access into Waterloo International Station and a new accessway to the General Lying-In Hospital through the Addington Street site.

3.12. The November 2002 permission is subject to a Section 106 Agreement, which was varied in April 2003 to separate the obligations between the two sites.

3.13. In October 2003, a Section 106 Agreement was signed and planning permission granted for discontinuance of the car park at the Addington Street site and erection of a 300-bedroom apart-hotel (Class C1 Hotel) comprising a basement, ground, mezzanine and 13-storeys plus plant, a self-contained three-storey building (Class B1 office or Class D1 consulting rooms) together with associated access, servicing, provision for 20 bicycle spaces, two surface coach parking bays and a taxi drop off point. The Section 106 obligations included those matters that had been agreed for the site in the previous legal agreement.

4. Scheme Details

4.1. The current application seeks planning permission for redevelopment of the Addington Street site to provide an apart-hotel. The proposed development comprises the following:

- The discontinuance of the current car park use and erection of a 394-room apart-hotel (Class C1 hotel use) comprising basement, ground, mezzanine and 13-storeys plus plant and a 3-storey (494m$^2$) self-contained building (Class B1 office or Class D1 consulting rooms use) adjacent to the General Lying-In Hospital;
The creation of a new two-way entrance to the site from the existing controlled junction to the east of the site off Addington Street to enable vehicular and service access to the proposed apart-hotel and B1 office building, and also service access to the rear of the General Lying-In Hospital;

Provision for three disabled car parking spaces, together with turning and standing space for coaches, 11 motorcycle parking bays and 20 bicycle parking spaces;

Safeguarding and partial construction of a vehicular access between Westminster Bridge roundabout and Leake Street for a possible future taxi route; and

Associated hard and soft landscaping and public realm improvements.

4.2. As with a conventional hotel, the apart-hotel rooms would be cleaned and maintained “in house”. Rooms typically incorporate the following guest facilities: limited catering facilities, ie. a kitchenette, air-conditioning, cable/satellite television, direct dial telephone, stereo system and the hotel provides a laundry service. An apart-hotel would often incorporate a range of ancillary uses. The principal difference to traditional hotels is that an apart-hotel has more limited in-house catering/restaurant facilities. However, the proposed apart-hotel would include the following ancillary uses: café serving drinks and food (ground floor), gymnasium and swimming pool (basement level), business centre with limited meeting facilities (first floor) and 24-hour reception and management accommodation.

4.3. The applicant voluntarily submitted an Environmental Statement with the previous application ref: 03/00414/FUL. By virtue of the size of the site, an Environmental Statement is not required by the Town and Country Planning (Environmental Impact Assessment) Regulations 1999. Given the extent of the similarity between the current application and the approved apart-hotel scheme and that the application identifies the potential impact which may differ as a result of the proposed development, it is considered that the level of information submitted is acceptable and a formal EIA is not required.

4.4. In this regard, the proposed development is identical to the approved apart-hotel, including the building height, in all but the following five respects:

- the internal layout and number of rooms;
- minor changes to the two elevations facing the rear of properties on Leake Street and the Eurostar terminal;
- rearrangement of the north core resulting in remodelling of the junction between the glazed north block and reconstituted stone south block;
- additional roof level suites in place of space previously allocated for plant; and
- rearrangement of the ground floor layout of the three-storey B1/D1 building.

5. Consultation Responses

5.1. As part of the consultation for this planning application, the proposal was advertised in the local press and four site notices were erected around the site and in the immediate vicinity. Letters of notification were sent to statutory bodies, amenity groups and other interested parties including the residents of County Hall North, South, East and West Blocks.

5.2. The following statutory bodies, groups and interested parties were consulted:
Greater London Authority
Transport for London
English Heritage
Commission for Architecture and the Built Environment (CABE)
City of Westminster
London Borough of Southwark
Environment Agency
Cross River Partnership
Fire Safety Branch
Ambulance Service
Port of London Authority
Network Rail
London Underground Limited
The Georgian Group
The Victorian Society
London Society
North Southwark Community Development Group
Open Spaces Society
Queen’s Walk Park Society
River Thames Society
London Rivers Association
Waterloo Community Development Group
Silver Jubilee Walk Trust
Twentieth Century Society
SUSTRANS
South Bank Employers Group
Lambeth Public Transport Group
Westminster Society
Westminster Square Residents Association
London Cycling Campaign
Ancient Monuments Society

County Hall Residents’ & Tenants Association
Shell Centre
South Bank Centre
P&O
St Thomas’ Hospital/NHS Trust
Eurostar
Whitbread
London Eye
Galliard Homes
Ernst & Young, Becket House
Shirayama Shokusan

Ward Councillors’
Kate Hoey, Member of Parliament

5.3. The public consultation letters were sent out on 25 November 2003 and the following responses were received:

5.4. Greater London Authority – having considered his officer’s report, the Mayor concluded that due to the similar nature of this application and a previous scheme considered by him no new strategic issues are raised by these proposals. The principle of a hotel development on this site accords with national, strategic and local policies and would contribute to the regeneration of the South Bank/Waterloo area. The Mayor is satisfied with the proposals to the
extent that he has advised the Council that he does not wish to exercise his rights to be further consulted on this application or to direct refusal and that the Council may therefore proceed to determine the application without further reference to the GLA.

5.5. Transport for London (TfL) – the comments from TfL are incorporated into the Mayor’s response. However, in overall terms TfL welcome the proposal as it meets objectives within the Transport Strategy and in terms of site access and operation improves on the previously approved scheme.

5.6. English Heritage – English Heritage officers have advised that from a historic buildings point of view, the issues are the impact upon the setting of the Grade II listed General Lying-In Hospital and the impact upon the South Bank Conservation Area. Officers confirm that these impacts are not significantly different from those of the earlier scheme granted permission in November 2002. Accordingly, English Heritage have no objection to the granting of planning permission for this latest scheme subject to the imposition of suitable conditions requiring the prior approval of all external facing materials, lighting and signage.

5.7. CABE (Commission for Architecture and the Built Environment) – have responded to say they do not wish to make any further comments to those made in June 2003 (when they made no objection to the proposals).

5.8. City of Westminster – have responded stating that they do not wish to comment on the proposals.

5.9. London Borough of Southwark – have responded with no objection to the scheme.

5.10. Environment Agency – have responded stating that they understand that the new application incorporates only minor changes when compared with the previous planning permission. The Agency understands that the proposed basement would be a maximum depth of −1.7 metres AOD and considers that this is acceptable. The Agency notes that over the past 3 years they have received a steady increase in reports of ground water flooding. In this regard, large underground structures constructed below the water table may act as an obstruction to groundwater flows. Consequently, a build-up of groundwater may occur. Any drainage systems proposed for such structures should be capable of allowing groundwater flows to bypass the structure without any unacceptable change in groundwater levels. In the letter from the Agency they requested that a number of conditions be imposed on any planning permission granted. In addition, the Environment Agency have requested that they be consulted on a number of the suggested conditions when discharged and that they be informed if the proposed basement level changes, as the site is within the indicative flood plain of the tidal River Thames.


5.12. Network Rail (Railtrack) – have responded by providing observations which they would like included in the informatives to the applicant if planning permission is granted.

5.13. London Fire & Emergency Planning Authority – have responded to say they are satisfied with the proposals.
5.14. Guy’s and St Thomas’ Hospital NHS Trust - a letter was received on 16 December from the NHS Trust solicitors stating that they wished to submit a holding objection pending the resolution of concern identified in their letter. The main concern of the Trust is to ensure that there is adequate off-street vehicular access to the GLIH for servicing and delivery vehicles. In this regard, the Trust requested that the Council secure through a Section 106 Agreement: 1) the same level of access provision to the GLIH, which was secured in relation to the last application (ref: 03/00414/FUL) and 2) a travel survey following occupation of the development, with a requirement on the applicant to provide amelioration measures to address any concerns identified, and that the Trust is provided with a copy of the survey. The Trust have also requested that they be party to the Section 106 Agreement. The letter submitted acknowledges that the principle of securing unobstructed access to the GLIH has been agreed with the applicant.

5.15. Westminster Society – have responded stating that given there are few significant external changes from the application that was considered by the Council earlier in 2003, the Society has no objection to what is proposed now.

5.16. The Georgian Group – the Group has commented on previous applications on this site and have written to re-iterate their objection to the proposal. The Group is concerned that the proposed development would effect the setting of the General Lying-In Hospital. The Group considers that the proposed development of a building with ground, basement and mezzanine levels as well as 13-storeys directly behind the hospital building would completely overshadow and dominate its skyline and the mass of the proposed development would dwarf the hospital building. The Group considers that the development is vastly disproportionate to that of the historic building and would destroy the integrity of the hospital building.

5.17. P & O Developments – no objection.

5.18. Three letters have been received from local residents in response to the public consultation. Two letters raise objections to the scheme and one states they are not against the proposed development, but would like the Council to consider the potential loss of daylight and sunlight to some residents in the area and the increase in noise resulting from additional traffic late and night and early in the morning. The letters of objection raise the following concerns: -

- Landscaping should be more than a couple of plants on concrete;
- The building will affect light and views for existing residents; and
- Access to the site is already busy and the traffic will get worse with consequential noise and fumes.

6. Planning Considerations

6.1. Relevant Policies

6.1.1. Planning Policy Guidance (PPG) 1 (General policy and principles) states that: “a key role of the planning system is to enable the provision of homes and buildings, investment and jobs in a way which is consistent with the principles of sustainable development. It needs to be positive in promoting competitiveness while being protective towards the environment and amenity.”
6.1.2. PPG1 identifies that “urban regeneration and re-use of previously-developed land are important supporting objectives for creating a more sustainable pattern of development.” In addition PPG1 confirms the Government’s commitment to:

- “concentrating development for uses which generate a large number of trips in places well-served by public transport, especially town centres, rather than in out-of-centre locations; and
- preferring the development of land within urban areas, particularly on previously-developed sites, provided that this creates or maintains a good living environment, before considering the development of greenfield sites.”

6.1.3. With regard to commercial development, paragraph 21 of PPG1 states “one of the Government’s key aims is to encourage continued economic development in a way which is compatible with its stated environmental objectives. ... In defining suitable locations for development, plan policies should take into account:

- the contribution to regenerating existing urban areas;
- access to customers; ...
- links with other businesses and the special needs of small businesses;
- the workforce catchment area;
- availability of adequate infrastructure; ...”

6.1.4. PPG4 (Industrial and commercial development and small firms) emphasises that the planning system should adopt a positive approach to commercial development in order to encourage continued economic development, which at the same time is compatible with environmental objectives. It also encourages new commercial development in locations, which minimise the number and length of vehicular movements with particular emphasis on locations well served by energy efficient transport.

6.1.5. PPG13 (Transport) deals specifically with transport and particularly the way in which it integrates with the proper planning of the environment. The policy guidance identifies that the preferred areas for office uses should be as far as possible highly accessible by public transport, walking and cycling. PPG13 states that “reducing the amount of parking in new development is essential, as part of a package of planning and transport measures, to promote sustainable travel choices.” In addition, PPG13 encourages the production of travel plans to raise awareness of the impacts of travel decisions.

6.1.6. PPG15 (Planning and the historic environment) states that the objective of the planning process should be to reconcile the need for economic growth with the need to protect the natural and historic environment. PPG15 states that Authorities are required “in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses.” With regard to design, PPG15 states “the design of new buildings intended to stand alongside historic
buildings needs very careful consideration. In general it is better that old buildings are not set apart, but are woven into the fabric of the living and working community.”

6.1.7. PPG16 (Archaeology and planning) sets out the Government’s policy on archaeological remains and how they should be preserved or recorded. It is expected that local authorities should take into account archaeological considerations and deal with them from the beginning of the development control process.

6.1.8. Regional Policy Guidance (RPG) 3 (Strategic guidance for London Planning Authorities) sets out the Government’s objectives which underline the strategic framework for London’s development. RPG3 states that a key objective for regeneration in London is to reduce the imbalance in its prosperity by creating the necessary conditions to enable the less favoured areas to compete more successfully for new investment. The Government’s guidance states that “the existing economic strengths and major development opportunities present, particularly in East London and the Central Area margins, need to be realised in ways which will provide durable new employment opportunities that can diversify both local economies and the economy of London as a whole.”

6.1.9. RPG3 identifies that the major development sites in the margins of the Central Area need to be brought forward for development that can rebuild the local urban structure, define a new image for their areas, extend Central Area uses where appropriate and bring benefits to their local communities. Major international termini such as Waterloo are considered particularly significant and an extension of Central Area uses across the River Thames can both strengthen London’s world city role and assist with the regeneration of the South Bank.

6.1.10. RPG3B/9B (Strategic planning guidance for the River Thames) provide strategic guidance for sites within the Thames Policy Area. RPG3B identifies this stretch of the River Thames provides a prestigious and dramatic setting for development. It is considered that the quality of the built environment here makes an important contribution to London’s image and status as a “world city”. A commitment to good design is essential. In terms of heritage and views, RPG3B states that “many of London’s finest, best-known and historically important buildings and areas are situated along this stretch of the Thames ... There are, in addition, views across or along the River that are important to the local scene. Local landmarks, such as historic buildings and churches, can be important skyline features particularly on the curves of the River, and it is important that their setting is not damaged by inappropriate new development.”

6.1.11. The draft London Plan identifies Waterloo as an “opportunity area” in Central London, such sites identified in the Plan generally include mayor brownfield sites with capacity for new development and places with potential for significant increases in density. The Plan anticipates the London South Central zone should experience general intensification of development, together with significant environmental and accessibility improvements over time.
6.1.12. The relevant policies from the adopted Unitary Development Plan (UDP) area as follows: -

- EMP4, Development of employment opportunities
- EMP9, Employment-generating uses on vacant or under-used land or buildings
- EMP12, Amenity and design
- EMP13, Planning obligations for employment-generating development
- T9, Provision for vehicular access
- T12, Parking standards
- T17, Transport implications of development proposals
- T18, Access, loading and parking
- T36, Cycle parking
- T38, Pedestrian environment
- CD2, Proposals for development
- CD13, Setting of listed building
- CD14, Safeguarding archaeology remains
- CD15, Design of new development
- CD16, High buildings
- ENV16, Environmental aspects of building design
- ENV17, Atmospheric pollution and air quality
- ENV19, Noise control
- AT6, Hotel development: criteria and areas
- W6, Hotel location
- W7, Tourist facilities
- W23, The Bull Ring and County Hall roundabouts
- W27, North-south pedestrian routes
- W29, Long views
- W30, High buildings
- HO2, Preferred hotel site (Addington Street Annex)

6.1.13. The relevant policies in the replacement Unitary Development Plan (UDP) are as follows: -

- Policy 2, London South Central
- Policy 3, The Central London Policy Area
- Policy 6, Development of brown field sites
- Policy 8, Accessible development/integrated transport
- Policy 9, Transport impact
- Policy 10, Walking and cycling
- Policy 14, Parking and traffic restraint (Interim policy)
- Policy 23, Protection and location of other employment uses (Interim policy)
- Policy 25, Access to employment opportunities
- Policy 28, Hotels and tourism
- Policy 31, Streets, character and layout
- Policy 32, Building scale and design
- Policy 36, Streetscape, landscape and public realm design
- Policy 37, High buildings and views
- Policy 39, The Thames Policy Area – urban design
- Policy 41, Listed buildings
- Policy 42, Conservation areas
- Policy 43, Archaeology
- Policy 48, Pollution, public health and safety
6.1.4. The policies in the draft deposit Unitary Development Plan carry relatively little weight at the moment due the early stage of the adoption process. However the ‘Interim’ policies (identified in 6.1.13) carry more weight in that they have been the subject of consultation as part of the Key Issues Paper and represent changes in national policy or guidance to which the Council must have regard in making planning decisions. In considering material considerations other than the adopted development plan regard should be had to the most up to date national and regional policy.

6.2. Land Use

6.2.1. The proposed development seeks permission for an apart-hotel and a three-storey B1/D1 use on the Addington Street site to the rear of the General Lying-In Hospital. The site has previously has permission for an office development and currently has permission for an apart-hotel, which is in accordance with the adopted UDP where the site is identified as a preferred hotel location (HO2). Further, policy W6 in the adopted UDP identifies the Addington Street Annex as a site where the Council would particularly favour hotel development.

6.2.2. The principle of an apart-hotel was agreed during the previous application approved by Members’ in June 2003. Planning permission was granted in October 2003 following the signing of a Section 106 Agreement. The apart-hotel would provide guest facilities similar to that of a conventional hotel but with more limited in-house catering/restaurant facilities. It is considered that the proposed facility would provide appropriate accommodation for visitors to the area, with the added flexibility of kitchenette facilities within the rooms.

6.2.3. Officers consider that an apart-hotel development would be somewhat different to a conventional hotel, and careful consideration was given to the nature of the proposed use during the previous application. It was suggested to Members’ during the previous application that appropriate conditions should be imposed to ensure that the use of the apart-hotel remains within the C1 Use Class. It is suggested that these conditions, which restrict the length of lets, so that no more than 75% of the apart-hotel rooms can be let for more than 3 months, and that the hotel is operated in accordance with the planning statement submitted with the application, are carried over to the permission sought.

6.2.4. Policy AT6 identifies that the criteria for assessing hotel development will be applied to proposals for hotel use anywhere in the Borough, but that there are certain areas where it will favourably consider hotel development (where the criteria are more likely to be met). The areas identified by policy AT6 within the adopted UDP includes the Addington Street Annex site. The criteria relates to sites and proposals, and it is considered that the proposed scheme for development meets the criteria set out. Policy 28 of the draft deposit UDP identifies suitable areas for the location of large hotels, including the Waterloo Visitor Management Area (which this site is within).
6.2.5. Given the location of the site, within the Waterloo Visitor Management Area and the Central London Policy Area, close to major public transport facilities including connections to Europe, and a number of tourist attractions, it is considered that the proposed hotel use is appropriate for the site.

6.2.6. The extant permission provides employment for approximately 220 people and would create an additional 60 jobs in the surrounding area. It is estimated that the proposed increase in the number of hotel rooms would result in a direct increase in staffing requirements of up to 63 additional jobs. In total, it is estimated that the proposed apart-hotel and B1/D1 use would generate at least 373 jobs, of which approximately 60 jobs would be created indirectly through multiplier effects.

6.2.7. The potential number of employees on the site would be less than that if the site was developed for office purposes, however, given that the site is identified within the adopted UDP as a preferred hotel location and that it is situated within the Waterloo Visitor Management Area and Central London Policy Area in the draft deposit UDP, there are no policy objections to the proposed use of the site.

6.2.8. The proposal will result in the re-use of previously utilised land and will create an employment-generating use on a brownfield site within the London South-Central area, in accordance with policies EMP4 and EMP9 of the adopted UDP, policies 2, 3 and 6 in the draft deposit UDP and PPG1. In this regard, it is considered that the proposed development is in accordance with the Council's employment and land use policies and that the development would provide an appropriate use in Waterloo, in accordance with policies W6, W7 and AT6 of the adopted UDP.

6.2.9. Furthermore, the provision of a Central London activity on the site and the regeneration benefits resulting from that use are in accordance with policy 73 of the draft deposit UDP. In this regard, it is considered that the land use proposed is in accordance with the Council’s emerging policies on land use development in Waterloo.

6.3. **Design and Conservation Considerations**

6.3.1. This development site occupies a sensitive position adjacent to the South Bank Conservation Area and the Grade II listed General Lying-In Hospital, and in the vicinity of the Grade II* listed County Hall Riverside building.

6.3.2. The proposed scheme comprises a thirteen-storey building composed of reconstituted Portland stone to the south and west elevations (the latter forming the backdrop to the Grade II listed GLIH for views from Forum Magnum Square and the Grade II* listed County Hall Riverside Building), with an elevation of curved glazing wrapping around the north and east faces.

6.3.3. The proposed building is essentially the same as the building granted permission in October 2003. The external changes are very minor. In
this regard, the building continues to maintain the building lines of that
approved in November 2002. The changes to the design from the
November 2002 scheme are primarily confined to re-working the
elevations. Instead of a solid Portland stone façade to the south and
west frontages, as proposed last year (pierced by individual window
openings), a lighter more transparent elevational treatment is proposed
reflecting the hotel rather than office use. These changes were
included and agreed by the October 2003 permission.

6.3.4. In response to the previous application, the Council's Conservation
officer considered that the design and elevational treatment of the
south façade was entirely appropriate as a backdrop to the restored
GLIH when viewed from Forum Magnum Square. It was considered
that the elevational treatment would give the impression of a light and
elegant backdrop structure, which addresses the setting of the listed
building. These comments remain relevant to this scheme given the
similarity between them.

6.3.5. The design of the building, which retains the low three-storey link block
connecting the GLIH with the main part of the new building, addresses
concerns that were raised prior to the November 2002 consent in
respect of the impact on the GLIH. Further, the design seeks to respect
the rhythms of the GLIH with the modest three-storey block, which
accords with the cornice height, banding, vertical window spacing and
overall massing of the 1830's building.

6.3.6. In addition to addressing the relationship with the GLIH building, the
proposal retains the provision for access to the service yard of the
GLIH over the Addington Street site. This aspect of redeveloping this
site provides major benefits to the GLIH building, which would
otherwise require altering the south elevation of GLIH to provide
access through the building.

6.3.7. With respect to the Addington Street facade, it is considered that the
proposed scheme addresses the street in an acceptable manner with
an improved active frontage to the street. In particular, the proposed
double height reception, which should inject a much needed source of
pedestrian movement, activity and visual interest in this prominent site.

6.3.8. The north-east glazed curved component responds to the linear,
curving form of the Eurostar terminal building and to the panorama
across Waterloo Station to Lambeth.

6.3.9. In design terms, it is considered that the proposed treatments of the
building create a composition of elements that compliment the GLIH
and the urban context.

6.3.10. The overall height of the proposed building remains well below the
sight lines from the north bank of the river and therefore the building
would not be visible above County Hall. In addition, the height of the
proposed building remains within the previously approved building
envelope. Further, it is considered that the building would provide an
appropriate and dignified setting to the conservation area and the west
facing façade would enclose the middle distance view from Forum
Magnum Square and County Hall providing a respectful backdrop to the GLIH.

6.3.11. Although English Heritage previously suggested that the building envelope be controlled by legal agreement, it is considered that conditions attached to any permission granted can be used to ensure that the development is constructed in accordance with the plans. English Heritage’s suggested conditions regarding materials, landscaping and lighting would be imposed on any consent granted.

6.3.12. For the reasons set out above, it is considered that the proposed building is in accordance with policies CD2, CD13, CD15 and W29 of the adopted UDP, policies 41 and 42 of the draft deposit UDP and PPG15.

Archaeology

6.3.13. An archaeological assessment was submitted in support of the 2002 application for an office development on both the Addington Street and Island sites, which indicates that there is potential for archaeological remains to be present, in particular remains dating back to the prehistoric, medieval and post-medieval periods. However, the desk-based analysis documentation indicates that previous development on the sites may have truncated post-medieval and medieval deposits.

6.3.14. English Heritage, Archaeology have previously indicated that the Addington Street site has the greatest archaeological potential of the two sites and suggested a condition be attached to any permission granted that requires the applicant to implement a programme of archaeological work in accordance with a scheme for scheme for investigation prior to any development taking place. It is considered that compliance with such a condition would ensure that the proposed development was in accordance with policy CD14 of the adopted UDP, policy 43 of the draft deposit UDP and PPG16.

6.4. Amenity Impact

Visual Amenity

6.4.1. The surrounding area has a mixed townscape character. Adjacent buildings of character and value include the County Hall Riverside building (Grade II*). Other buildings include the Shell Building (a 1960’s stone-clad tower block) and a number of other post-war high-rise buildings including St Thomas’s Hospital, York House, Becket House and Stangate House (one of the residential tower blocks on Royal Street). The Shell Building is 28-storeys in height and St Thomas's Hospital and Stangate House are approximately 14-storeys. York and Becket House have 13 and 12-storeys respectively.

6.4.2. Because of the number of surrounding high buildings it is not possible to obtain a full view of the whole of the development from any of the surrounding areas, with the exception of near views from immediately
adjacent to the roundabout. The most complete near view of the development would be from the adjacent pavements.

6.4.3. Importantly, in response to concerns raised previously by English Heritage and in accordance with the precedent set by the Planning Inspector’s decision in September 2001, the proposed buildings would not be visible above the roof of County Hall in views across the river or from Jubilee Gardens.

6.4.4. The building would be seen in some views from Vauxhall Bridge to the south and the section of Victoria Embankment between Whitehall Stairs and Waterloo Bridge to the north. Partial views of the proposed building would be possible from the eastern and western approaches to Westminster Bridge, Victoria Embankment and Lambeth Palace Gardens. Given the design of the building, which would add architectural interest to the area, it is considered that proposal would result in an improvement to these views.

6.4.5. Whilst views of the new buildings will be possible from key locations in the vicinity, it is considered that the proposal would result in a building of high architectural merit using appropriate materials which will have a positive impact on the visual amenity of the area. In this regard, it is considered that the design and details of the proposed development are in accordance with policies EMP12, CD2, CD15 and W29 of the adopted UDP and policies 31, 32, 39 and 75 of the draft deposit UDP.

6.4.6. In addition to the positive visual impact resulting from the high quality of the proposed building, the applicant has offered a financial contribution of £100,000 towards a scheme to reduce street clutter and improve signage in the immediate vicinity.

High Buildings

6.4.7. Policy CD16 and W30 of adopted UDP sets out that permission for buildings which significantly exceed the height of their surroundings would not normally be granted. As set out in paragraph 6.4.1 of this report, there are a number of buildings in the immediate vicinity of similar or greater height than the proposed buildings. In this regard, officers do not consider the proposal to be a high building in terms of policy CD16 and W30 of the adopted UDP. In any event, it is considered that the height of the proposed buildings is acceptable at this location having regard to the assessment criteria.

6.4.8. Policy 37 of the draft deposit UDP defines buildings over 30 metres in height as high buildings and provides a similar assessment criteria to consider such buildings against. The proposed replacement UDP identifies areas with very good public transport accessibility where their visual and other impact is acceptable as appropriate areas for high buildings.

6.4.9. Generally the factors to be considered when assessing high buildings, have been addressed in the visual amenity section of this report. In this regard, it is considered that the proposed scheme would deliver an
iconic standard development that is carefully related to its surroundings, and would not harm or detract from the setting of the South Bank Conservation Area.

6.4.10. The draft deposit UDP identifies Waterloo, around the Shell Centre and to its rear and around the northern part of Waterloo Station as an appropriate location for a cluster of high buildings. The UDP also identifies that “proposals higher than the existing roofline in the vicinity of the South Bank Centre or County Hall should have a positive architectural relationship with the horizontal emphasis of the Centre and County Hall and not harm their backdrop or setting.” An objection has been received regarding the height of the proposed building in relation to the adjoining GLIH. However, it is considered, as detailed above, that the proposed buildings would positively contribute to the architecture in the area and would not harm the setting of the GLIH or other listed buildings in the surrounding area. More specifically, it is considered that the building provides a respectable backdrop to County Hall and the GLIH. Furthermore, the proposed three-storey building immediately adjacent to the GLIH provides a set-back to the main bulk of the proposed development.

6.4.11. It is worth noting that the proposed 50-metre high building does not exceed the building envelope approved in the most recent permission for this site. Although the November 2002 permission granted consent to an eleven storey office building and the proposed scheme would result in a thirteen storey building, due to the internal changes to the building namely changes to the floor-to-ceiling height, the proposed building would not exceed the height of building allowed by the extant permission.

6.4.12. For the reasons set out above, it is considered that the proposed scheme meets the assessment criteria set out in policy CD16 and W30 of the adopted UDP and policy 37 of the draft deposit UDP.

Daylight/Sunlight

6.4.13. An assessment of the potential impacts on the admission of daylight and sunlight to the nearby residential properties was undertaken and submitted with the planning application for redevelopment of this site, which was approved in November 2002. This assessment was considered relevant during consideration of the previous approved apart-hotel scheme and is also considered relevant to this application.

6.4.14. The conclusions of this assessment were although three rooms within the South Block of County Hall did not meet the BRE standards in respect of VSC (vertical sky component), this was as a result of constraints of the building rather than the proposed development. The ADF (average daylight factor) method proved that the resultant daylight would be, at worst, sufficient, but at best, remain above the British Standards values.

6.4.15. The same consultants considered the previous application for a hotel and provided written confirmation that the drawings for that scheme
actually represent a building that was smaller than that granted planning permission in November 2002. For this reason, the consultant’s consider that the effect on daylight and sunlight would be acceptable in these circumstances.

6.4.16. Given the level of sunlight and daylight admission was considered acceptable under the extant permissions, no objection is raised in respect of this issues, as the proposed new building would be constructed within the previously approved building envelope.

Noise

6.4.17. The Environmental Statement submitted with the approved scheme for an apart-hotel identified traffic, mechanical plant, and construction as the main contributors to noise impact in the surrounding area.

6.4.18. In terms of the potential increase in noise resulting from vehicle traffic, the road traffic noise measurements for the Environmental Statement submitted previously indicated that the change in noise level as a result of traffic noise would be less than 0.1dB during peak hours. Given that information was collected relatively recently, it is considered to be relevant to this scheme. The measurements indicate that noise from road traffic would have an imperceptible impact and would not need to be mitigated against.

6.4.19. The proposed apart-hotel would contain mechanical plant for the purposes of ventilation/extraction and cooling. The details of the plant have not yet been determined but the applicant is aware that they would be required to comply with a condition recommended by the Council Environmental Health officer ensuring that the noise from the new plant should not increase the background noise level.

6.4.20. The noise output from construction would be variable, depending on the activity at any one time. However, it is considered that the temporary nature of construction noise, the distance of the surrounding residential properties, and screening of the site would minimise the potential impact from construction noise.

6.4.21. A condition was attached to the previous permission regarding a servicing management strategy. Officers consider it appropriate to attach the same condition to any subsequent permission granted. In this regard, details of the service delivery times can be controlled ensuring that noise resulting from servicing at anti-social hours can be avoided.

6.4.22. In overall terms, it is considered that the proposed development would not generate unacceptable operational noise levels and that appropriate conditions of consent may be imposed to ensure that the hours of servicing are limited, in accordance with policy ENV19 of the adopted UDP and policy 48(E) of the draft deposit UDP.
**Air Quality**

6.4.23. The previously submitted Environmental Statement identified that the main impact on air quality would arise from the construction process and from emissions from road traffic arising from a contribution to existing flows on the surrounding road network due to activities within the development.

6.4.24. Both phases of the development have the potential to result in some impact on the local air quality. However, in the case of the construction phase, these impacts can be readily managed and with appropriate site management and controls would be insignificant. All the predicted construction impacts would be short term and reversible.

6.4.25. During operation, traffic generated by the development may result in small changes in local air quality. However, it is considered that the changes would be extremely small and would not result in any significant alteration to ambient pollution levels at the most sensitive locations close to the site.

6.4.26. For these reasons, it is considered that the proposed development is in accordance with policy ENV17 of the adopted UDP and policy 48(B) of the draft deposit UDP.

**Ground Conditions and Hydrogeology**

6.4.27. The redevelopment of the site could cause minor adverse effects on local ground conditions and groundwater. These effects are however, likely to be short term and reversible. There are engineering techniques available to mitigate against such effects and many similar developments have taken place across Central London.

6.4.28. The Environment Agency previously identified the site as being within the indicative flood plain of the River Thames. Under normal circumstances the site is protected from flooding by these flood defences to a level of 1 in 1000-year return period. The Agency has no objection, in principle, to the proposed development and its potential impact, but has suggested a number of conditions which would be attached to any planning permission.

6.5. **Highways and Transportation Issues**

**Location/Trip Generation and Site Access**

6.5.1. The site has a high public transport accessibility level (PTAL) due to its proximity to Waterloo Station and a number of high frequency bus routes which run pass the site. The modal split provided in the accompanying transport assessment indicates that the majority of trips arriving by public transport (80 - 87%). It is anticipated that the proposed development would not significantly increase the amount of traffic in the area, in accordance with policy T17 of the adopted UDP and policy 9 of the draft deposit UDP.
6.5.2. Officers are satisfied with the expected modal split of trip generation, however, it is considered the Section 106 Agreement should require the developer to undertake a travel survey in association with the Greater London Authority once the buildings are fully occupied to confirm the modal split and trip generation of the occupiers. Data should be made available on the GLA TRAVL database.

6.5.3. The proposal has been designed in accordance with the previously agreed scheme. In this regard, access to the site would be from the eastern end of Addington Street, forming a rear access road. The proposed rear access would provide a shared access for the proposed hotel and office/consulting rooms and the General Lying-In Hospital. It is considered that this arrangement is a significant improvement on a previously agreed arrangement (under the November 2002 permission), which required the General Lying-In Hospital forming a separate access onto Addington Street. Although the previously proposed access to the GLIH did meet the highway safety requirements, TfL consider that by removing this access safety on Addington Street will be improved. Furthermore it allows for an unbroken kerb line for buses stopping and standing on Addington Street, which would improve safety for bus operations as well as allowing extra room for manoeuvrability. For these reasons, it is considered that the scheme is in accordance with policy T18 of the adopted UDP.

6.5.4. Transport for London is satisfied that the proposed access provides appropriate facilities for servicing. In addition, the Council’s Street Care division has not objected to the proposed provision for refuse storage and collection. The applicant will be informed to contact Lambeth Street Care prior to implementation of the refuse storage to arrange a site meeting and for the relevant officers in the Council to ensure that they are satisfied with the arrangements.

6.5.5. Although the NHS Trust have not made further comments since the submission of their “holding objection” on 16 December 2003, officers consider that their concerns have been addressed by the proposed arrangements. In response to the NHS Trust’s letter (referred to in paragraph 5.14 of this report) officers wrote to the Trust’s solicitors to advise that the requirements in terms of access and servicing to the GLIH will remain the same as those agreed in the previous Section 106 Agreement. In this regard, the Agreement will contain the “GLIH Service Access Agreement” signed by Frogmore Developments Limited, Galliard Hotels Limited and the NHS Trust. Given the Section 106 Agreement will require the applicant to comply with the access arrangements agreed between all parties, it is not considered necessary for the Trust to be a signatory on the Section 106 Agreement. With regard to the Travel Survey, officers have advised the Trust’s solicitors that the purpose of that survey is to provide data and information for the Council and the GLA in respect of travel modes. In this regard, it would not be used to address concerns of access and servicing to the GLIH. However, officers propose to retain the service management strategy condition imposed on the previous consent, and in this regard, it is considered that there would be sufficient control through the planning permission and the legal agreement to ensure
that the Trust’s concerns in respect of unobstructed access and servicing are addressed. Officers are proposing (and the applicant’s have agreed to) a deed of variation to the existing Section 106 Agreement, which does not alter the existing requirements in terms of access and servicing to the GLIH.

Public Transport Capacity

6.5.6. TfL have expressed concern during previous applications in regard to the capacity of Waterloo Station to cater for the additional demand generated by the scheme at peak times. The potential impact on public transport is likely to be less as a result of a hotel development (compared to an office development), the proposed scheme would rely heavily on public transport, in particular the good links to Waterloo Station. The applicants have offered £250,000 financial contribution towards public transport improvements in the area to mitigate this impact. TfL have indicated that this is a satisfactory contribution given the nature of the development and that the money would be used towards the study and works to ease congestion at Waterloo Station.

Pedestrian Movement and Cycle Facilities

6.5.7. The applicant has offered a financial contribution, to be secured in the Section 106 Agreement, for environmental improvements in the vicinity, including removal of street clutter. It is considered that such environmental improvements and the improvements the proposed buildings will make to the general amenity of the area would enhance the public realm and pedestrian environment significantly, in accordance with policies T38 and W23 of the adopted UDP and policies 10(A) and 36(A) & (G) of the draft deposit UDP.

6.5.8. In accordance with the previously approved development, the scheme includes provision for 20 bicycle parking spaces. The adopted UDP does not provide standards for cycle parking at hotels and the draft deposit UDP provides a standard of 1 space per 10 staff + 1. In this regard, the draft deposit UDP standard for cycle parking at this hotel would equate to 31 spaces. It is acknowledged that the scheme could provide more cycle parking, however, officers consider that the location of the parking to the rear of the building (where only 20 spaces could be provided) would provide better facilities for cyclists than if more parking was provided in a less secure area. For this reason, the provision of eleven less spaces than is required by the standard in the draft deposit UDP is considered acceptable. The Council’s transport officer has suggested a condition which relates to details of the cycle facilities, including the possibility of providing cycle lockers at this location.

Car Parking

6.5.9. Standard 23 of the adopted UDP requires operational parking normally 1 space per 40 bedrooms, however, the draft deposit UDP makes no
provision for car parking. The scheme makes provision for three
disabled car parking bays at the rear of the hotel building (at surface
level). Given the location and accessibility of the site, the proposed
restraint on car parking is welcomed and is in accordance with policy
14 of the draft deposit UDP and PPG13. For these reasons, it is also
considered that an exception to the standard for operational parking as
set out in the adopted UDP is acceptable.

**Taxi/Coach Provision**

6.5.10. The scheme includes provision for coach and taxi drop off to the rear of
the building. Sufficient space is provided to ensure a coach can turn
and leave the site in a forward gear whilst another coach is parked in
the coach standing area provided. It is not anticipated that a significant
number of coaches would drop-off and/or pick up people from the hotel.
Information submitted with the previous application, from an operating
apart-hotel in the City, indicated on the day surveyed no coaches
arrived at hotel between 7.00am and 8.00pm on the day surveyed.
Although the surveyed hotel is smaller than that proposed at this site, it
is considered that this gives an indication that it is unlikely more coach
provision would be necessary. The standard set out in ST23 of the
adopted UDP required a minimum of 1 coach parking space per 200
bedrooms, resulting in the need for 2 spaces in this case. It is
considered that sufficient space for two coaches (one standing, one
dropping off and turning) within the site would adequately manage
coaches coming to the hotel. The draft deposit UDP does not provide a
specific standard for coach parking. However, for the reasons set out
above, it is considered that the proposed coach provision to the rear of
the hotel is appropriate in terms of the Council's policies.

6.5.11. Taxis would be able to pick-up and drop-off either to the rear of the
hotel or on Addington Street. TfL and the Council's transport officer
consider the provision for taxis acceptable.

6.6. **Regeneration and Town Centre Issues**

6.6.1. The site is situated in a location that is highly accessible from Europe,
the South-East, and London by train, the underground and buses. In
this regard, it is considered that the discontinuance of the existing car
park on the Addington Street site and its replacement with the
proposed high quality development which is highly accessible by public
transport would significantly contribute to the regeneration of Waterloo
and the South Bank. The resulting enhancement of the area would
create the necessary conditions to enable the area to compete more
successfully for new investment.

6.6.2. Given the location of the site in the Central London margins, it is
considered that the proposed employment opportunities and tourist
facilities would contribute to both local economies and the economy of
London as a whole.
6.6.3. In addition to the benefits arising from the proposal scheme for development, the applicant has offered approximately a financial contribution to work in the immediate vicinity. In this regard, it is considered that the proposed planning obligations would contribute to improving the environment and the proposed contribution to Leake Street would seek to address connections between the site and Lower Marsh, in accordance with policy W27 of the adopted UDP.

6.6.4. In overall terms, it is considered that the proposed development is in accordance with policy 73 of the draft deposit UDP and meets the strategic objectives of RPG3.

6.7. **Other**

6.7.1. **Greater London Authority** – This application is referable to the Mayor of London under category 1B and 1C of the Town and Country Planning (Mayor of London) Order 2000. The Mayor’s response to the proposed development is report in paragraph 5.4 of this report.

6.7.2. **Section 106 Agreement** - The applicant has offered the same planning obligations which were agreed for the previous application. Officers consider that the potential impacts are unlikely to be any greater than the previous scheme and that the following contributions would mitigate any impact resulting from the scheme: -

**Financial contribution or direct works**

- Upgrading and environmental improvements to Leake Street (financial contribution - £300,000);
- Improvements to public transport (including pedestrian and cyclist) facilities related to the site (financial contribution - £250,000);
- Environmental improvements including a scheme to reduce street clutter and improve signage in the immediate vicinity of the site (financial contribution - £100,000);
- Employment training scheme (financial contribution - £40,000);
- Provision of a service access across the Addington Street site to service the General Lying-In Hospital;
- Provision for bus staff facilities adjacent to the Addington Street bus stop; and
- Safeguarding and partial construction of a taxi route to serve Eurostar via Addington Street.

**Additional requirements**

- Travel survey following the occupation of the buildings to confirm the model split and trip generation of the occupiers. Data should be made available on the GLA TRAVL database; and
Local employment – the developer will agree to a reasonable endeavours clause relating to local employment in the construction phase of the development.

6.7.3. In the event that satisfactory details are agreed with the Local Planning Authority for sums less than those indicated above then the balance of such monies shall be put to alternative environmental improvements or employment schemes within the area.

7. Conclusion

7.1. The planning application seeks permission for the erection of an apart-hotel and an office (B1)/consulting rooms (D1) in Waterloo. The site currently has planning permission for an apart-hotel use, and in this regard, it is considered that the principle of a hotel use at this site is acceptable. Further, the proposed use complies with Council policy set out in the adopted and proposed replacement Unitary Development Plan’s.

7.2. The potential impact on the setting of the adjoining Grade II listed building (the GLIH) and the impact on the character and appearance of the South Bank Conservation Area were identified as reasons for refusing previous schemes on this site. The proposed hotel development would be constructed within the building envelope established by the planning permission granted in November 2002. In this regard, the height of the building above County Hall when viewed from the north bank and its setting back from the GLIH, has satisfied previous concerns regarding the setting of the listed building and the Conservation Area. In this regard, it is considered that the proposal would preserve the setting of the nearby listed buildings and the character and appearance of the South Bank Conservation Area. In this regard, the design alterations this application introduces are considered acceptable.

7.3. In terms of daylight and sunlight impacts, the building remains within the envelope of previously approved scheme which contained supporting documentation providing evidence that the level of daylight and sunlight to adjoining residential properties would not significantly be affected by the proposed development. In this regard, it is considered that residential amenity would not be adversely affected by this scheme.

7.4. Given the location of the site in relation to Waterloo Station it is anticipated that most trips to the site would be via public transport or taxi. In this regard, the proposed development provides minimal car parking, appropriate cycle facilities and offers a financial contribution towards improvements in public transport. For these reasons, the site is considered particularly sustainable and in compliance with Council policy in respect of transport issues.

7.5. The proposal would result in an appropriate use and a high quality building on a currently under-developed, poorly utilised site which is in a highly accessible location. The resulting enhancement to the area, employment opportunities and tourist facility would significantly contribute to the regeneration of Waterloo and the South Bank.

7.6. In overall terms, it is considered that the proposed scheme would provide an appropriate development for the site which is in accordance with local, regional and national policy.
8. Recommendation

8.1. Subject to the completion of a Section 106 Agreement, which secures the above-mentioned contributions and appropriate conditions, it is recommended that planning permission be granted.

8.2. The Mayor of London has advised the Council that he does not wish to exercise his rights to be consulted further on this application or to direct refusal and therefore the Council may proceed to determine the application without further reference to the GLA.
Summary of Reasons:

In deciding to grant planning permission, the Council has had regard to the relevant policies of the Development Plan and all other relevant material considerations. Having weighed the merits of the proposal in the context of these issues, it is considered that planning permission should be granted subject to the conditions listed below. In reaching this decision the following policies were relevant:


Deposit Replacement Unitary Development Plan 2002 - 2017 - 2, 3, 6, 8, 9, 10, 14, 23, 25, 31, 32, 36, 37, 39, 41, 42, 43, 48, 73, 74 and 75.

1. The development to which this permission relates must be begun not later than the expiration of five years beginning from the date of this decision notice. Reason: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990.

2. The approved apart-hotel shall operate as a hotel (Use Class C1) only. Any change of use, for example, to residential use (Use Class C3) would require further planning permission. Reason: To ensure that any change of use from a hotel can be considered against the relevant Council policies. (Policies EMP4, EMP6 of the adopted Lambeth Unitary Development Plan (1998) and policies 23 of the Deposit Replacement Unitary Development Plan (2002 - 2017) refer).

3. In operating this development, the hotel operator shall not require a minimum length of stay and shall not let more than 75% of the apart-hotel rooms for more than a 3 month continuous period to the same occupiers. Reason: To ensure that the building remains operating as a hotel use as anticipated by Use Class C1. Residential use (C3) would require consideration against the Council’s policies. (Policies H1, H6, H7, H10, H11, H19 of the adopted Lambeth Unitary Development Plan (1998) and policies 15 and 16 of the Deposit Replacement Unitary Development Plan (2002 - 2017) refer).

4. The Local Planning Authority shall be notified in writing of any changes to the operation of the proposed hotel as described in the planning statement hereby approved, for example, the provision of 24-hour reception and serviced laundry. Reason: To ensure that the building remains in use as a hotel use as anticipated by Use Class C1. Residential use would consideration against the Council’s policies. (Policies H1, H6, H7, H10, H11, H19 of the adopted Lambeth Unitary Development Plan (1998) and policies 15 and 16 of the Deposit Replacement Unitary Development Plan (2002 - 2017) refer).

5. The proposed self-contained three-storey element of the scheme shall be utilised for B1 (business) or D1 ((a) or (b) - clinics, health centres, crèches, day nurseries, consulting rooms) only. Any proposals for use outside of these Use Classes would require further planning permission. Reason: To ensure that the development remains in employment-generating uses which are appropriate for the site. (Policies EMP4, EMP6 of the adopted Lambeth Unitary Development Plan (1998) and policy 23 of the Deposit Replacement Unitary Development Plan (2002 - 2017) refer).

6. Samples and a schedule of materials to be used in the elevations of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before any building work commences and this condition shall apply notwithstanding any indications as to these matters which have been given in the application. The development shall thereafter be carried out solely in accordance with the
approved details. Reason: To safeguard and enhance the visual amenities of the locality.

7 Prior to the commencement of the development hereby permitted samples and/or a specification of all finishing materials to be used in any hard surfacing of the application site shall be submitted to and approved by the local planning authority in writing. All hard surfacing on the site shall thereafter be carried out solely in accordance with the approved details. Reason: to ensure that such works do not detract from the development itself or from the appearance of the locality in general. (Policy cd15 and g17 of the adopted Lambeth unitary development plan (1998) and policy 36 of the deposit replacement unitary development plan (2002 - 2017) refer.)

8 Notwithstanding any indications illustrated on drawings already submitted, no development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping which shall include indications of all existing trees, shrubs and hedgerows on the site and details, including crown spreads, of those to be retained. None of the trees, shrubs or hedgerows shown for retention shall be removed or felled, lopped or topped, without the prior written permission of the local planning authority.
Reason: to ensure satisfactory landscaping of the site in the interests of visual amenity. (policies CD15, ENV7, ENV9, G10, H10, and ST31 of the adopted Lambeth Unitary Development Plan (1998) and policy 36 of the deposit replacement Unitary Development Plan (2002-2017) refer.)

9 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the development hereby permitted or the substantial completion of the development, whichever is the sooner. Any trees, hedgerows or shrubs forming part of the approved landscaping scheme which within a period of five years from the occupation or substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. Reason: to ensure a satisfactory and continuing standard of amenities are provided and maintained in connection with the development. (policies CD15, ENV7, ENV9, G10 H10, and ST31 of the adopted Lambeth Unitary Development Plan (1998) and policy 36 of the deposit replacement Unitary Development Plan (2002-2017) refer.)

10 Noise from the extractor and flue shall not exceed background noise level when measured outside the window of the nearest noise sensitive or residential premises.
Reason: To protect the amenities of adjoining properties and the surrounding area. (Policies G12, S14 and ENV19 of the adopted Lambeth Unitary Development Plan (1998) and policies 1, 7, 29 and 48 of the Deposit Replacement Unitary Development Plan (2002 - 2017) refer.)

11 The scheme for parking, manoeuvring, and the loading and unloading of vehicles shown on the submitted plans shall be laid out in accordance with the approved details prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose, or obstructed in any way. Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway (Policies CD15, T18, ST29 of the adopted Lambeth Unitary Development Plan (1998), and Policies 9 and 14 of the Deposit Replacement Unitary Development Plan (2002 - 2017) refer).
12 No loading or unloading of goods, including fuel, by vehicles arriving at or departing from the premises shall be carried out other than within the curtilage of the site. Reason: To avoid obstruction of the surrounding streets and to safeguard the amenities of adjoining properties. (Policies T18 and CD15 of the adopted Lambeth Unitary Development Plan (1998), and Policies 9 and 14 of the Deposit Replacement Unitary Development Plan (2002 - 2017) refer.)

13 Before the development is commenced a detailed site investigation shall be carried out to establish if the site contaminated, to assess the degree and nature of any contamination present, and to determine its potential for the pollution of the water environment. The method and extent of this investigation shall be agreed with the Local Planning Authority prior to the commencement of the work. Details of appropriate measures to prevent pollution of groundwater and surface water, including provision of monitoring, shall then be submitted to and approved in writing by the Local Planning Authority before development commences. The development shall then proceed in strict accordance with the measures approved. Reason: In order to prevent pollution of the water environment. (Policies G12 and ENV18 of the adopted Lambeth Unitary Development Plan (1998) and policy 48 of the Deposit Replacement Unitary Development Plan (2002 - 2017) refer).

14 In the event that the site is contaminated, a validation report detailing any work to be carried out in compliance with the agreed remedial approach for the site shall be submitted to and approved in writing by the Local Planning Authority before any work on site is commenced. Reason: In order to prevent pollution of the water environment. (Policy CD14 of the adopted Lambeth Unitary Development Plan (1998) and policy 43 of the Deposit Replacement Unitary Development Plan (2002 - 2017) refer).

15 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme for investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The development shall only take place in accordance with the detailed scheme approved pursuant to this condition. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority. Reason: To allow adequate archaeological investigation before any archaeological remains are disturbed by the approved development. (Policy CD14 of the adopted Lambeth Unitary Development Plan (1998) and policy 43 of the Deposit Replacement Unitary Development Plan (2002 - 2017) refer).

16 No work on site shall take place until a detailed design for the foundation design and all new groundworks has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall only take place in accordance with the detailed scheme approved pursuant to this condition. Reason: To ensure that any archaeological remains are not damaged. Policy CD14 of the adopted Lambeth Unitary Development Plan (1998) and policy 43 of the Deposit Replacement Unitary Development Plan (2002 - 2017) refer).

17 Full details of the lighting of all public areas shall be submitted to and approved in writing by the Local Planning Authority before the use of the site commences. The approved lighting shall be installed before the commencement of the use and maintained thereafter. Reason: In order that the Local Planning Authority may be satisfied as to the details of the proposal. (Policies G17 and CD15 of the adopted Lambeth Unitary Development Plan (1998) and policies 32 and 36 of the Deposit Replacement Unitary Development Plan (2002 - 2017) refer).

18 The three car parking spaces hereby permitted shall be designed, laid out and
permanently allocated for use by disabled persons only. The spaces shall be used solely for this purpose and no other. Reason: To ensure parking provision is available for people with disabilities. (Policy T12 of the adopted Lambeth Unitary Development Plan (1998) and policy 14 of the Deposit Replacement Unitary Development Plan (2002 - 2017) refer).

19 The space allocated for the parking of 20 bicycles shall be used for the parking of bicycles by the occupiers and users of the premises only and shall be permanently retained as such and not be used for any other purpose. Reason: To ensure that the bicycle parking spaces are available to occupiers and users of the development. (Policies T12 and T36 of the adopted Lambeth Unitary Development Plan (1998) and policies 10 and 14 of the Deposit Replacement Unitary Development Plan (2002 - 2017) refer).

20 Full details of the proposed bicycle parking/storage facilities at the rear of the building shall be submitted to and approved in writing by the Local Planning Authority. The applicant shall demonstrate as part of these details whether visitor cycle parking can be located at the front of the proposed building. The approved details shall be implemented and retained for the duration of the use. Reason: To ensure that appropriate cycle facilities are provided and retained. (Policy T36 of the adopted Lambeth Unitary Development Plan (1998) and policy 10 of the Deposit Replacement Unitary Development Plan (2002 - 2017) refer).

21 Details of refuse storage and collection, including details of refuse compactors shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted. The refuse storage facilities shall be provided in accordance with the approved details prior to the initial occupation of the building and shall thereafter be retained as such for the duration of the permitted use. Reason: To ensure that adequate provision is made for the storage of refuse on the site, in the interests of the amenities of the area (Policies ENV24, CD15and EMP12 of the adopted Lambeth Unitary Development Plan (1998) and policies 9, 32 and 50 of the Deposit Replacement Unitary Development Plan (2002 - 2017) refer.)

22 Details of the provision for recycling facilities on the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted. The recycling facilities shall be provided in accordance with the approved details prior to the initial occupation of the building and shall thereafter be retained for the duration of the permitted use. Reason: To ensure that adequate provision is made for the provision of recycling facilities on the site, in the interests of the amenities of the area (Policies G12, G14, ENV25 and CD15 of the adopted Lambeth Unitary Development Plan (1998) and policies 9, 32 and 50 of the Deposit Replacement Unitary Development Plan (2002 - 2017) refer.)

23 Full details of a servicing management strategy, including hours of servicing, shall be submitted to and approved in writing by the Local Planning Authority before the use of the site commences. The approved strategy must be implemented and complied with for the duration of the permitted use. Reason: In order that the Local Planning Authority may be satisfied as to the details of the proposal. (Policies T18 of the adopted Lambeth Unitary Development Plan (1998) and policy 9 of the Deposit Replacement Unitary Development Plan (2002 - 2017) refer).

24 A travel plan shall be submitted to and approved in writing by the local planning authority prior to the use hereby permitted commencing. The measures approved in the travel plan shall be implemented prior to the (a) use hereby permitted commencing and shall be so maintained for the duration of the use, unless the prior written approval of the local planning authority is obtained to any variation. Reason: to ensure that the travel arrangements to the (a) are appropriate and to limit the effects of the increase in travel
movements (policy T17 of the adopted Lambeth Unitary Development Plan (2002 - 2017) refer.)(a) insert type of use

25 No soakways shall be constructed such that they penetrate the water table, and they shall not in any event exceed two metres in depth below the existing ground level. Reason: To prevent pollution of the groundwater. (Policies G12 and ENV18 of the adopted Lambeth Unitary Development Plan (1998) and policy 48 of the Deposit Replacement Unitary Development Plan (2002 - 2017) refer).


28 Full details of surface water drainage works and source control measures shall be submitted to and approved in writing by the Local Planning Authority. The details shall be implemented in accordance with those approved before the use of the site is commenced. Reason: To prevent the increased risk of flooding and to improve water quality. (Policies G12 and ENV18 of the adopted Lambeth Unitary Development Plan (1998) and policy 48 of the Deposit Replacement Unitary Development Plan (2002 - 2017) refer).


Notes to Applicants:

1 This decision letter does not convey an approval or consent which may be required under any enactment, by-law, order or regulation, other than Section 57 of the Town and Country Planning Act 1990.

2 Your attention is drawn to the provisions of the Building Regulations, and related legislation which must be complied with to the satisfaction of the Council's Building Control Officer.

3 You are advised to consult the Council's Environmental Health Division concerning compliance with any requirements under the Housing, Food, Safety and Public Health and Environmental Protection Acts and any by-laws or regulations made thereunder.

4 Your attention is drawn to the need to comply with the requirements of the Control of Pollution Act 1974 concerning construction site noise and in this respect you are advised to contact the Council's Environmental Health Division.

5 Your attention is drawn to Sections 4 and 7 of the Chronically Sick and Disabled Persons Act 1970 and the Code of Practice for Access for the Disabled to Buildings (B.S.
regarding the provision of means of access, parking facilities and sanitary conveniences for the needs of persons visiting, using or employed at the building or premises who are disabled.

6 Your attention is drawn to Sections 7 and 8A of the Chronically Sick and Disabled Persons Act 1970 and the Code of Practice for Access for the Disabled to Buildings (B.S. 5810:1979) regarding the provision of means of access, parking facilities and sanitary conveniences for the needs of persons visiting, using or employed at the building or premises who are disabled.

7 You are advised that this permission does not authorise the display of advertisements at the premises and separate consent may be required from the Local Planning Authority under the Town and Country Planning (Control of Advertisements) Regulations 1992.

8 You are advised to consult with the Council's Planning and Transportation Division concerning compliance with requirements under the Buildings Acts 1939 and Local Government Act 1985 where a development involves the naming of a street and/or building or the numbering/renumbering of a property.

9 You are advised to consult the National Rivers Authority at Wah Kwong House, 10 Albert Embankment, London SE1 7SP (tel: 0171 735 9993) regarding the method and extent of the site investigation and details of appropriate measures to prevent pollution of ground water and surface water.

10 You are advised that under the terms of the Water Industries Act 1991, the prior written consent of the London Borough of Lambeth, Sewerage Contractor for Thames Water Utilities Ltd is required for any development works draining into, or connecting to, the public sewers. Contact Mr S K Bellehewe on 0171 926 7108.

11 You are advised to contact Thames Water Utilities regarding mains/supply pipe connections for the development at Network Services Waterloo District, Thames Water Utilities Ltd, Waterworks Road, Brixton Hill, London SW2 1SB. Contact Mr D Kirk on 0645 200800 for details.

12 The development of this site is likely to damage archaeological remains. The applicant should therefore submit detailed proposals in the form of an archaeological project design. This design should be in accordance with the appropriate English Heritage guidelines.

13 The applicant should take account of any comments made by Network Rail in respect of this proposal.

14 All development has the potential to alter hydrological processes to the detriment of the environment. As permeable surfaces are replaced by impermeable ones, rainfall which would otherwise soak into the ground, evaporate, or be absorbed by vegetation, is transferred to watercourses and drains at an increased rate, carrying with it various pollutants. This polluted water can damage habitats, increase the risk of flooding and because of the decreased amount of water soaking into the ground, reduce the available water resource. The Environment Agency therefore promotes the use of sustainable drainage systems as a means of reducing and avoiding these problems in a sustainable and cost effective manner.

15 The aim of sustainable drainage systems is to mimic natural hydrological processes by controlling surface water runoff as close to its origin as possible before it is
discharged to a watercourse or to the ground. This involves moving away from traditional piped drainage systems to softer engineering solutions. Systems include permeable pavements, grassed swales, infiltration tranches, ponds and wetlands. They can be incorporated into landscape irrigation and water features and could include the creation of open reed lined drains on the site which will also provide habitat for wildlife.

16 All sewage or trade effluent should be discharged to the foul sewer if available subject to the approval of Thames Water Utilities or its sewerage agent. Surface water from roads and car parking areas should discharge via deep seal trapped gullies incorporating a minimum water seal of 85mm or similar. Any open chemical or refuse storage areas should be surrounded by suitable liquid tight bunded compounds to prevent drainage from these areas discharging into the surface water system. Such areas should be connected to the foul sewer subject to the approval of Thames Water Utilities or its sewerage agent. No sewage or trade effluent, including cooling water containing chemical additives, vehicle wash waters, steam cleaning effluent, or pressure wash effluent, should be discharged to the surface water system. Vehicle loading or unloading bays and storage areas involving chemicals, refuse or other polluting matter should not discharge to the surface water system. Roof water downpipes should be connected to the drainage system either directly, or by means of back inlet gullies provided with sealing plates instead of open gratings.

17 The applicants should make use of permeable surfaces and other similar measures to reduce the risk of non-point source pollution or excessive surface water run-off adversely affecting adjacent water courses. This might include the use of gravel surfaces in paths, parking spaces and driveways. Permeable surfacing allows rain water to pass through the road surface and sub-grade, in doing so the water is filtered before entering the underlying subsoil and storage reservoir. The degree of treatment that the filtering process provides will depend on the pollutant load in the surface water and the soil characteristics, but in most cases pollutant removal rates are high. Various types of porous surfacing can be considered, including porous block pavours, porous asphalt or tarmac or open textured concrete blocks such as Grasscrete. Although porous surfacing can be more expensive than traditional sealed surfacing, because no gullies or gradients on the road surfaces are needed, then any extra expense is mitigated. Porous paving will help to maintain the existing groundwater dynamics at this location. Please contact the Environment Agency should you wish to discuss further the use of porous paving.

18 Water is one of our most precious natural resources, and the Environment Agency is keen to ensure it is used wisely:- Approximately a third of non-household water use comes through wash hand basin taps. The installation of low volume taps such as push-top, spray or infra-red taps can result in company cost savings in both water and energy use.- About 20% of non-household water use is for urinal flushing. As much as half of this can be saved by installing flush controls, such as infra-red sensors or electromagnetic door switches. Water use can be cut out entirely by installing waterless urinals.

19 If domestic appliances area to be provided in the new development, the applicant is asked to consider installing water and energy efficient models. Most products such as washing machines and dishwashers are now advertised with energy and water use information.

20 Waste disposal should conform with the Waster Hierarchy stipulates how waster should be dealt with - the top of the hierarchy being the most sustainable management of waste and the bottom: reduction, re-use, recovery, disposal. The principles of the waste hierarchy should be put into practice in all new development during the construction phase and throughout the life of the development. (i) Construction itself provides an opportunity
to exercise an efficient use of resources. New building should demonstrate an efficient use of building materials from sustainable sources, including the use of recycled aggregates. (ii) Consideration should also be given to salvaging and recycling material from any buildings to be demolished. (iii) The building and landscape design should incorporate space and facilities for the collection and separation of waste on site, in order to facilitate recycling.

21 (i) New development should adopt measures to reduce energy consumption. These may include improved insulation, passive solar design and the use of energy-efficient domestic appliances. (ii) The siting and layout of housing development can reduce energy consumption. The physical form of a house can enhance its ability to use the heat and light of the sun. This can be achieved by orientating the building's main windows to the south and using double-glazing and airtight frames to attain thermal efficiency and to exclude drafts. (iii) The demands on hot water boilers and central heating systems are consequently reduced. Technological controls enable heating systems to be used more efficiently. (iv) Landscaping also has an important role in making solar energy available to houses. The shaping of the ground and the planting of vegetation can both exclude cold prevailing winds and act as sun traps to gardens and open spaces. The design and layout of new developments should have regard to existing trees and hedges. These have the potential both to provide shelter and obstruct shelter where appropriate. Designers should treat these features as a potential asset to the future householder.

22 The applicant should contact Keith Nash, Lambeth Street Care (07946 379725) or Steve Verrier, Team Lambeth (020 73460700) to make arrangements for a site inspection prior to the implementation of the refuse storage.
<table>
<thead>
<tr>
<th><strong>Location</strong></th>
<th>Shop 435-437 Coldharbour Lane London SW9 8LN</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Ward</strong></td>
<td>Coldharbour</td>
</tr>
<tr>
<td><strong>Proposal</strong></td>
<td>Change of use from shop (A1) to a bar/internet cafe (A3) on the ground floor, ancillary store, office and customer toilets on the first floor and ancillary office space on the second floor, and installation of two air conditioning units on the roof of the three storey building.</td>
</tr>
<tr>
<td><strong>Application Type</strong></td>
<td>Full Planning Permission</td>
</tr>
<tr>
<td><strong>Application No</strong></td>
<td>01/01391/FUL/DC_JFX/17352</td>
</tr>
<tr>
<td><strong>Applicant</strong></td>
<td>L Merret</td>
</tr>
<tr>
<td><strong>Date Valid</strong></td>
<td>23 October 2001</td>
</tr>
<tr>
<td><strong>Considerations</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Preferred Hotel area/site</strong></td>
<td></td>
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<tr>
<td><strong>Conservation Area Brixton Town Centre</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Approved Plans</strong></td>
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<tr>
<td>BSCL/0303/FP/200</td>
<td></td>
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<tr>
<td>BSCL/0303/FP/201</td>
<td></td>
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<td>BSCL/0303/FP/202</td>
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<tr>
<td>435/10</td>
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<tr>
<td>435/11</td>
<td></td>
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<tr>
<td><strong>Recommendation</strong></td>
<td>REFUSE PERMISSION</td>
</tr>
</tbody>
</table>
Officer Report

01/01391/FUL

Members will recall that on 9th September 2003 the Planning Applications Committee resolved to refuse planning permission for the proposed change of use of these premises from a retail shop (A1) to a bar/internet café (A3) on the grounds of the cumulative impact on local residential amenity and also the effect on the retail character and function of the immediate area. However, the Chair did agree that officers would carry out a comprehensive retail survey of this section of Coldharbour Lane and would then report back to PAC if it was felt that a reason for refusal based on the loss of a retail unit could not be sustained.

Findings of Retail Survey

The survey shows that of seventeen units within the parade nine of these retain lawful use rights for A1 retail purposes. Of these eight are currently in use as retail shops and the remaining one is in unauthorised use as a restaurant (Class A3). 53% of units are thereby in lawful retail use which would reduce to 47% if permission was granted for this proposal.

The first proviso of Policy S9 is thereby satisfied as the yardstick figure of 40% of shop units in the parade remaining in retail use would not be breached and it is not therefore considered that the retail character and vitality of the parade would be compromised by the proposed A3 use. Similarly, the second proviso which requires that, in order to prevent an undue concentration of non-A1 uses, no more than three adjoining shop units should be in use for non A1 purposes. Although nos.443/445 (Living PH) and no.441 (Phoenix restaurant) are authorised Class A3 units, the application premises are separated from the above by no.439 which is in use as a retail bookshop. On the other side, the premises are adjoined by a small office unit (no.433) which itself is flanked by a row of three small retail shops.

In terms of the emerging replacement Unitary Development Plan, Policy 4 (Town Centres and Community Regeneration) promotes the role of Brixton and Streatham as major centres within which a diversity of uses is welcomed provided that they are suitable and also comply with other Policies. Policies 53 and 54 of the emerging Plan deal with Brixton and night time facilities. Additional late night food and drink establishments are suitable in principle for town centres although proposals will be judged against Policy 29 of the emerging Unitary Development Plan.

Policy 29 relates to food and drink uses and sets out a number of criteria against which proposals will be assessed. The "test of over-concentration" in the Policy primarily refers to the core areas of major town centres. Its criteria requires that, to avoid over-concentration, not more than 40% of original units (not businesses) or 30% of floorspace within 100 metres of the application premises should be in A3 use, unless the proposal adds to the range and mix of A3 uses not causing harm to residential amenity in the area.

An assessment against the percentage of A3 uses within 100 metres of the application site indicates that 28% of units are currently in use for A3 purposes which would rise to 30% should the proposed use commence. The 40% yardstick would not, therefore, be breached.

In terms of actual floorspace, however, due to the wide frontages of the Satay Bar (no.447), KFC and three public houses, which all lie within 100 metres of the application premises, a calculation of the floorspace within this boundary reveals that currently 35% of
the total floorspace is in lawful A3 usage which would rise to 40% should this proposed use commence.

The proposal thereby satisfies the two over-concentration tests set out in Policy S9 of the adopted Unitary Development Plan i.e. in terms of the percentage of non-A1 units within the shopping parade and also adjoining non-A1 uses whilst, in applying the two tests specified in the emerging Plan, the proposal complies with the A3 percentage criteria but fails the prescriptive floorspace limit of 30% A3 use. The latter figure is brought about, however, due to the location of certain wide-fronted A3 units within 100 metres of the application premises although the predominant land use in both the primary and secondary frontages along Coldharbour Lane remains for retail purposes. Further, only limited weight can be given at this point to the Policies of the emerging Plan and their respective provisos.

In the circumstances, it is not considered that the proposal would have an adverse impact on the retail character or function of the Coldharbour Lane shopping area, and a reason for refusal based on the loss of a retail unit could not be sustained.

In light of Members previously resolving to refuse permission for this proposal on the grounds of cumulative impact on nearby residential amenity, the location of the residential units in the immediate vicinity has been pinpointed. There is a concentration of flat units overlying the ground floor shops (nos. 378-424) on the opposite side of Coldharbour Lane whilst, closer to the application premises, a first floor flat is situated above no.441 and, immediately adjoining the premises, Clifton Mansions (nos.425-433) comprises three storeys of residential accommodation over the ground floor retail units below.

The use of nos.435-437 for A3 purposes, due to its nature, the proposed hours of opening and the proximity of residential units would likely compound to have clear implications for residential amenity with resultant noise and disturbance. Moreover, the situation is aggravated by the cumulative effect occasioned to local residents from the introduction of an additional A3 use.

**Recommendation**

It is recommended that planning permission be refused for the following reason:
1) The proposed change of use, on an individual basis and cumulatively with other Class A3 uses in the vicinity, would be detrimental to the amenities of nearby residential properties by reason of noise and general disturbance. As such, the proposal is contrary to Policies S14 and ENV19 of the adopted Lambeth Unitary Development Plan (1998) and Policies 7, 29 and 53 of the Deposit Replacement Unitary Development Plan (2002-2017)

A copy of the original Committee report is appended.

1. **Summary Of Main Issues**

1.1. The main considerations in the assessment of this planning application are the following:

- whether the retail character and vitality of the parade within which the shop unit is situated would be adversely affected and whether the proposal would result in an undue concentration of non A1 uses;
- whether the proposed use is appropriate to a shopping parade;
whether the proposal, either alone or cumulatively with other A3 uses in Coldharbour Lane, would have a significant detrimental impact on the amenity of local residents or workers, particularly in terms of late night noise and disturbance in the street and noise emanating from the building;
- the potential level of traffic generation, the effect on traffic congestion and the availability of on-street parking; and
- whether the proposed air conditioning units would have a detrimental impact on the character and appearance of the surrounding Conservation Area.

2. Site Description

2.1. The application site is on the south side of Coldharbour Lane, within a parade positioned between Electric Lane and Rushcroft Road. It comprises a three storey building, with a large single storey rear extension, that directly fronts the street. The gross floor area of the site is 420 sq. metres, and the building covers the entire site. The lawful use of the ground floor is retail (Use Class A1), with the first and second floors used as ancillary storage and staff facilities associated with the retail unit. A bicycle shop occupied the building until June 2001, but subsequently the building has remained largely vacant.

2.2. The site is located within the Brixton Town Centre Conservation Area, and also within a preferred hotel area identified in the adopted Unitary Development Plan. The parade is classified as being in Secondary Frontage in the adopted Unitary Development Plan, and edge of town centre in the deposit Unitary Development Plan.

2.3. The surrounding ground floor uses in Coldharbour Lane are commercial, though there are many properties close to the site in residential use. Within Coldharbour Lane and the surrounding streets, there are a number of A3 and other late night uses. These are shown on the tables below.

### PREMISES LICENSED FOR PUBLIC ENTERTAINMENT, WITHIN THE VICINITY OF THE APPLICATION SITE

<table>
<thead>
<tr>
<th>Premises</th>
<th>Accommodation Figure</th>
<th>Licence (hours)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dog Star, 389 Coldharbour Lane</td>
<td>580 persons</td>
<td>Sun to Wed until 2am; Thurs, Fri &amp; Sat until 4am.</td>
</tr>
<tr>
<td>Club 414, 414 Coldharbour Lane</td>
<td>90 persons</td>
<td>Mon to Wed until 5am; Thurs to Fri until 6am; Sat until 9am and Sun until 6am.</td>
</tr>
<tr>
<td>Living Room, 443 Coldharbour Lane</td>
<td>200 persons</td>
<td>Sun to Wed until 2am; Thurs until 3am; Sat until 4am</td>
</tr>
<tr>
<td>Satay Bar, 447 Coldharbour Lane</td>
<td>100 persons</td>
<td>Sun to Sat until 3am</td>
</tr>
<tr>
<td>Visits Bar/ Restaurant</td>
<td>120 persons</td>
<td>Mon to Sat until 2am; Sun until 12.30am</td>
</tr>
<tr>
<td>Prince of Wales, 467 Brixton Road</td>
<td>200 persons</td>
<td>Mon to Thurs until midnight; Fri &amp; Sat until 1am.</td>
</tr>
</tbody>
</table>
Ritzy Cinema,  
Brixton Oval  
1201 persons  
Sun to Sat until 3am

PREMISES LICENSED AS NIGHT CAFES, WITHIN THE VICINITY OF THE APPLICATION SITE (March 2002)

<table>
<thead>
<tr>
<th>Premises</th>
<th>Accommodation Figure</th>
<th>Licence (hours)</th>
</tr>
</thead>
<tbody>
<tr>
<td>KFC Restaurant/ Take Away</td>
<td>No accommodation</td>
<td>Sun to Sat until 4am</td>
</tr>
<tr>
<td>Nyam Food Take away,</td>
<td>No accommodation</td>
<td>Sun to Sat until 5am</td>
</tr>
<tr>
<td>323 Coldharbour Lane</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chicken Cottage Take Away,</td>
<td>No accommodation</td>
<td>Mon to Fri until 1am;</td>
</tr>
<tr>
<td>399 Coldharbour Lane</td>
<td></td>
<td>Sat &amp; Sun until 2am.</td>
</tr>
</tbody>
</table>

2.4 There are also a large number of properties in residential use immediately surrounding the site. Directly to the east of the site, there is Clifton Mansions (upper floors of 425-433 Coldharbour Lane), and to the west, there is a flat above 439 Coldharbour Lane (which is let to the applicant). In Coldharbour Lane, there are other residential uses on the upper floors, in particular Connaught Mansions (above 388-402 Coldharbour Lane) and 447 Coldharbour Lane (above the Satay Bar). Rushcroft Road (immediately to the south of the site), Electric Lane and Vining Street are all predominantly residential streets, located in close vicinity to the application site.

3. Planning History

3.1. There is a current planning application for alterations to front and rear elevations of the existing building, including the installation of a new shopfront and enlarged windows in the front elevation, the replacement of existing doors and windows in the rear elevation and replacement of two rooflights in the roof of the single storey rear addition. That application is reported elsewhere on this Committee agenda. (Planning reference: 02/02435/FUL)

3.2. A planning application for the change of use on the upper floors from ancillary retail to office was withdrawn in 1990 (Planning reference: 90/1401).

3.3. A planning application for the change of use of the upper floors from ancillary retail to four self-contained flats and alterations to front and rear elevations was withdrawn in 1999. (Planning reference: 99/00043/FUL).

4. Scheme Details

4.1. The proposal is for the change of use from retail (Use Class A1) to bar/ internet cafe (Class A3) with ancillary office space, and the installation of two air conditioning units on the roof of the three storey building. The proposal has been amended since the application was submitted. The ground floor would be a public bar area, with four small rooms at the rear used as a draft beer store, bottle refuse store, cloakroom and disabled wc. The first floor would consist of offices for managers and staff, customer toilets, a small kitchen, bottle store and refuse storage. The third floor would comprise three ancillary offices, for staff

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The applicant anticipates that there would be a total of 39 new jobs created, including 8 managerial positions. The proposed opening hours are until 2 am Thursday, Friday and Saturday and until 12 midnight between Sunday and Wednesday.

4.2. The kitchen would serve primarily cold and microwaved food, when the premises are open. No flue is included as part of this planning application. There are two refuse stores proposed, one for bottle waste on the ground floor and one for kitchen waste on the first floor. There would be daily refuse collections (excluding Sunday) between 8am and 9am.

4.3. The proposal also includes the installation of two air conditioning units on the roof of the three storey building. Each air conditioning unit would measure 1.3 metres high, 1.5 metres deep and 2.3 metres wide. The air conditioning units would be set back 2.75 metres from the rear wall of the three storey building, and 1 metre from either flank wall.

5. Consultation Responses

5.1. The residents of 412- 426 (evens only), 425- 433 (odds only) and 439-445 (odds only) Coldharbour Lane; 15-23 (odds only) Electric Lane; 1-14 Chaplin House, Electric Lane; 1- 8 Suffolk House, Electric Lane; 1-12 Hereford House, Electric Lane; 1-8 Rosslyn House, Electric Lane and 1-8 Heathfield House, Electric Lane were consulted. The Brixton Society, the Brixton Residents and Traders Association and Brixton Town Centre Manager were also consulted about the original proposal. In addition, two site notices were posted and an advert was printed. The following representations were received.

Objections

5.2 Eight letters of objection to the original proposal have been received, including one from the Rushcroft Residents Action Group. Two petitions have also been received. One is signed by 20 local businesses and 182 residents, and the other is signed by 47 residents. The representations make the following points:

5.2.1 Principle of change of use

- There is objection to the loss of the retail unit. Retail businesses rely on passing trade, and as shops are replaced by other types of businesses at ground level, this has a depressing effect on total trade, which forces the remaining shops to move.
- The steady creep of gentrification and consequent rise in business rents and rates is also having a disastrous effect on small businesses in central Brixton, many of which are patronised by the less well off members of the community. These small and often unique retail outlets are being replaced by a bland chain of the larger businesses.
- The proposal would result in additional 420 square metres of A3 floor area, and therefore, taking Coldharbour Lane from Ritzy Cinema to Dogstar, may breach UDP Policy S9. There are enough similar properties in Coldharbour Lane. From the Fridge to Dogstar, there are 14 such premises, within 200 yards.
- It is not clear what form the art and video installation would take or where it would be. There is no indication of what form a restaurant would take. On the second floor, there is no indication from the floor plans of any seating and projection arrangements for the "video projection and cinema".
The proposal includes a private members club, which would be exclusive and are usually expensive, and not for the local people. It is difficult to see how the cinema and private members club could operate in the same space.

There does not appear to be an A1 component in this scheme. There appears to be confusion about what the applicant is applying for.

The cinema is to have windows, which is not what they normally have installed. The cinema is classified as D2 but the applicant has not applied for this category.

The applicant gives a caveat that training courses should be provided subject to demand, and he does not state how he intends to promote the internet outlet or what it will cost to use.

The applicant states that the art gallery and video projection facilities are designed to provide a space for young artists and students to display their work. Young artists need good quality venues where they will be paid for their work.

The proposed kitchen is only 10 feet long, and has only a microwave, and there is no dedicated computer training room. This does not appear to be a genuine planning application for a restaurant and computer training centre. Rather permission is sought for a night club development with three bars, a late license and a small kitchen.

The upper floors would be better used as office or other small business space for businesses which would hopefully generate better quality and higher pay than that proposed by the applicant. Alternatively the upper floors could be used for housing, preferably affordable housing.

5.2.2 Amenity

If there are more bars with late licenses, then the Council should increase cleaning up activities and make far better provision of public toilets. Urination is a big problem in Rushcroft Road and Electric Lane.

The applicant has a record of causing severe late night noise nuisance at Living Room Bar (443 Coldharbour Lane) where he has been subject to numerous loud amplified music complaints.

The 400 customers will generate noise and other forms of nuisance as they leave the premises late at night. The cumulative impact, together with the other late night uses would have a severe impact on the quality of life of nearby residents.

The Rosslyn House and Hereford yards are in effect small nature zones in the heart of Brixton, and would only be 20 metres from the proposed late night bar.

It is not appropriate to site a night economy business in the heart of a residential district. Many of the surrounding flats are in unrenovated Victorian mansion blocks with only wooden and plaster floors, and therefore are susceptible to noise nuisance.

The proposed air conditioning plant on the roof would produce noise and foul air pollution late into the night, as well as increasing the sense of enclosure for occupants of adjoining residential properties. The plant would damage the secluded sense of space in the three Hereford and Rosslyn yards. This was given as a reason to refuse planning permission for an extension to the Living Room Bar (reference: 01/01390).

The customers would have a clear view across the children’s play area into flats in Rosslyn House and Hereford House. Even if the windows were frosted, they would be a major source of light pollution in the night.

Restrictions should be placed on the opening hours.

Such businesses generate excessive disturbance by playing amplified music and by causing an influx of large numbers of people into the area, worsened
because these premises often operate into the early hours of the morning. Other types of nuisance can be generated such as rubbish, greater competition for parking - and the allied disturbance caused by traffic, minicab touting and an increase in street crime. Measures taken by the owners of these businesses (such as soundproofing, door security, etc) do little to reduce these problems to acceptable levels.

- Deliveries to the rear of the premises could cause a nuisance to the residents at the rear of the premises.
- Ventilation systems are very noisy even when in "sound proofed" housing. The soundproofing that the applicant proposes is unlikely to be effective if very loud music is played and opaque windows will not resolve any noise problems.
- Customer behaviour "management systems and signage" can only be of limited effect within a very small area. Queues of people are unlikely to fit into a "sound buffer zone" and signs are likely to be ignored, particularly by people who have consumed large quantities of alcohol. Traffic rubbish and litter problems will increase.
- The high existing background noise level is not an argument to increase it.

5.2.3 **Traffic and Parking**

- There is increased pressure on on-street parking, which makes it difficult for the residents with a parking permit to find space in bays after 5.30pm. Parking controls end at 5.30pm. There should be extended hours for residents parking bays.

5.2.4 **Security**

- There is a lack of street lighting in Electric Lane by the loading entrance for Sainsburys and Argos. This is a very dark and unpleasant area, which is used as a public toilet.
- The Borough appears to have embraced a bar and drugs economy that leaves the streets more or less redundant in the daytime.
- There has been a proliferation of drug dealing (and associated nuisance behaviour, such as prostitution) in direct proportion to the increase in late night activity in the centre of Brixton. This has lead to more problems of street robbery and reduction in safety for residents.

5.2.5 **Visual Impact**

- The proposal includes double glazed windows, and it is difficult to tell from the plans whether there will be an improvement in appearance. The windows will be larger and there will be more noise nuisance associated with this. The proposed rear elevational changes will raise the same issues, as well as privacy and overlooking issues.
- The ground floor is to have sliding opening doors- why is this?

5.2.6 **Other**

- The following statements made by the applicant are questionable:
  The agents have been unsuccessfully trying to let the premises at a rent of £65,000 for the last six months; we are talking to Lambeth College about a possible link up; there is no possibility of sound outbreak except at excessively high sound levels; the applicant claims on the application form to own/ control land at the rear of the premises.
- There is no disabled access for the upper floors.
In the covering letter of 22/05/01, the applicant claims that 44 new jobs will be provided. On the application form, the number is 24. Which is correct? Are these jobs full or part time? Most jobs (35 including bar and restaurant staff) appear to be of a low pay service variety. The nine management posts appear to be optimistic. For example 2 internet managers (as well as 3 internet staff) for 10 computer consoles. Job creation in Brixton should not just be concentrated on low paid work that exploits people. (This has subsequently been amended and the applicant now proposes 39 new jobs.)

What steps is the applicant taking to ensure that the strength of the floors are adequate to take the weight of the large numbers of people and the added stresses generated by the dance use. It is unlikely that the original structure was designed for this.

There are also potentially Human Rights issues raised if the Council allows new and/or changes of use which result in a breach of Article 8 of the Human Rights Act 1998.

In the secondary shopping parade, what is the status of 391 Coldharbour Lane? What are the planning status of 407-417 and 411 Coldharbour Lane? Satay Galleries address is 447-455 and prior to redevelopment of the site included several units. For the purposes of any survey, will it be counted as one unit or several?

Support

5.3 One petition, with approximately 1750 signatures, has been received in support of the proposal, for the change of use to bar/internet café/art gallery/ multimedia space.

No representation was received from the Brixton Town Centre Manager.

5.4 Reconsultation was carried out to notify interested parties of the amended drawings. Initially only statutory and internal consultees, amenity groups and those who commented on the original application were notified about the amended drawings. However following concern raised by neighbours, a wider consultation took place. This included a site notice and an advertisement in the press.

5.5 Nineteen letters and emails objecting to the proposal were received. This includes two further petitions of 145 signatures and 16 signatures, and a letter from Councillor Ward. The following points were raised.

- There are already too many bars and clubs with late licenses in this part of Coldharbour Lane.
- Coldharbour Lane is a residential area and the unsocial behaviour, late night traffic and noise pollution is already at an unacceptable level.
- There are no public toilets available, and no additional infrastructure in place.
- Most A3 use class premises are regularly becoming an excuse for D2 entertainment.
- The drawings do not show the number or location of computers.
- The first floor is used as ancillary space relating to the ground floor A3 use. The first floor could be argued to be contrary to existing planning guidelines as it is a loss of office/residential space.
- The second floor is to be used as ancillary office space. It should be used as office space and not put to any other use.
- There appears to be a large number of toilets on the first floor, which is unnecessary for the ground floor use. Perhaps the applicant intends to apply for a change of use of the upstairs at a later date?
There was a lack of time given for the reconsultation about the planning application.

The proposal is likely to result in undue noise and fumes. The air conditioning units are noisy and polluting. Noise would be produced from the sound system inside the bar, as well as from customers coming and going from the bar. This would cause severe loss of amenity to local residents of the surrounding 100 flats.

The proposal would exacerbate the pressure on on-street car parking spaces, and encourage drink driving.

The proposal would result in an increase in crime, because it encourages people walking round the streets in the early hours.

The application premises could be used by many other more suitable businesses, such as a computer store, or any other business that Brixton lacks now.

The change of use would have a detrimental effect on the vitality of the Coldharbour Lane shopping parade.

The company in question has no respect for the local community and has a bad reputation.

The ancillary facilities (toilets, kitchen, bottle store, refuse room, offices for staff and managers) should be located on the ground floor, as they are part of the bar use. As they are not, the application is invalid.

The application would result in the loss of a double fronted shop in place of a night-club.

Central Brixton is a balanced community of residential flats, day-time businesses and night time economy venues. This balance is being damaged, and to permit another late night bar a few yards away would cause further incremental harm.

There are a number of yards close to the application site, containing a children's play area, mature trees, nesting birds in Spring and visiting foxes at night, which are an area of calm. The proposal would harm residential amenity.

Coldharbour Lane should aim to sustain a mix of daytime and evening uses. The development of highly concentrated late night entertainment zones would be damaging to Brixton centre.

There is a particular problem in respect of drug dealing on Coldharbour Lane, encouraged by the number of customers that the late night uses bring in. This is associated with violent crime. This is becoming the public face of Brixton, much to the detriment of any hopes we have for regeneration and inward investment. Another late night pub-club venue would only add to this.

The premises should be retained for retail use.

Please can you confirm that the Building Control section are satisfied with the fire escape arrangements?

Many of the flats are in unmodernised Victorian mansion blocks with wooden floors and plaster ceilings, without soundproofing or double-glazing. They are highly susceptible to noise nuisance.

The increase in bars does not benefit the area. It brings money to the establishment but not to Brixton itself.

An additional license in the area will quite clearly add to any late night disturbance already experienced and these are therefore grounds for refusing the change of use application. The imposition of conditions on the implementation of the license would not be sufficient to counter the negative impact on the quality of life of local residents.

The Council should consult its noise control department and discover the number of complaints about noise and disturbances emanating from existing...
venues (again on which neighbouring tenants were not consulted or advised before being approved) before considering another.

- There are about 9 nightclubs with 4am or 24 hour licenses within a 150 metre radius of the proposed property (including at least two owned by the applicant.) There are existing venues that could be awarded late licenses instead of starting another.
- Given the size and location of the building, it would be better to use it for a community-based project, such as a theatre, which Brixton is lacking. Why are only drinking venues proposed on Coldharbour Lane?
- The proposed development would have a major and negative impact on the residential environment and threaten the safety of local residents. A further club would increase the amount of drug and prostitution related crimes committed in Brixton.
- The proposal would increase noise and pollution from night traffic including cars driving through Rushcroft Road, from cars parked in Rushcroft Road and noisy people going to and leaving the club late at night and early morning.
- From nearby residential properties, it is possible to hear the music and air conditioning fan from Living Room. It is not possible to open the kitchen and sitting room windows of 7 Hereford House.

5.6 A petition of approximately 1900 signatures has been received in support of the planning application.

6. Planning Considerations

6.1. Relevant Policies

6.1.1 PPG6 (Town Centres and Retail Developments)

Para. 6.12: "The diversity of uses in town centres, and their accessibility to people living and working in the area make an important contribution to the vitality and viability of town centres. The local planning authority should therefore encourage diversification of uses in the town centre as a whole."

Para. 2.18: "Town centres contain and should retain a wide range of uses that need to be accessible to a large number of people. Thus, although retailing should continue to underpin such centres, it is only part of what ensures the health of town centres."

Para. 2.25: "Changes of use can however create new concentrations of single uses, such as restaurants, where the cumulative effects can cause local problems. Such proposals should be assessed not only on their positive contribution to diversification, but also on the cumulative effects on such matters as loss of retail outlets, traffic, parking and local residential amenity."

6.1.2 The relevant policies in the adopted Unitary Development Plan are the following:

Policy CD2 (Proposals for Development)
Policy CD15 (Design of New Development)
Policy ENV19 (Noise Control)
Policy S9 (Changes of use in secondary frontages in Major and district centres)
Policy S14 (Food and Drink)
6.1.3 The relevant policies in the deposit Unitary Development Plan are the following:

Policy 4 (Town centre and community regeneration)
Policy 19 (Active Frontage Uses)
Policy 14 (Parking and Traffic Restraint)- Interim Policy
Policy 29 (The Evening and Late Night Economy)
Policy 42 (Conservation Area Alterations)
Policy 53 (Brixton Town Centre- Late Night Facilities)

6.1.4 The policies of the Deposit Draft of the UDP carry relatively little weight at the moment due to the early stage of the adoption process. However the 'Interim' policies carry more weight in that they have been the subject of consultation as part of the Key Issues Paper and represent changes in national policy or guidance to which the Council must have regard in making planning decisions.

6.2. **Land Use**

6.2.1 The proposal would result in the loss of a double retail unit, and the addition of a further late night bar use in Coldharbour Lane. The proposal is to be judged against Policy S9 in the adopted Unitary Development Plan, which states that the Council will normally expect at least 40% of shop units in the parade to remain in A1 retail use. The parade is being taken as odd numbered properties between 437 and 409 Coldharbour Lane. The results of the shopping survey are the following:

<table>
<thead>
<tr>
<th>Coldharbour Lane</th>
<th>Use</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>443</td>
<td>Living Room</td>
<td>A3</td>
</tr>
<tr>
<td>441</td>
<td>Phoenix</td>
<td>A3</td>
</tr>
<tr>
<td>439</td>
<td>Bookshop</td>
<td>A1</td>
</tr>
<tr>
<td>437</td>
<td>Brixton Cycles</td>
<td>A1</td>
</tr>
<tr>
<td>435</td>
<td>Brixton Cycles</td>
<td>A1</td>
</tr>
<tr>
<td>433</td>
<td>Shipping and Travel Agency</td>
<td>B1</td>
</tr>
<tr>
<td>431</td>
<td>Twin Barbers</td>
<td>A1</td>
</tr>
<tr>
<td>429</td>
<td>Entrance to Clifton Mansions <em>(not counted in survey)</em></td>
<td></td>
</tr>
<tr>
<td>427</td>
<td>French/American Clothes</td>
<td>A1</td>
</tr>
<tr>
<td>425</td>
<td>Shaz Hair Studio</td>
<td>A1</td>
</tr>
<tr>
<td>423</td>
<td>Nyam Food Takeaway</td>
<td>A3</td>
</tr>
<tr>
<td>421</td>
<td>Property Letting and Management Service</td>
<td>A2</td>
</tr>
<tr>
<td>419</td>
<td>American Nail Fashion</td>
<td>A1</td>
</tr>
<tr>
<td>417</td>
<td>African Music Store</td>
<td>A1</td>
</tr>
<tr>
<td>415</td>
<td>Unisex Hair Salon</td>
<td>A1</td>
</tr>
<tr>
<td>413</td>
<td>Entrance to hotel <em>(not counted in survey)</em></td>
<td></td>
</tr>
<tr>
<td>411</td>
<td>Unauthorised A3- application reference</td>
<td>C1 (hotel)</td>
</tr>
<tr>
<td>03/00143/FUL pending decision.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>409</td>
<td>Cosmetics Hair and Beauty</td>
<td>A1</td>
</tr>
</tbody>
</table>

6.2.2 The survey shows that the proposal would result in 50% of the premises in this parade remaining in retail use (8 A1 units/8 non-A1 units). Furthermore, the proposal would not result in four or more adjoining shop units being in non-A1 use. Judged against parts (i) and (ii) of Policy S9 of the adopted Unitary Development Plan, it is considered that the proposal
would not have a significant impact on the retail character and vitality of the shopping centre as a whole. Part (iii) of Policy S9 in the adopted UDP also states that an A3 use is an appropriate use to be located within a Secondary Shopping Parade. The proposal therefore complies with Policy S9 of the adopted Unitary Development Plan.

6.2.3 In terms of the draft deposit UDP, Policy 4 (Town Centres and Community Regeneration) promotes the role of Brixton and Streatham as major London centres with the largest scale and number of facilities. As major centres a higher number and diversity of uses is welcomed, provided that they are suitable and also comply with other policies. Policies 53 and 54 of the draft deposit UDP also deal with Brixton and night time facilities. Whilst additional late night food and drink establishments are suitable in principle for town centres, they will be judged against Policy 29 of the deposit UDP and in particular the potential for public disorder issues. Policy 29 in the draft deposit UDP states that the test of over concentration will be breached where 30% of floorspace within 100m of the site would be in A3 use, unless the proposal adds to the range and mix of A3 uses not causing harm to residential amenity in the area. Data is not available at this time on A3 floorspace within 100m of the site, and therefore compliance with this aspect of the draft policy cannot easily be assessed. However, it can be seen from para 6.2.1 above, that the majority of uses in the vicinity of the site are in Class A1 use and the compliance with adopted policy has been noted.

6.3. **Amenity Impact**

6.3.1 The critical issue in determining this planning application is whether the cumulative impact of a further late night or A3 use in Coldharbour Lane would have a significant impact on residential amenity. Policy S14 of the adopted Unitary Development Plan requires that proposals for new food and drink establishments (use class A3) are assessed having regard to existing A3 uses in the local area and taking account of whether an additional A3 use would result in unacceptable loss of amenity to nearby residents. Policy 29 of the deposit draft UDP advises that permission for A3 uses will only be granted where there is no unacceptable harm to residential amenity, considering the proximity of residential premises.

6.3.2 **Noise Emanating from the Building**

Environmental Health (Noise/ Pollution) has been consulted about this proposal. The premises are flanked by residential flats at Clifton Mansions and one flat above the adjoining bookshop. There exists a reasonable sound insulation standard between the properties which is adequate for the current uses, but this would need substantial improvement to accommodate the proposed bar use. This can be addressed by conditions restricting the level of amplified sound, speech or music in the building, requiring a sound insulation scheme to be submitted and implemented to the satisfaction of the local planning authority, and requiring a sound limiting device on all amplified sound systems on the premises.

6.3.3 **Noise outside the Building**
The premises are adjacent to flats at Clifton Mansions. It is the standard practice of popular venues to have customers queuing in the street. There is a potential for noise disturbance to nearby residents depending on the degree of management control and customers’ attitude/behaviour. Similarly noise from persons leaving the premises late at night may present a problem to nearby residents. In order to address these concerns, the applicant has significantly reduced the scale of the proposed A3 use from the ground, first and second floors to the ground floor only being used as public trading space. In the revised proposal, the upper floors are predominantly ancillary office space and customer toilets, and the public area on the ground floor has been reduced by introducing a draft beer store, a bottle refuse store, cloakroom and disabled wc to the rear of the unit. The reduction in scale of the floorspace of the proposed bar would minimise the number of customers, and therefore reduce associated problems, such as noise and disturbance. The applicant has also agreed to opening hours (until 2 am Thursday, Friday and Saturday and until 12 midnight between Sunday and Wednesday) which are considerably more restricted than other similar premises in the street, and are the same as those recently allowed at appeal at Neon, 69-73 Atlantic Road (Planning reference: 02/00069/FUL). Given the above, it is not considered that the proposal would result in a significant impact on amenity of surrounding residential properties (either individually or cumulatively with other uses in the area), and therefore the proposal is considered to comply with Policy S14 of the adopted Unitary Development Plan and Policy 29 of the deposit Unitary Development Plan.

6.3.4 The proposal also includes the installation of two air conditioning units on the third floor roof of the building. Environmental Health (Noise/ Pollution) has been consulted, and is satisfied that subject to a condition restricting the noise level, there would not be an adverse impact on the surrounding residential properties.

6.4. Highways and Transportation Issues

6.4.1 Policy S14 of the adopted Unitary Development Plan also requires that proposals for new A3 uses are assessed in terms of the potential level of traffic generation and effect on traffic congestion, the availability of on street parking, and the safety of road users, particularly pedestrians and cyclists. The site is located within Brixton town centre, so there is no objection on grounds of location in general. Public Transport Accessibility is good and people have plenty of choice as to how they travel to and from Brixton with tube, train, bus, and night bus services all available. However there are a number of issues that relate specifically to this site.

6.4.2 Firstly, pedestrian flows on Coldharbour Lane are high but interaction between people leaving the proposed development and those on Coldharbour Lane would occur when these flows are not at their highest. Therefore, the effect on pedestrian safety is not likely to be significant. The footway is 4 metres wide outside the property (although it narrows significantly in front of the adjacent property) which will assist in maintaining pedestrian safety levels as there is likely to adequate space for patrons to mingle with other pedestrians. However, outside drinking should not be allowed as this could affect pedestrian safety by blocking the footway.
6.4.3 The second issue is one of traffic generation. It is not expected that this development, in itself, would generate significant additional traffic, or lead to significant additional on-street parking on residential streets in the vicinity of the site. The site is located within Brixton town centre and there are large numbers of other such uses, especially on Coldharbour Lane that all add, cumulatively to additional late night parking in Brixton. It would be difficult to substantiate a reason for refusal relating to this particular premises, without evidence to demonstrate that the parking demand generated would be detrimental in its own right.

6.4.4 The third issue relates to taxi pickup and setdown on Coldharbour Lane. The peak times for this type of activity would be outside of peak traffic hours and should not therefore add to the rush hour congestion. There are waiting restrictions in force along this section of Coldharbour Lane, which prevent the parking of vehicles (although setdown and pickup are allowed after 6pm and before 8.30am). There are a number of other A3 uses along this section of Coldharbour Lane which generate a significant number of taxi movements and as the opening hours of the proposed development are similar to, or more restrictive than, other sites, then there is unlikely to be a significant increase in taxi operations either at closing time or later into the night.

6.4.5 Deliveries would have to take place from Coldharbour Lane, although this is an existing situation for all commercial uses on this section of Coldharbour Lane, so it is unlikely that there would be any significant difference from the existing situation. There are double yellow lines outside the site which prevent waiting at any time on the south side of Coldharbour Lane (between Brixton Road and Somerleyton Road), but there are no loading restrictions outside any of the commercial properties from no. 455 eastwards between 6pm and 8.30am. Therefore delivery vehicles could only legally load and unload from the street within these hours. On this basis, there are no objections on highway grounds to the proposal.

6.5. **Design and Conservation Considerations**

6.5.1 The only external alterations to the building included as part of this planning application is the installation of mechanical plant on the roof of the three storey building. Given the size and number of the air conditioning plant proposed, and their unobtrusive position set back on the roof of the three storey building, it is considered that they would not have a significant impact on the character and appearance of the surrounding Conservation Area. The Conservation Officer has confirmed that this aspect if the proposal is acceptable.

7. **Conclusion**

7.1 The proposal complies with the requirements of both adopted and draft deposit UDP’s in that there would not be a reduction of A1 units below a 40% level and there would not be an over concentration of non A1 uses. Indeed a mix of uses, including A3, is promoted as set out in Policy 4 of the draft UDP. The principle of A3 use in this location is therefore acceptable in principle. The critical issue in determining this planning application is whether the cumulative impact of a
further late night or A3 use in Coldharbour Lane would have a significant impact on residential amenity. To address this point, the size and scale of the proposal has been significantly reduced with only the ground floor of the building being proposed as trading floorspace. The upper floors would be used as ancillary office space and customer toilets only, which would have the effect of restricting the numbers of customers able to visit the bar/ internet café. Given the above, it is not considered that the proposal would have a significant impact on amenity of surrounding residential properties, and therefore it is considered that the proposal complies with Policy S14 in the adopted Unitary Development Plan and Policy 29 in the deposit Unitary Development Plan.
1. The proposed change of use, on an individual basis and cumulatively with other Class A3 uses in the vicinity, would be detrimental to the amenities of nearby residential properties by reason of noise and general disturbance. As such, the proposal is contrary to Policies S14 and ENV19 of the adopted Unitary Development Plan (1998) and Policies 7, 29 and 53 of the Deposit Replacement Unitary Development Plan (2002-2017).

Notes to Applicants:

1. This decision letter does not convey an approval or consent which may be required under any enactment, by-law, order or regulation, other than Section 57 of the Town and Country Planning Act 1990.

2. Your attention is drawn to the need to comply with the requirements of the Control of Pollution Act 1974 concerning construction site noise and in this respect you are advised to contact the Council's Environmental Health Division.

3. You are advised of the necessity to consult the Council's Refuse/Streetcare Services with regard to the provision of refuse storage and collection facilities.

5. The following policies were taken into account in the assessment of this planning application-Policies CD2; CD15; ENV19; S9; S14 of the adopted Lambeth Unitary Development Plan and policies 4; 19; 14; 29; 42 and 53 of the Deposit Replacement Unitary Development Plan (2002 - 2017).

4. The decision relates solely to the change of use of the premises and does not purport to grant planning permission for any external alterations to the building, which form the subject of planning application ref. 02/02435/FUL.

6. The applicant is advised that, should the use of the premises change to an alternative Class A3 (food and drink) use in the future, planning permission would be required for any external flue or extract system. In assessing any such proposal, the Local Planning Authority would have regard, inter alia, to the potential impact of the flue on the character of the Conservation Area and the amenities of neighbouring properties.
<table>
<thead>
<tr>
<th>Case Number</th>
<th>03/01663/FUL</th>
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<tr>
<td>Application Address</td>
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L.B. Lambeth LA 086487 2003
<table>
<thead>
<tr>
<th><strong>Location</strong></th>
<th>Shop 435-437 Coldharbour Lane London</th>
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<tbody>
<tr>
<td><strong>Ward</strong></td>
<td>Coldharbour</td>
</tr>
<tr>
<td><strong>Proposal</strong></td>
<td>Change of use from retail (Class A1) to Food and Drink use (Class A3) including the installation of 2 chiller units on the roof with associated alterations.</td>
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<tr>
<td><strong>Application Type</strong></td>
<td>Full Planning Permission</td>
</tr>
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<td><strong>Application No</strong></td>
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<td>Living Room Leisure Trading</td>
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<tr>
<td><strong>Agent</strong></td>
<td>Kenneth Lerwill</td>
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<td></td>
<td>20 Tresidder House</td>
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<td></td>
<td>Poyniders Road</td>
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<td>3 October 2003</td>
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<td><strong>Considerations</strong></td>
<td>Conservation Area CA26 : Brixton Conservation Area</td>
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<td>Adopted UDP Preferred Site Multiple</td>
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<td><strong>Approved Plans</strong></td>
<td>435/02,03,04,10,11; BSCL/0303/FP/200,201,202: BSCL/0303/RL/100; BSCL/02/C01,C02; 435/01/A; BSCL/02/C03A; BSCL/03/RE200,RE200(A)</td>
</tr>
<tr>
<td><strong>Recommendation</strong></td>
<td>REFUSE PERMISSION</td>
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Officer Report

03/01663/FUL

Elsewhere on this agenda is a report relating to an application (ref: 01/01391/FUL) for the proposed change of use of nos.435-437 Coldharbour Lane from a retail shop (A1) unit to a bar/internet café (A3). Members will recall that on 9th September 2003 the Planning Applications Committee resolved to refuse permission for the above on grounds of the resultant cumulative impact of the use on local residential amenity and the effect of the use on the retail character and function of this section of Coldharbour Lane. However, it was also resolved that a survey of the immediate area be carried out to further assess the retail character and function aspect and report back to Members should Officers consider that an additional Class A3 use would not have a significant impact on the local retail character and function. In the report relating to 01/01391/FUL it is concluded that there would be no such impact and, therefore, it is not considered that a reason for refusal could be sustained on this point.

A subsequent application, the subject of this report, is an identical submission to that already determined, save for the proposed hours of opening. The applicant now proposes that the premises be open between the hours of 9am to 12 midnight, seven days per week. The previous application also proposed opening hours until midnight, extending until 2am on Thursday, Friday and Saturday.

Members should cross-refer to the earlier report as indicated below for identical text.

1. Summary Of Main Issues

   1.1. See text of earlier report

2. Site Description

   2.1. See text of earlier report

3. Planning History

   3.1 With reference to the Committee's previous resolution and the subsequent survey undertaken to assess local retail character and function it is intended to issue a decision notice refusing Application 01/01391/FUL for the following reason:

   1) The proposed change of use, on an individual basis and cumulatively with other A3 uses in the vicinity, would be detrimental to the amenities of nearby residential properties by reason of noise and general disturbance. As such, the proposal is contrary to Policies S14 and ENV19 of the adopted Lambeth Unitary Development Plan (1998) and Policies 7, 29 and 53 of the Deposit Replacement Unitary Development Plan (2002-2017).

   3.2 At the same Committee Members did resolve to grant planning permission (02/02435/FUL) for a series of external alterations to the premises involving the installation of a new shopfront and enlarged windows in the front elevation, the replacement of existing doors and windows in the rear elevation and the replacement of two rooflights in the roof of the single storey rear addition.
4. Scheme Details

4.1. Apart from the slight change to the proposed hours of opening as mentioned in the introductory paragraph to this report the current proposal is identical to that scheme previously reported to Members, and reference should be made to the text of the original report.

5. Consultation Responses

5.1 Fourteen letters of objection have been received from local occupiers on this application. The grounds of objection are summarised as follows:

- the use will add nothing to the area and will just be another bar to add to the many bars already in Brixton;
- there are already enough food and drink places in Brixton;
- Coldharbour Lane between Brixton Road and Atlantic Road is now saturated with A3 uses and the Council should resist any new A3 uses on this stretch of road;
- the area would be better served by the retail trade;
- the application is almost identical to that previously rejected by the Council's Planning Application's Committee;
- late night bars encourage drug-dealing.

6. Planning Considerations

6.1. Relevant Policies

6.1.1. See text of earlier report.

6.2. Land Use

6.2.1. There are two specific strands to consider in the assessment of the impact of the proposal on the retail character and function of the existing shopping area. The first is the preservation of the retail character of the location and involves retaining a critical mass of A1 units to ensure vitality and viability. Secondly, within a shopping area an undue concentration of non-A1 uses should be avoided.

6.2.2. An updated retail survey of the immediate area has been carried out and its results are discussed below. The proposal is to be judged, in the first instance, against Policy S9 of the adopted Unitary Development Plan which requires that at least 40% of shop units within the particular parade remain in A1 retail use. In this instance the parade comprises nos. 409-445 Coldharbour Lane and involves a total of 17 units. The table below shows the following uses, with the respective lawful uses shown in bold.
409 - Hairdressers/Beauty salon A1
411 - Restaurant (Unauthorised) A1
413 - Entrance to first floor hotel (above nos. 409-417) C3
415 - Hairdressers A1
417 - Music store A1
419 - Nail Salon Sui Generis
421 - Estate Agents A2
423 - Hot-food takeaway A3
425 - Hairdressers A1
427 - Clothes shop A1
429 - Entrance to upper floor flats (above nos. 425-433) C3
431 - Barbers A1
433 - Shipping agency B1
435/437 - Vacant A1
439 - Bookshop A1
441 - Restaurant A3
443/445 - Living PH A3

6.2.3 The survey shows that of the seventeen units within the parade nine of these retain lawful use rights for A1 retail purposes. Of these eight are currently in use as retail shops and the remaining one (no.411) is in unauthorised use as a restaurant (Class A3). 53% of units are thereby in lawful retail use, which would reduce to 47% if permission was granted for this proposal.

6.2.4 The first proviso of Policy S9 is thereby satisfied as the yardstick figure of 40% of shop units in the parade remaining in retail use would not be breached and it is not therefore considered that the retail character and vitality of the parade would be compromised by the proposed A3 use. Similarly, the second proviso which requires that, in order to prevent an undue concentration of non-A1 uses, no more than three adjoining shop units should be used for other purposes. Although no.443/445 (Living PH) and no.441 (Phoenix restaurant) are authorised Class A3 units, the application premises are divided from the above by no.439 which is in use as a bookshop. On the other side, the premises are adjoined by a small office unit (no.433) which itself is flanked by a row of three small retail shops.

6.2.5 In terms of the emerging replacement Unitary Development Plan, Policy 4 (Town Centres and Community Regeneration) promotes the role of Brixton and Streatham as major centres within which a diversity of uses is welcomed provided that they are suitable and also comply with other Policies. Policies 53 and 54 of the emerging Plan deal with Brixton and night time facilities. Additional late night food and drink establishments are suitable in principle for town centres although proposals will be judged against Policy 29 of the emerging Unitary Development Plan.

6.2.6 Policy 29 relates to food and drink uses and sets out a number of criteria against which proposals will be assessed. The "test of over-concentration" in the Policy primarily refers to the core areas of major town centres. Its criteria requires that, to avoid over-concentration, not more than 40% of original units (not
businesses) or 30% of floorspace within 100 metres of the
application premises should be in A3 use, unless the proposal
adds to the range and mix of A3 uses not causing harm to
residential amenity in the area.

6.2.7 An assessment against the percentage of A3 uses within 100 metres of
the application site indicates that 28% of units are currently in use for A3
purposes which would rise to 30% should the proposed use commence.

6.2.8 In terms of actual floorspace, however, due to the wide frontages of the
Satay Bar (no.447), KFC and three public houses, which all lie within 100
metres of the application premises, a calculation of the floorspace within
this boundary reveals that currently 35% of the total floorspace is in
lawful A3 usage which would rise to 40% should this proposed use
commence.

6.2.9 The proposal thereby satisfies the two over-concentration tests set
out in Policy S9 of the adopted Unitary Development Plan ie in
terms of the percentage of non-A1 units within the shopping
parade and also adjoining non-A1 uses whilst, in applying the
two tests specified in the emerging Plan, the proposal complies
with the A3 percentage criteria but fails the prescriptive floorspace
limit of 30% A3 use. The latter figure is brought about, however,
due to the location of certain wide-fronted A3 units within 100
metres of the application premises although the predominant land
use in both the primary and secondary frontages along
Coldharbour Lane remains for retail purposes. Further, only
limited weight can be given at this point to the policies of the
emerging Plan and their respective provisos.

6.2.10 In the circumstances it is not considered that the proposal would
have an adverse impact on the retail character or function of the
Coldharbour Lane shopping area, and a reason for refusal based
on the loss of a retail unit could not be sustained. This is also
recommended in the report relating to Application 01/01391/FUL.

6.3 Design and Conservation Considerations

6.3.1 Proposed alterations to the shop frontage and elevational features
have already been approved and the current application proposes only
external alterations by way of the installation of the two chiller units on
the roof of this three-storey building. Given their size and unobtrusive
position, in being setback from the front elevation, it is not considered
that the features would have any significant visual impact on the
character and appearance of the Conservation Area.

6.4 Amenity Impact

6.4.1 Members previously resolved to refuse planning permission due to the
cumulative impact on residential amenity.

6.4.2 The critical issue in determining this planning application is whether the
cumulative impact of a further late night or A3 use in Coldharbour Lane
would have a significant impact on the residential amenities of nearby
occupiers. Policy S14 of the adopted Unitary Development Plan requires
that proposals for new food and drink establishments (use class A3) are assessed having regard to existing A3 uses in the local area and taking account of whether an additional A3 use would result in unacceptable loss of amenity to nearby residents. Policy 29 of the deposit draft UDP advises that permission for A3 uses will only be granted where there is no unacceptable harm to residential amenity, considering the proximity of residential premises. It sets out a number of criteria against which proposals will be assessed, including closing hours, concentration and scale of premises.

6.4.3 In terms of the location of nearby residential properties there is no residential accommodation in the upper two floors of the application premises. When the premises were last in use the upper floors were used for office and storage purposes ancillary to the use as a bike shop. There is a concentration of flat units overlying the ground floor shops (nos.378-424) on the opposite side of Coldharbour Lane whilst, closer to the application premises, a first floor flat is situated above no.441 and, immediately adjoining the premises, Clifton Mansions (nos.425-433) comprises three storeys of residential accommodation over the ground floor retail units below. The use of nos.435-437 for A3 purposes would thereby hold potential for the amenities of the various residential occupiers to be harmed by reason of increased noise and disturbance.

6.4.4 The applicant has proposed opening hours of 9am until 12 midnight, throughout the week. Such night time hours, compounded by the usual practice of customers queuing in the street and also those leaving the premises at closing time, would likely give rise to late night noise and disturbance to the detriment of local residents.

6.4.4 The proposal also includes the installation of two chiller units on the third floor roof of the building. Regulatory Services (Noise/Pollution) has commented on this element of the proposal and is satisfied that subject to a condition restricting the noise level, there would not be an adverse impact on the surrounding residential properties.

6.5 Highways and Transportation Issues

6.5.1 See text of earlier report

7 Conclusion

It is not considered that the introduction of an additional non A1 use into this particular section of Coldharbour Lane would adversely affect the retail character or vitality of the shopping centre as the proposal largely satisfies the "over-concentration" tests of non-retail uses, as is required by way of both the adopted and emerging Plans. However, the nature of the proposed use, the hours of opening and the proximity of residential units to the premises have clear implications for residential amenity and the cumulative effect occasioned on such by the introduction of an additional A3 use. Accordingly, it is recommended that planning permission be refused on these grounds.

8 Recommendation
It is recommended that planning permission be refused for the following reason:

1) The proposed change of use, on an individual basis and cumulatively with other Class A3 uses in the vicinity, would be detrimental to the amenities of nearby residential properties by reason of noise and general disturbance. As such, the proposal is contrary to Policies S14 and ENV19 of the adopted Lambeth Unitary Development Plan (1998) and Policies 7, 29 and 53 of the Deposit Replacement Unitary Development Plan (2002-2017).
1 The proposed change of use, on an individual basis and cumulatively with other Class A3 uses in the vicinity, would be detrimental to the amenities of nearby residential properties by reason of noise and general disturbance. As such, the proposal is contrary to Policies S14 and ENV19 of the adopted Lambeth Unitary Development Plan (1998) and Policies 7, 29 and 53 of the Deposit Replacement Unitary Development Plan (2002-2017)

Notes to Applicants:
**Location**  | Hostel 30-32 Flodden Road London SE5 9LH

**Ward**       | Vassall

**Proposal**

Conversion of existing gymnasium building into five self contained residential units with extension and roof terrace to form partial second floor and demolition of single storey extension together with change of use of hostel building to form two family dwellings and landscaping of site including the provision of three on site parking spaces with a new vehicular access to Calais Street.

**Application Type**  | Full Planning Permission

**Application No**  | 03/00441/FUL/DC_CHD/18482

**Applicant**  | Callington Estates Ltd

**Agent**

David Corley Architects
Gardeners Cottage
High Street
Shipton Under Wychwood
Oxon. OX7 6DG

**Date Valid**  | 26 August 2003

**Considerations**

**Conservation Area Minet Estate**

**Approved Plans**

Site location plan, J1957, J1957fp1, J1957fp2, J1957Elv1, J1957Elv2, 596/P1, 596/P2, 596/P3, 596/P4, 596/P5, 596/P6, 596/P7, 596/P8, 596/P9, 596/P10, Parking Survey, Tree Survey.

**Recommendation**  | GRANT PERMISSION
Officer Report
03/00441/FUL

1. Summary Of Main Issues

There is an associated application for Conservation Area Consent (Ref. 03/02306/CON) which is assessed elsewhere on this agenda.

1.1. Whether the conversion of the existing gymnasium to residential use is acceptable in land use terms.

1.2. The impact of the partial demolition of the existing gymnasium structure and the proposed external alterations on the character and appearance of the Minet Estate Conservation Area.

1.3. The impact of the proposals on the amenity of neighbouring residential properties and compliance with the Council’s residential standards.

1.4. Whether the proposed level of off-street parking is appropriate.

1.5. Whether the proposed removal of trees is acceptable and whether the proposed works will adversely affect the retained trees on the site.

2. Site Description

2.1. The application site comprises a semi-detached pair of vacant three storey former residential properties located on the west side of Flodden Road, at the junction with Calais Street. Flodden Road forms the boundary with the London Borough of Southwark and the two properties are therefore adjacent to the borough boundary. The properties have been in educational use in recent times. They are set within a large garden which contains a gymnasium building to the rear which was associated with the former educational use of 30-32. The application site measures 0.126 hectares and is located within the Minet Estate Conservation Area.

3. Planning History

3.1. In principle planning permission was granted on 24 March 1950 for the erection and retention, for a limited period, of a temporary prefabricated gymnasium building at Nos. 30 and 32 Flodden Road.

3.2. Planning permission was refused on 15 February 1977 for the change of use of Tower House, 30/32 Flodden Road, from Students’ Hostel to a Religious Education Centre.

3.3. Planning permission was granted on 10 January 1978 for the use of Tower House, 30/32 Flodden Road, together with the gymnasium at the rear for educational purposes. Condition 1 of this permission makes it personal to University of London Goldsmiths’ College and requires that the land shall return to its former use upon vacation of the site.
3.4. Planning permission was granted on 12 September 2002 for the change of use of 30-32 Flodden Road from student hostel to 2 single family dwellings along with associated alterations.

4. Scheme Details

4.1. Planning permission is sought for the conversion of the existing gymnasium building into five self-contained residential units with extension and roof terrace to form partial second floor and demolition of single storey extension together with change of use of hostel building to form two family dwellings and landscaping of site including the provision of three on site parking spaces with a new vehicular access to Calais Street.

4.2. 30 and 32 Flodden road would contain two 6-bedroom family dwellings whilst the converted gymnasium building would contain three 3-bedroom units and two 2-bedroom units.

4.3. The proposal to reinstate the pair of semi-detached houses as two single family dwellings does not involve any external or internal alteration, other than to reinstate the party wall across two internal doorways; one at ground floor level and one at second floor level.

4.4. The proposed works to the gym involve demolishing the existing wrap-around single storey structure on the northern end of the building and an 8.5m high chimney structure. The remaining single storey steel-framed rectangular structure would be fitted with an additional storey internally. A roof extension to the southern end of the building would house a third storey for units 1 and 2. This would be set back from the Calais Street Frontage by some 3m, forming a pair of roof terraces for each of these two units. The extension would be flat-roofed and predominantly glazed on all three elevations. For the remaining 15.5m of the building’s length, the existing pitched roof profile would be retained.

4.5. The south elevation of the building, which currently comprises of a blank brick façade, would be re configured by the addition of a projecting entrance porch and the insertion of new windows at ground and first floor level to match those existing.

4.6. The north elevation would include a new two storey glazed element. The west elevation would have new windows at ground and first floor level. The east elevation would be given a new entrance porch.

4.7. At ground floor level the accommodation would comprise the living / dining / kitchen areas of the new residential units. The first and second floors would comprise bedrooms and bathrooms.

5. Consultation Responses

5.1. Letters of consultation were sent to the occupiers of the following addresses:

- 1-6 Calais Street
- 49-73 (odd) Knatchbull Road
- 19-29 (odd) Flodden Road & 24-32 Flodden Road
- 53-57 Halsmere Road

5.2. The following residents groups were consulted:
5.3. The application has been advertised on site and in the local press

5.4. 3 letters of conditional support and 5 letters of objection have been received.

5.5. The letters of objection raise the following concerns:

- Insufficient off-street parking is included in the proposed scheme. This will lead to increased parking stress in the vicinity
- The proposal would bring additional noise and traffic to the area
- The proposal would affect the value neighbouring properties
- The proposal would result in a loss of privacy to the occupiers of 1 Calais Street and to numbers 55-57 Halsmere Road.
- The proposal would result in the removal of trees
- The large tree to the rear of the gymnasium should be removed completely. This tree is already oversized and is causing damage to number 1 Calais Street.
- The proposed building works may cause disturbance to the building structure or foundations of 1 Calais Street.
- There may be an increased security risk to neighbouring properties while building works are in progress.
- There will be increased parking stress in the area during construction.
- The proposal will result in light pollution to neighbouring properties.

5.6. The letters of conditional support request that affordable key worker accommodation be included within the development and that a Section 106 contribution is made to the restoration of Myatt’s Fields Park.

5.7. The London Borough of Southwark has been consulted and has responded with no objection.

6. Planning Considerations

6.1. Relevant Policies

6.1.1. The following policies of the Adopted UDP are relevant:

- H1: Housing provision
- H3: Reversion to residential use
- H10: Residential Development Standards
- H11: Dwelling mix
- T9: Provision of vehicular accesses
- T12: Parking Standards
6.1.2. In addition, the following Policies from the draft deposit Unitary Development Plan are relevant:

- Policy 6: Development of Brownfield Sites
- Policy 14: Parking and Traffic Restraint (Interim Policy)
- Policy 15: Additional Housing
- Policy 33: Alterations and Extensions
- Policy 36: Streetscape, Landscape and Public Realm Design
- Policy 42: Conservation Areas

6.1.3. The policies of the Deposit Draft of the UDP carry relatively little weight at the moment due to the early stage of the adoption process. However the 'Interim' policies carry more weight in that they have been the subject of consultation as part of the Key Issues Paper and represent changes in national policy or guidance to which the Council must have regard in making planning decisions. In considering material considerations other than the adopted development plan regard should be had to the most up to date national and regional policy.

6.2. Land Use

6.2.1. The application site already has planning consent for the change of use from a student hostel to two single family dwellings along with associated alterations (see section 3 above). As this element of the proposal does not result in a loss of permanent residential accommodation, it is in line with Adopted Policy H1 and Draft Deposit Policy 15. Furthermore, from the planning history files it would appear that the property has not been used as a student hostel for over 25 years, indicating that there is little demand for student accommodation. Therefore the loss of this facility is considered acceptable. Policies CD10 and H3 of the Adopted UDP encourage the reversion of residential buildings to their original uses. As the proposal is to revert the property back to its original use as a pair of semidetached houses, the proposal is in keeping with these policies.
6.2.2. It appears that 30-32 Flodden Road was used as a student hostel from 1948 until the mid 1970s. In principle planning permission was granted in May 1950 for the erection of the gymnasium to the rear. Planning permission was granted in 1977 for the use of the property together with the gymnasium for educational purposes. This permission was personal to University of London Goldsmith’s College who used the site until 1998 when the property was handed back to Lambeth Housing Services. The buildings have been vacant since this time. In view of these considerations, it is judged that the gymnasium is intimately associated with the former institutional uses of Nos 30 & 32 Flodden Road and therefore its conversion to residential accommodation does not contravene Policy RL37 of the Adopted UDP which seeks to protect indoor sports facilities.

6.2.3. The proposal to create five new self contained residential units in the gymnasium is in line with Policy 6 of the Draft Deposit UDP and Planning Policy Guidance Note 3 on housing which encourage the provision of new housing on previously developed sites. The creation of additional units would assist the Council in realising its aim of increasing housing provision in the Borough, in accordance with Policy H1 of the Adopted UDP and Policy 15 of the Draft Deposit UDP.

6.2.4. As the area of the site is under 0.15 hectares, the proposal meets the requirements of Policy H11 with respect to dwelling mix.

6.2.5. The proposal for a total of seven residential units on this 0.126 hectare site falls short of the 15 unit / 0.3 hectare threshold after which the provision of affordable housing would be required.

6.2.6. In view of the above considerations it is judged that the proposed development is acceptable in land use terms.

6.2.7. The request for a Section 106 contribution towards improving Myatts Fields park is noted. However, it is not considered that such an agreement would meet the tests which are set out by central government in Circular 1/97. In particular, it is not considered that such an agreement would be necessary for the development to proceed, nor would such an agreement relate fairly or reasonably in scale and kind to the proposed scheme.

6.3. Design and Conservation Considerations

6.3.1. The proposal to reinstate the pair of semi-detached houses as two single family dwellings does not involve any external alteration and no objections are therefore raised in design or conservation terms.

6.3.2. Conservation Area Consent is required for the demolition of the existing gymnasium additions. Government guidance contained within Planning Policy Guidance Note 15 (PPG15) ‘Planning and the Historic Environment’ sets out the criteria against which proposals for the demolition of buildings within conservation areas must be assessed. This guidance is reflected in Policy CD3 of the Adopted UDP which states that consent will not normally be given for the demolition or partial demolition of buildings or structures which make a positive
contribution to the character and appearance of a conservation area. Policy 42 of the Draft Deposit UDP makes a similar point, indicating that consent will not be given for the demolition of a building within a Conservation Area unless the building positively detracts from the character and appearance of the conservation area.

6.3.3. The existing wrap-around single storey structure and chimney which are proposed to be demolished are located at the rear of the gymnasium and are consequently not prominent features of the Minet Estate Conservation Area. They are later additions which are considered to be architecturally undistinguished, making no positive contribution to either the character or appearance of the Conservation Area. The demolition of these structures is considered to accord with Policy CD3 and Draft Deposit Policy 42 and with the relevant sections of PPG15.

6.3.4. It is considered that the proposed additional storey and new glazing to the building’s elevations have been designed sensitively, having regard to the building’s original design. The roof extension would be set back from the Calais Street frontage by 3m, minimising its impact on the street scene. Its glazed elevations would be lightweight in appearance, helping to maintain visual subordination to the parent building. It is considered that the addition of a single storey projecting entrance wing to the south elevation of the building, combined with the new glazing at ground and first floor levels, would significantly enhance the appearance of this façade. As this is the most important elevation in streetscape terms, the overall effect would be to enhance the character and appearance of the Conservation Area.

6.3.5. In view of the above considerations, and subject to the submission of satisfactory material samples, the proposed scheme is judged to comply with Policies CD2, CD15, CD18 and ST1 of the Adopted UDP and Policies 33 and 42 of the Draft Deposit UDP.

6.4. Amenity Impact

6.4.1. Since the proposed scheme does not involve the erection of any new structures or the extension of any existing structures, there would be no adverse impact on the daylight or sunlight received by any neighbouring properties. Therefore no objection is raised with respect to Standard ST3 of the Adopted UDP.

6.4.2. Whilst the proposals for the gymnasium involve extensive new glazing, all new fenestration has been designed to preserve the privacy of neighbouring residential properties. The new glazing on the Calais Street frontage would face Myatts Field Park. The new glazing on the west elevation would face the blank flank wall of number 1 Calais Street with the exception of a ground floor dining / living room window and a first floor bathroom window, both of which would face the garden of 1 Calais Street. As the latter would not serve a habitable room any overlooking impact would be limited to the ground floor window. This would serve Unit 5 which would also have new glazing on the north elevation providing light to the same room. French doors on this elevation would provide access to a private garden for the occupiers of this unit. Providing an effective privacy screen is erected on the
boundaries of 1 Calais Street and 28 Flodden Road, it is considered that the privacy of these properties and their rear gardens would be preserved. This could be achieved by way of a condition.

6.4.3. At first floor level, Unit 5 would have a glass block screen on the north elevation, providing light to the main bedroom. Providing the blocks are of the translucent variety (this could be accomplished by a condition), there would be no privacy issues associated with this element. The adjacent first floor level windows on this elevation would light an atrium. Whilst bedroom 3 would have a glazed internal elevation, providing external views via the atrium, these would be limited to long distance views due to the set-back position of the bedroom and the provision of acid-etched obscure glazing between the ground and first floor windows. Consequently it is considered that the privacy of neighbouring rear properties and their gardens to the north of the site would be safeguarded.

6.4.4. No ground floor windows of habitable rooms within the gymnasium development would directly face any windows in the semidetached dwellings of 30-32 Flodden Road. At first floor level oblique views towards habitable windows in the pair of dwellings would be prevented by setting the relevant habitable rooms within the gymnasium development back from the external wall. Daylight would be provided via glazed internal elevations.

6.4.5. The proposed front roof terraces serving units 1 and 2 would not overlook any neighbouring properties or their rear gardens due to their position at the front of the building.

6.4.6. In view of the above considerations the proposed scheme is considered satisfactory with respect to ST5 of the Adopted UDP.

6.4.7. Central government guidance contained within Planning Policy Guidance Note 3 encourages higher residential densities and indicates that local planning authorities should examine critically the standards they apply to new development to avoid the profligate use of land. In accordance with national planning policy, the Council has un-adopted its supplementary planning guidance for private gardens and amenity space and there is consequently no longer a minimum requirement for amenity space provision. Notwithstanding this, the proposed scheme does provide private amenity space for each of the residential units as follows (all sizes are in sq. m):

- 30 Flodden Road: 60 (front), 95 (rear)
- 32 Flodden Road: 220 (front), 18 (rear)
- Unit 1: 10 (patio), 18 (roof terrace)
- Unit 2: 10 (patio), 18 (roof terrace)
- Unit 3: 10 (patio)
- Unit 4: 10 (patio)
- Unit 5: 78 (garden)

6.4.8. The proposed scheme complies with the Council’s Supplementary Planning Guidance on Internal Layout and Room Sizes (SPG 4).

6.5. **Highways and Transportation Issues**
6.5.1. Parking spaces for 3 cars would be provided on the site. Standard ST11 of the Adopted UDP indicates that the creation of seven residential units requires a minimum provision of 5 off-street parking spaces. However, weight must also be given to interim deposit Policy 14 which has been formulated with regard to current national planning policy guidance, namely PPG13. This guidance states that local planning authorities must not require developers to provide more parking spaces than they themselves wish, other than in exceptional circumstances. The proposal is in compliance with Policy 14 which indicates a maximum allowable provision of 5 parking spaces. A parking survey has been submitted with the application and this indicates that any additional parking demand could be absorbed on surrounding streets (not including those within Southwark). In view of these considerations, the level of off-street parking provision is considered acceptable. The proposed parking spaces would comply with the minimum size of 4.8m x 2.4m indicated in Standard ST27 of the Adopted UDP.

6.5.2. No provision has been made for cycle parking within the proposed development. In order to comply with Policy 14 of the Draft Deposit UDP, 7 covered secure cycle spaces are required. This could be achieved by way of a condition.

6.5.3. Providing that appropriate visibility splays are provided, the proposed new vehicular access onto Calais Street is considered to be satisfactory with respect to highway safety, complying with Policies T9 and ST28 of the Adopted UDP.

6.6. Other

6.6.1. The road boundary to both road frontages (Calais Street & Flodden Road) is enclosed with a densely planted belt of lime coppiced lime trees. It is proposed to remove three of these trees in front of the southern gym elevation (T3, T4, T5) to clear an entrance way to units 1 and 2 in the gymnasium. A fourth tree (T8) would be removed from the Calais street frontage of the site to allow the formation of a new access to the site for parking. A further 4 lime trees would be removed from the Calais Street and Flodden Road frontage of the site (T14, T16, T20 & T26) in order to provide a degree of thinning to the tree screen surrounding the site.

6.6.2. Within the site a further diagonal row of coppiced trees approaches close to the house (Trees T11 & T12). The applicant states that these cause extensive shadowing of rooms when in leaf and would affect the amenity of the future occupiers of 32 Flodden Road. Consequently their removal is sought.

6.6.3. It is also proposed to remove a cherry tree (T25) adjacent to the south east corner of 32 Flodden Road in order to remove the risk of adverse impact on the structure of the building and to remove its overshadowing effect.

6.6.4. The Council’s Arboricultural Officer has assessed the proposals and raises no objection to the removal of the above trees, commenting that
there would be no adverse effect on surrounding visual amenity. However, the remaining trees on the Flodden Road and Calais Street boundaries will require protection during development. There is a large London Plane (T1) to the rear of the site that will require pruning work to allow the demolition of the single storey part of the gym. It is considered necessary that a condition is attached to provide information regarding the demolition of the part of the structure which is in close proximity to the London Plane.

6.6.5. Pruning will be required for a large Copper Beech tree on the boundary of 28 Floddden Road to allow for the demolition of the single storey part of the gym. This tree is not shown on the survey drawing.

6.6.6. The car parking space closest to T7 will require construction in accordance with Arboricultural Advisory and Information Service APN1 to ensure the root system is protected. This can be addressed by way of a condition.

6.6.7. It is considered necessary to attach a condition requiring further information to be submitted and approved by the Council in respect of the steps taken to protect the retained trees during the construction process and a specification detailing all pruning works that will be required in order to facilitate the development.

6.6.8. In view of the above considerations, and subject to the imposition of appropriate conditions, the proposed scheme is judged to accord with Policies ENV7, ENV8, ST7 and ST31 of the Adopted Unitary Development Plan and Policy 36 of the Draft Deposit UDP.

6.6.9. Standard ST13 of the Adopted UDP states that residential developments, including conversions, should make adequate provision for refuse storage and for its convenient collection. Where appropriate, this should include storage for sorted refuse and recycling. Street Care have been consulted with respect to the proposed refuse storage and disposal arrangements and have stated that the bin storage provision is satisfactory, providing that it meets with the Architect’s Code of Practice. It is considered that this issue could be addressed by way of a condition requiring further detailed information to be submitted by the applicant and approved by the Council, including details of recycling provision.

6.6.10. The objections which have been expressed in respect of the impact of the proposal on property values, the impact of the building works on neighbouring structures and the potential increased security risk to neighbouring properties and local parking stress during the construction process are not valid planning considerations. The removal of the large tree to the rear of the gymnasium could not be reasonably requested. Moreover, it is considered desirable that this tree is retained. It is not considered that the modest increase in traffic associated with the proposed development would generate additional noise or disturbance which would be detrimental to residential amenity.

6.6.11. The objection that the building will result in light pollution to neighbouring properties is noted. However, there is no evidence to suggest that light pollution in the vicinity of the development would be
increased to the detriment of residential amenity. It is assumed that the proposed building would have internal curtains or blinds which would prevent significant levels of light escaping from within the building.

7. Conclusion

7.1. Whilst the proposed scheme involves the loss of a gymnasium, it is considered acceptable in relation to Policy RL37 since it does not involve the loss of a public sports facility. The partial demolition of the gymnasium and the proposed external alterations are considered to enhance the character and appearance of the Minet Estate Conservation Area. Subject to appropriate conditions being imposed, the proposals would not adversely affect the amenity of any neighbouring properties. The proposed level of off-street parking is considered appropriate the location. There is no objection to the loss of the trees for which removal is sought since these do not make a significant contribution to visual amenity. Subject to the imposition of appropriate conditions, the proposed works would not damage the remaining trees on the site.

8. Recommendation

8.1. Grant planning permission subject to conditions.
Summary of Reasons:

In deciding to grant planning permission, the Council has had regard to the relevant policies of the Development Plan and all other relevant material considerations. Having weighed the merits of the proposal in the context of these issues, it is considered that planning permission should be granted subject to the conditions listed below. In reaching this decision the following policies were relevant: Adopted Unitary Development Plan 1998: H1, H3, H10, H11, T9, T12, T36, CD2, CD3, CD10, CD15, CD18, ENV7, ENV8, RL37, ST1, ST3, ST5, ST7, ST11, ST13, ST15, ST27, ST28, ST31, SPG4. Deposit Replacement Unitary Development Plan 2002 policies: 6, 14, 15, 33, 36, 42.

1. Full details, including samples of all external finishes shall be submitted to and approved by the Local Planning Authority before any work on the site is commenced. The buildings shall be constructed in accordance with the approved details. (Reason: To ensure the external appearance of the building is satisfactory and in compliance with Policies CD2, CD15 and CD18 of the Adopted UDP and Policies 33 42 of the Draft Deposit UDP.)

2. Prior to first occupation of the development hereby permitted, a privacy screen shall be erected along the boundary with number 1 Calais Street and number 28 Flodden road. Full details of the privacy screen, including height and materials, shall be submitted to and approved by the Local Planning Authority prior to its erection. The screen shall be retained for the duration of the development. (Reason: In order to safeguard the residential amenity of neighbouring properties in accordance with Policies H10 and ST5 of the Adopted UDP and Policy 33 of the Draft Deposit UDP.)

3. Prior to first occupation of the residential units hereby permitted, a scheme for the means of enclosure of each of the areas of private amenity space indicated on the approved drawings, shall be submitted to and approved by the Local Planning Authority and implemented accordingly. The said means of enclosure shall be retained for the duration of the development. (Reason: In order to ensure a satisfactory level of privacy for the occupiers of the proposed scheme, in accordance with Policies H10 and ST5 of the Adopted UDP and Policy 33 of the Draft Deposit UDP.)

4. The proposed glass block screen on the north elevation of the gymnasium building indicated on approved drawing number 596/P7 shall be entirely of obscure glass blocks. (Reason: To avoid overlooking of neighbouring residential properties in accordance with Policies H10 and ST5 of the Adopted UDP and Policy 33 of the Draft Deposit UDP.)

5. Those windows shown on the approved drawings as having obscured glazing in part or full shall be so fitted, fixed shut, and be permanently retained with such for the duration of the development. (Reason: To avoid overlooking of neighbouring residential properties in accordance with Policies H10 and ST5 of the Adopted UDP and Policy 33 of the Draft Deposit UDP.)

6. Prior to first occupation of the development hereby permitted 7 covered secure cycle parking spaces shall be provided on the application site. Full details of these spaces, including their siting, design and materials, shall be submitted to and approved by the Local Planning Authority prior to their provision. The spaces shall be retained for the duration of the development. (Reason: In order that a satisfactory level of cycle parking is provided for the occupiers of the proposed scheme, in accordance with Policies T36 and ST15 of the Adopted UDP and Policy 14 of the Draft Deposit UDP.)
7 The new vehicular access to Calais Street hereby approved shall incorporated pedestrian site splay of 2.4m x 2.4m. (Reason: To avoid hazard being caused to users of the public highway in accordance with Policies T9 and ST28 of the Adopted UDP.)

8 No gates shall be installed which open outwards over the highway / footway. (Reason: To avoid hazard and obstruction being caused to users of the public highway in compliance with Policy T9 of the Adopted Unitary Development Plan.)

9 No trees within the curtilage of the site (except those shown on an approved plan or otherwise clearly indicated in the approved details as being removed) shall be felled, topped or pruned; nor shall any roots be removed or pruned without the prior consent of the Council. All reasonable precautions should be taken (including any detailed in other conditions) to protect the branch structure and trunks of the trees to be retained and to protect the root system from damage during site works. (Reason: In order to safeguard existing trees on the site which make a valuable contribution to the visual amenity of the area and to comply with Policy ST31 of the Adopted UDP.)

10 No part of the development hereby permitted shall commence until the following have been submitted to and approved in writing by the Council: (i) A method statement detailing how trees to be retained will be protected during the construction process. (ii) A method statement detailing how the mature London Plane tree adjacent to the gymnasium structure will be protected during the partial demolition of this structure. (iii) A specification that details the extent of all pruning works that will be required in order to facilitate the development. (iv) A specification that details the construction method and materials for the parking bay closest to T7 as shown on the proposed plan. This bay shall be constructed in accordance with Arboricultural Advisory and Information Service APN 1 (1996) Thereafter, the trees shall be retained, protected and pruned in accordance with the approved method statement and specifications. (Reason: To avoid damage to the existing trees that represent an important visual amenity to the surrounding area and to accord with Policies ENV7, ENV8 and ST7 of the Adopted UDP and Policy 36 of the Draft Deposit UDP.)

11 Notwithstanding what is indicated on the approved plans, full details of the proposed refuse storage facilities, including siting, design and materials, shall be submitted to and approved by the Local Planning Authority prior to first occupation of the site. The proposed facilities shall include a satisfactory level of sorted refuse for recycling. (Reason: In order to ensure the provision of satisfactory refuse storage, including provision for recycling, to comply with Policy ST13 of the Adopted UDP.)

Notes to Applicants:

1 This decision letter does not convey an approval or consent which may be required under any enactment, by-law, order or regulation, other than Section 57 of the Town and Country Planning Act 1990.

2 Your attention is drawn to the provisions of the Building Regulations, and related legislation which must be complied with to the satisfaction of the Council's Building Control Officer.

3 Your attention is drawn to the need to comply with the requirements of the Control of Pollution Act 1974 concerning construction site noise and in this respect you are advised to contact the Council's Environmental Health Division.
4 Your attention is drawn to the provisions of the London Building Acts (Amendment) Act 1939 - Part VI in relation to the rights of adjoining owners regarding party walls etc. These rights are a matter for civil enforcement and you may wish to consult a surveyor or architect.
**Location** | 30 - 32 Flodden Road London SE5 9LH
---|---
**Ward** | Vassall
**Proposal** | Demolition of single storey rear addition of gymnasium.

**Application Type** | Conservation Area Consent (demolition)
**Application No** | 03/02306/CON/DC_CHD/18482
**Applicant** | Callington Estates Ltd

**Agent** | David Corley Architect  
Gardeners Cottage  
High Street  
Shipton Under Wychwood  
Oxon, OX7 6DG

**Date Valid** | 26 August 2003

**Considerations**
Conservation Area CA25 : Minet Estate Conservation Area

**Approved Plans**
Site location plan, J1957, J1957Elv1, J1957Elv2, J1957fp1,  
J1957fp2, 596/P1, 596/P2, 596/P3, 596/P4, 596/P5, 596/P6,  
596/P7, 596/P8, 596/P9, 596/P10

**Recommendation** | GRANT CONSERVATION AREA CONSENT
Officer Report

03/02306/CON

1. Summary Of Main Issues

There is an associated planning application, which is assessed elsewhere on this agenda (Ref. 03/00441/FUL).

1.1. The impact of the partial demolition of the existing gymnasium structure and the proposed external alterations on the character and appearance of the Minet Estate Conservation Area.

2. Site Description

2.1. The application site comprises a semi-detached pair of vacant three storey former residential properties located on the West Side of Flodden Road, at the junction with Calais Street. Flodden Road forms the boundary with the London Borough of Southwark and the two properties are therefore adjacent to the borough boundary. The properties have been in educational use in recent times. They are set within a large garden which contains a gymnasium building to the rear which was associated with the former educational use of 30-32. The application site measures 0.126 hectares and is located within the Minet Estate Conservation Area.

3. Planning History

3.1. See the report for application 03/00441/FUL elsewhere on this agenda.

4. Scheme Details

4.1. Conservation area consent is sought for the demolition of the single storey rear addition and chimney structure of the gymnasium.

4.2. The remaining single storey steel-framed rectangular structure would be fitted with an additional storey internally. A roof extension to the southern end of the building would house a third storey for units 1 and 2. This would be set back from the Calais Street Frontage by some 3m, forming a pair of roof terraces for each of these two units. The extension would be flat-roofed and predominantly glazed on all three elevations. For the remaining 15.5m of the building’s length, the existing pitched roof profile would be retained.

4.3. The south elevation of the building, which currently comprises of a blank brick façade, would be reconfigured by the addition of a projecting entrance porch and the insertion of new windows at ground and first floor level to match those existing.

4.4. The north elevation would include a new two storey glazed element. The west elevation would have new windows at ground and first floor level. The east elevation would be given a new entrance porch.

5. Consultation Responses
5.1. See the report for application 03/00441/FUL elsewhere on this agenda.

6. Planning Considerations

6.1. Relevant Policies

6.1.1. The following policies of the Adopted UDP are relevant:

- CD3: Demolition

6.1.2. In addition, the following Policies from the draft deposit Unitary Development Plan are relevant:

- Policy 42: Conservation Areas

6.1.3. The policies of the Deposit Draft of the UDP carry relatively little weight at the moment due to the early stage of the adoption process. However the 'Interim' policies carry more weight in that they have been the subject of consultation as part of the Key Issues Paper and represent changes in national policy or guidance to which the Council must have regard in making planning decisions. In considering material considerations other than the adopted development plan regard should be had to the most up to date national and regional policy.

6.2. Design and Conservation Considerations

6.2.1. Government guidance contained within Planning Policy Guidance Note 15 (PPG15) ‘Planning and the Historic Environment’ sets out the criteria against which proposals for the demolition of buildings within conservation areas must be assessed. This guidance is reflected in Policy CD3 of the Adopted UDP which states that consent will not normally be given for the demolition or partial demolition of buildings or structures which make a positive contribution to the character and appearance of a conservation area. Policy 42 of the Draft Deposit UDP makes a similar point, indicating that consent will not be given for the demolition of a building within a Conservation Area unless the building positively detracts from the character and appearance of the Conservation Area.

6.2.2. The existing wrap-around single storey structure and chimney which are proposed to be demolished are located at the rear of the gymnasium and are consequently not prominent features of the Minet Estate Conservation Area. They are later additions which are considered to be architecturally undistinguished, making no positive contribution to either the character or appearance of the Conservation Area. The demolition of these structures is considered to accord with Policy CD3 and Draft Deposit Policy 42 and with the relevant sections of PPG15.

6.2.3. It is considered that the proposed additional storey and new glazing to the building’s elevations have been designed sensitively, having regard to the building’s original design. The roof extension would be set back from the Calais Street frontage by 3m, minimising its impact on the street scene. Its glazed elevations would be lightweight in appearance, helping to maintain visual subordination to the parent building. It is
considered that the addition of a single storey projecting entrance wing to the south elevation of the building, combined with the new glazing at ground and first floor levels, would significantly enhance the appearance of this façade. As this is the most important elevation in streetscape terms, the overall effect would be to enhance the character and appearance of the Conservation Area.

6.2.4. In view of the above considerations, and subject to the submission of satisfactory material samples, the proposed scheme is judged to comply with Policy CD3 of the Adopted UDP and Policy 42 of the Draft Deposit UDP.

7. Conclusion

7.1. The partial demolition of the gymnasium and the proposed external alterations are considered to enhance the character and appearance of the Minet Estate Conservation Area.

8. Recommendation

8.1. Grant Conservation Area Consent subject to conditions.
1. The demolition work hereby approved shall not be commenced before a contract for the carrying out of works of redevelopment of the site has been made and planning permission has been granted for the redevelopment for which the contract provides. (Reason: To ensure that premature demolition does not take place before development works start in order that the character and appearance of the Conservation Area are safeguarded in accordance with Policy CD3 of the Adopted UDP and Policy 42 of the Draft Deposit UDP.)

Notes to Applicants:

1. In determining this application Policy CD3 of the Adopted Unitary Development Plan and Policy 42 of the Draft Deposit Unitary Development Plan were relevant to the Council's decision.

2. Your attention is drawn to the need to comply with the requirements of the Control of Pollution Act 1974 concerning construction site noise and in this respect you are advised to contact the Council's Environmental Health Division.
## LAMBETH PLANNING APPLICATIONS COMMITTEE

<table>
<thead>
<tr>
<th>Case Number</th>
<th>03/02033/FUL</th>
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<tr>
<td>Application Address</td>
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L.B. Lambeth LA 086487 2003
**Location** | Business 37 Old Town London  
---|---
**Ward** | Clapham Town  
**Proposal**
Redevelopment of site involving erection of a part 3/part 4 storey building consisting of 7 residential units and 6 office (Class B1) units, together with 3 parking spaces, front entrance gates and associated alterations.

**Application Type** | Full Planning Permission  
**Application No** | 03/02033/FUL/DC_SWE/26245  
**Applicant** | Homefield Estates  
**Agent** | Neale And Norden Ltd.  
| 34 Osnaburgh Street  
| London  
| NW1 3NP  
**Date Valid** | 20 August 2003  
**Considerations**
Conservation Area CA1 : Clapham Conservation Area  
Adopted UDP Archaeological area UDP Archaeological Area : A9 : Clapham  

**Approved Plans**

**Recommendation** | GRANT PERMISSION
Officer Report

03/02033/FUL

1. Summary Of Main Issues

1.1. Whether resultant loss of employment floorspace is acceptable in terms of Council policy which seeks to resist such loss. An extant planning permission on the land is of relevance. The current application is an amendment to a previously approved scheme (ref: 02/02448/FUL) for demolition of existing building and the erection of 3 storey building for 10 work-live units, along with associated alterations.

1.2. Whether the proposed building maintains the character and appearance of the Clapham Conservation Area, and does not harm the setting of the surrounding Listed Buildings.

1.3. The impact of the proposed residential development upon amenities of surrounding residential properties, in terms of privacy/overlooking, daylight/sunlight and traffic/parking stress.

1.4. A Conservation Area Consent for the demolition of the existing building is dealt with elsewhere on the agenda (ref. 03/02036/CON).

2. Site Description

2.1. This is a largely rectangular backland site of approximately 1700 square metres, with access to the eastern side of Old Town - near its junction with Clapham Common Northside, and directly opposite a bus park. It is occupied by a large two storey double pitched building, constructed in the 1930’s, and several ancillary buildings, although some of the latter have recently been removed. The existing building measures approximately 43 metres long x 20 metres wide, with a height of 6 metres to the apex. It has a floor area of approximately 920 square metres over ground floor and part of the first floor (within the roof pitch).

2.2. The site, formerly occupied by a printing works, Battley Printers, was vacated in early 2003.

2.3. To the north of the property on the corner of Old Town and Grafton Square is Maritime House, a large 5 storey building of offices and flats, with a large garden area to the rear. Adjoining this to the north east of the site is The Peoples Church and its ancillary buildings. To the west, fronting Old Town is a row of 4 storey Georgian terraced properties, which are Grade II* listed and to the east are a row of residential properties which front Grafton Square, and are Grade II listed. Clapham Congregational Church is located to the south of the property, fronting the south side of Grafton Square.

2.4. Access to the site is from Old Town via a 5 metre wide thoroughfare between Maritime House and 39 Old Town.

2.5. The site is located within the Clapham Conservation Area, and is within a designated Archaeological Priority Area.

3. Planning History

3.1. The Planning Applications Committee considered a full planning application (ref 02/02448/FUL) and conservation area consent (ref. 02/02449) for demolition of existing building and the erection of 3 storey building for 10 work-live units, along with associated alterations. This was granted planning permission subject to a Section 106 agreement requiring the retention of the workspace in perpetuity.
This agreement has yet to be finalised, pending consideration of this current application.

3.2. Planning permission (ref. 01/00893/FUL) and Conservation Area consent were granted in November 2001 for redevelopment of site involving demolition of the building and the erection of a 2 storey office building (Use Class B1) with landscaping, parking and servicing provision. This scheme proposed four B1 units totalling 1495 sq.m of floor space - an increase over the approved enlarged building of 255 sq.m. This permission has not been implemented, with the owner citing that there is no demand for such a large quantity of B1 floor space in Clapham.

3.3. Planning permission was granted on 5 October 2000 (ref: 00/00448/FUL) for erection of a new roof including a first floor extension to provide studio and office space, and was essentially a renewal of a permission which was approved in 1995. This scheme effectively filled in the gap between the ridges of the existing dual pitched roofs, creating additional 310 square metres of floor space. This permission was not implemented.

3.4. There is no information on file as to the history of the existing building, however it is thought to have been constructed in the 1930’s.

4. Scheme Details

4.1. The proposal involves the demolition of the existing building and outbuildings and the erection of a part 3/part 4 storey building to contain 7 residential units (each with an integral garage) and 6 office (Class B1 units) units, together with 3 parking spaces, front entrance gates and associated alterations.

4.2. The building would be arranged in an L shape terrace, with the B1 units at one end, in the south west corner, and the residential properties making up the balance of the building. There would be 3 x B1 units at ground floor level, each with basement floor space, and 3 x B1 units which would each utilise part of the 1st, 2nd and 3rd floor. Three parking spaces would be provided in front of the building for use by the B1 units. Alongside these would be 7 residential units, each containing an integral garage at ground floor level.

4.3. The mix of residential units comprises 5 x 3 bed and 2 x 4 bed. Several of the units would have a small study.

4.4. Materials would comprise coloured render and hardwood cladding on blockwork, powder coated aluminium frame windows and doors, with a curved, terne coated stainless steel roof.

4.5. A concurrent application has been made for Conservation Area Consent for demolition of the existing site buildings (03/02036/CON), and this will be dealt with separately on the agenda.

5. Consultation Responses

5.1. Consultation letters were sent to adjoining occupiers at Clapham Congregational Church, The Peoples Church, 3 – 8 Grafton Square, 52 - 54 Grafton Square, 39 – 47 (odd) Old Town, and Maritime House (plus annexe).

5.2. The Clapham Society, Clapham South Neighbourhood Association, Clapham Antiquarian Society, and the Grafton Square Neighbourhood Association were consulted.

5.3. A site notice was posted and a press notice was advertised.

5.4. Two letters of objection were received from adjoining occupiers. Concerns raised by objectors can be summarised as follows:

- Height and proximity to boundaries would result in loss of light, and overlooking of adjoining residential neighbours;
- There are good public transport links and more traffic is not needed in the Old Town;
- The amount of housing being developed on commercial sites is causing an imbalance in the local community. The development should be retained for B1 use.

5.5. The Grafton Square Residents Association has stated that the proposal is acceptable in principle in that the plan and elevation do not differ significantly from that which was previously approved. They raise no objections on the proviso that previous comments regarding security and privacy are taken into account. This specifically relates to the provision of a raised boundary wall and secure gates along the eastern elevation.

5.6. English Heritage previously advised that the scheme is considered to be a welcome improvement on previous submissions, and whilst it involves an increase in height over the existing building, it is not considered that it would impact upon the setting of the adjacent listed buildings. It was noted that the building does come closer to the buildings on Old Town, but that this concern is mitigated by the narrower profile that this proposal presents when compared with earlier schemes. On this basis there is no objection from a historic buildings point of view. From an archaeological perspective, English Heritage have noted the need to assess the impact upon any surviving archaeological remains on the site, and request that a condition be imposed requiring the submission of a programme for archaeological work prior to development taking place.

6. Planning Considerations

6.1. Relevant Policies

6.1.1. PPG 15 – Planning and the Historic Environment
6.1.2. PPG 03 – Housing
6.1.3. PPG 13 – Transport
6.1.4. Under the Adopted Lambeth UDP (AUDP), the following policies are relevant:
   - CD2 Proposals for development
   - CD13 Setting of Listed Buildings
   - CD14 Safeguarding Archaeological remains
   - CD15 Design of New Development
   - CD18 Design of Extensions
   - H1 Housing Provision
   - H10 Residential Development Standards
   - H16 Backland Sites
   - EMP6 Protection of land generating employment
   - EMP7 Loss of Business and Industry (B1 & B2)
   - EMP12 Amenity and Design

6.1.5. The new deposit version of the UDP (DUDP) contains policies relevant to this application but which carry relatively little weight at this early stage due the early stage of the adoption process. These are policies:
   - 14 Parking and Traffic Restraint
   - 15 Additional Housing
   - 23 Protection of Employment Uses
   - 24 Work-Live/Live-Work Development
   - 32 Building scale and design
   - 33 Alterations and extensions
   - 35 Design in Existing Residential/Mixed Use Areas
6.1.6. New UDP Policies 14, 23, and 24 are interim policies which carry more weight in that they have been the subject of consultation as part of the Key Issues Paper and represent changes in national policy or guidance to which the Council must have regard in making planning decisions.

6.1.7. In considering material considerations other than the adopted development plan regard should be had to the most up to date national and regional policy.

6.2. **Land Use**

6.2.1. The proposed scheme involves use of the site for residential and B1 purposes, as opposed to the full B1 use which the site was last in use as.

6.2.2. Policies EMP6 and EMP7 of the Adopted UDP and Policy 23 of the Deposit Draft UDP seek to protect employment land and buildings (AUDP) and floorspace (DUDP) from change of use to non-employment uses.

6.2.3. Policy H1 of the AUDP and Policy 15 of the DUDP seek to increase housing provision in the Borough, and the proposal would assist in achieving this outcome.

6.2.4. External floor area of the proposed scheme comprises 623 square metres of B1 workspace in 6 units and 1061 square metres of residential accommodation in 7 units.

6.2.5. The approved scheme under 02/02448/FUL proposes 914 square metres of workspace and 790 square metres of living accommodation, arranged as 10 work-live units. This scheme proposed a similar amount of employment space as the existing printing works building. It is noted that the existing building contains approximately 885 square metres of floor space over ground floor and first floor, with an additional 60 square metres of office space provided by two temporary Portakabins, which have recently been removed. The previous scheme complied with employment policies under the adopted and deposit UDP, as well as Policy 24 of the DUDP which relates to work-live development.

6.2.6. The current scheme would result in the loss of approximately 260 square metres of employment floorspace, which the Council generally seeks to resist, particular where a site has proven to be successful in an employment use, without detriment to surrounding residential amenity. Any decision to allow a scheme of the nature proposed must be made on the basis of evidence to indicate that a thorough marketing exercise has been undertaken which clearly shows that a full employment use would be non-viable. It is noted that PPG3, and its recent revisions, encourage the use of former employment sites for housing use, but given that this site has until very recently been used for employment purposes, the land’s redundancy, allowing it to be given over to residential use, is not accepted.

6.2.7. The applicant has confirmed that marketing of the site commenced in March 2003, as the owners resolved to dispose of the site with the planning permission for the work/live scheme, rather than undertake the development themselves. FPD Savills produced approximately 200 sets of sales particulars outlining the approved scheme. These were sent to a selected list of developers and housebuilders, known to be actively seeking development opportunities of this nature in South
London. FPD Savills had recently disposed of similar developments in the south west and was aware of a number of disappointed under-bidders keen to buy similar sites/developments. They also erected two signboards and placed a full page advertisement in the Estate Gazette. This priced the development at £2.35 million. At least 150 enquiries were received from the advertisement, and particulars sent out. Phone calls were also received by the Council from prospective purchasers regarding the development and potential variations to the approved scheme, but none came to fruition. No informal bids were forthcoming, and on this basis, a tender date was set in May. No bids for the site resulted from the tender process.

6.2.8. A further advertisement was placed in the Estates Gazette in July and some 100 sets of details were sent out. This advertisement did not set out an asking price, but an offer of £2.05 million was made by a residential developer. This offer was subsequently withdrawn because of an apparent lack of demand for new commercial floor space in Clapham and the relatively expensive building costs, making the project unviable.

6.2.9. FPD Savills have concluded that there is a limited demand for such a site due to lack of interest from the developer fraternity for work-live/live-work accommodation. They were informed by a number of interested parties that there is currently a weak commercial market, and as such, this element of the scheme was making the development unviable.

6.2.10. Having assessed this information, it is concluded that a fairly thorough marketing campaign appears to have been undertaken. Whilst normally the Council would expect at least a year of marketing, it is considered that the information provided is evidence that there is a lack of demand for the work-live units as previously approved. It is considered that the current scheme, whilst down on the existing and previously proposed levels of employment floorspace, represents an improvement in the quality of floorspace, and provides a good mixed-use development of a backland site. The B1 units have been amended from that originally proposed to provide more usable and attractive basement space. The provision of separate B1 and residential units provides a clear demarcation between the uses. Whilst conditions and Section 106 agreements are a means of ensuring that work-live units are retained as such, separate and independent units of accommodation do not hold problems of an appropriate re-use should the employment element of a work/live or live/work unit cease to operate.

6.2.11. As was concluded with the previous approval, this proposal complies with Policies EMP6 and EMP7 of the AUDP and Policy 23 of the DUDP, with respect to loss of employment land or floorspace, thereby confirming the principle of the development.

6.3. Design and Conservation Considerations

6.3.1. This is a sensitive site within a Conservation Area, surrounded by residential properties and Listed Buildings, which overlook the property. Redevelopment is constrained by the proximity of the residential properties, many of which have relatively small gardens, and by the attractive backland character of the area and surrounding buildings.

6.3.2. It is considered that while the existing building is not of significant architectural quality, it nevertheless gives the impression of low
intensity development and sits easily in its contextual setting. In particular, the scale of the existing building does not affect the perceived sense of space enjoyed from the rear gardens, particularly those on Old Town.

6.3.3. Planning Policy Guidance PPG15 states that the setting of a Listed Building is important, particularly where it shares particular architectural forms or details with nearby buildings. It goes on to state that Conservation Areas may be designated for their historical development, including the character and hierarchy of spaces and the quality and relationship of buildings in the area. This is reflected in Policy CD13 which states that developments that adversely affect the setting of a listed building would not normally be permitted, and CD2 which seeks to preserve or enhance the character and appearance of the conservation area. CD15 states that new development should relate carefully to its surroundings, and contribute positively to the area. The design should also safeguard public amenity. The relevant policies within the DDUDP apply similar principles.

6.3.4. The proposed building is L-shaped, with a length of 48 metres from west to east, and a width of between 12 and 13 metres. The building would be 8 metres high, with a major feature being its innovative treatment of the roof, whereby 5 curved stainless steel panel features are proposed. High quality modern materials would be used for walls and windows, including painted render, aluminium frame windows and close boarded hardwood cladding.

6.3.5. In terms of the design, appearance, height, bulk and scale of the building, these have been agreed through approval of the previously approved scheme (02/02448/FUL). The proposed building is the same as that which was previously approved and there has been no material change in circumstances since the granting of this permission. The Conservation and Design Officer raises no objections to the scheme. Overall, it is considered that the proposed building is well proportioned and scaled, and would have an acceptable relationship with surrounding properties, particularly the neighbouring listed buildings. Whilst a very modern design approach is proposed, it is considered that the design and appearance compliment the character and appearance of the surrounding area, and would not be harmful to the character or appearance of the Conservation Area.

6.3.6. Given the archaeological significance of the site, any excavation and construction would need to be subject to a full archaeological investigation.

6.4. Amenity Impact

6.4.1. In considering the scheme, it is appropriate to have regard to the any impacts upon the amenities of proposed residents, as well as neighbouring properties.

6.4.2. The distance to the western boundary would be between 4.8 metres and 5.3 metres, creating a separation distance to the rear of Old Town properties of approximately 16 metres. Whilst this is somewhat less than the current building (9 metres), it is considered that the narrower width of the proposed building assists in mitigating any sense of overbearing or enclosure to the gardens and rooms of these properties fronting Old Town. There are also mature trees along the boundary which assist in maintaining a buffer between the buildings.
6.4.3. Standard ST5 of the AUDP states that adequate privacy should be provided for residential properties, and this may be achieved by distance, orientation or design. The DUDP applies similar principles. The scheme has largely been designed to prevent overlooking.

6.4.4. The distance to the rear of Grafton Square properties is 23 metres at its closest point and the scheme thereby accords with requirements for a minimum separation of 20 metres between facing first floor windows. The applicant is also in agreement to a condition being imposed on a planning permission requiring that the existing boundary wall be repaired and raised in height to maintain privacy for Grafton Square properties from proposed windows at first floor level. No windows are proposed for the second floor eastern flank elevation.

6.4.5. No windows are proposed for the western flank elevation, adjoining Old Town properties, which would further assist in mitigating any sense of enclosure which may result from a building being constructed closer to the boundary than at present.

6.4.6. Windows are proposed at second floor level on Residential Units 4 and 5, however given the positioning and relationship with the Clapham Congregational Church there would be no potential for overlooking to Grafton Square properties. Regardless, the nearest residential building is over 30 metres away.

6.4.7. Although the southern side of the proposed building is within 5 metres from the Clapham Congregational Church, privacy is not a consideration in relation to this type of use. On this basis, there are no concerns regarding terraces and windows at first floor level, nor windows at second floor level in the southern elevation.

6.4.8. The northern side of the building faces Maritime House which contains offices and residential flats. The distance to the main section of Maritime House is approximately 30 metres and it is considered that this separation distance is sufficient to achieve an acceptable level of privacy for Maritime House residents. Moreover, the wing of Maritime House which fronts Old Town is located at an angle to the proposed building and there will be no direct views of the building.

6.4.9. Standard ST3 of the AUDP requires that good standards of daylight and sunlight should be achieved in new buildings. The DUDP applies similar standards. The British Research Establishment Report (BRE) sets guidelines to retain sunlight to existing buildings. Given the building distance from the side boundaries, particularly with residential properties in Grafton Square, it is considered that the proposal complies with the BRE report and would not impact on the provision of daylight or sunlight to surrounding residential properties.

6.4.10. Therefore due to the orientation, design, and distance between adjoining residential properties, it is considered that this proposal would not create overlooking or an invasion of privacy, nor would it result in loss of daylight or sunlight to surrounding residential properties. The acceptability of the scheme in terms of amenity was agreed through approval of the previous scheme.

6.4.11. All rooms comply with minimum room sizes set out under SPG4: Internal Layout and Room Sizes. The residential units would provide spacious family-sized accommodation, and there is a small amount of amenity space which would be available for each of the units at the rear.

6.4.12. Refuse storage space is proposed for each of the units.
6.5. **Highways and Transportation Issues**

6.5.1. Interim policy 14 of the DUDP seeks a maximum of 4 off street car-parking spaces for 7 new residential units, and a maximum of 1 space per 1600 square metres of B1 space. Integral garages are proposed for each of the residential units, and 3 parking spaces in front of the building for the B1 units. This is double the number of parking spaces proposed previously.

6.5.2. Cycle parking is also proposed, in accordance with DUDP standards.

6.5.3. The Transport Planner initially raised concerns regarding the potential traffic generation of the proposed development. The access is narrow and this proposal may lead to conflicting traffic movements between service/delivery vehicles and residents. There were safety concerns, as all servicing occurs on site and there is limited amenity space for children, in particular, to play.

6.5.4. There were also concerns regarding the proposed turning circle for commercial vehicles. The applicant has reconfigured the parking arrangements and indicated a swept path. The Transport Planner is satisfied that given the length of the access road, it is unlikely that large vehicles would reverse on to Old Town and there is capacity for turning of vehicles on site. The B1 parking spaces have also been reduced in number and relocated away from the residential units, such that the Transport Planner raises no objections, subject to conditions requiring the parking bays to be marked out and permanently maintained clear of obstruction.

6.5.5. It is noted that this site does have high public transport accessibility, but given the mixed uses that are proposed, and its backland location, it is considered that an exception to the maximum standards can be made in this instance, and it is appropriate to have designated parking arrangements for the different uses, so as to avoid fly parking on the site.

6.5.6. As advised on the previous scheme, the Transport Group initially advised that no gates should be provided at the site entrance, as this is likely to lead to reversing on to Old Town when the gates are shut. However it is considered that this would be dependent on their positioning and style, and the Transport Group advised that a condition would satisfy such concerns. Such a condition is still appropriate.

7. **Conclusion**

7.1. The proposed use is acceptable in terms of the Council’s employment protection policies, retaining a reasonable amount of employment floorspace to that which currently exists, whilst also assisting in meeting the Council’s aim of providing additional housing in the Borough. Marketing evidence indicates that there is a lack of demand for work-live schemes in the locality, and the mixed use proposed would be more viable.

7.2. Whilst a modern design approach has been applied, it is considered that the proposed building compliments the character and appearance of the surrounding Conservation Area and respects the setting of the adjoining listed buildings on Old Town and Grafton Square. The position of the building and windows would ensure that surrounding residential amenities would be protected. The scheme accords with relevant policies and standards for parking, daylight, and minimum room sizes.
7.3. Generally it is considered that the scheme represents an improvement over the existing building in terms of appearance, and subject to appropriate conditions, would make a positive contribution to the area.

8. **Recommendation**

8.1. Grant planning permission
Summary of Reasons:

In deciding to grant planning permission, the Council has had regard to the relevant policies of the Development Plan and all other relevant material considerations. Having weighed the merits of the proposal in the context of these issues, it is considered that planning permission should be granted subject to the conditions listed below. In reaching this decision the following policies were relevant: Adopted Unitary Development Plan 1998 policies: CD2, CD13, CD14, CD15, CD18, H1, H10, H16, EMP6, EMP7, EMP12. Deposit Replacement Unitary Development Plan 2002 policies: 14, 15, 23, 24, 32, 33, 35, 41, 42.

1  The development to which this permission relates must be begun not later than the expiration of five years beginning from the date of this decision notice. Reason: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990.

2  Samples and a schedule of materials to be used in the elevations of the development hereby permitted (including window frames and doors, rainwater goods, render, hardwood cladding, roof materials and solar panels, where appropriate) shall be submitted to and approved in writing by the Local Planning Authority before any building work commences and this condition shall apply notwithstanding any indications as to these matters which have been given in the application. The development shall thereafter be carried out solely in accordance with the approved details. Reason: To safeguard and enhance the visual amenities of the locality. (Policies CD15 and G17 of the adopted Lambeth Unitary Development Plan (1998) and policy 32 of the Deposit Replacement Unitary Development Plan (2002 - 2017) refer.)

3  Full details of the entrance gates, including position, appearance, and operational mechanisms shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The entrance gates hereby approved shall be installed prior to occupation of the units and shall be retained permanently for the full duration of the development, unless the prior written approval of the Local Planning Authority to any variation has been obtained. Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access. (Policies CD15, ST28, EMP10, and H10 of the adopted Lambeth Unitary Development Plan (1998), and Policies 9, 14 and 31 of the Deposit Replacement Unitary Development Plan (2002 - 2017) refer.)

4  The scheme for parking, garaging, turning areas, manoeuvring, and the loading and unloading of vehicles shown on the submitted plans shall be laid out and marked out in accordance with the approved details prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose, or obstructed in any way, unless the prior written approval of the Local Planning Authority to any variation has been obtained. Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway. (Policies CD15, T18, ST29, EMP10, EMP12 and H10 of the adopted Lambeth Unitary Development Plan (1998), and Policies 14, 23, and 31 of the Deposit Replacement Unitary Development Plan (2002 - 2017) refer.)

5  No loading or unloading of goods, including fuel, by vehicles arriving at or departing from the premises shall be carried out other than within the curtilage of the premises/site. Reason: To avoid obstruction of the surrounding streets and to safeguard the amenities of adjoining properties (Policies T18 and CD15 of the adopted Lambeth Unitary Development Plan (1998), and Policies 14 and 23 of the Deposit Replacement Unitary Development Plan (2002 - 2017) refer.)
6. No gates shall be installed which open outwards over the highway/footway. Reason: To avoid hazard and obstruction being caused to users of the public highway (Policies T18, T34 and T38 of the adopted Lambeth Unitary Development Plan (1998), and Policies 9 and 31 of the Deposit Replacement Unitary Development Plan (2002 - 2017) refer.)

7. A sign reading 'No Reversing Into Street' shall be erected in a prominent position adjoining the exit before the use commences and shall thereafter be retained in the approved position for the duration of the use, unless the prior written approval of the Local Planning Authority is obtained to any variation. Reason: To avoid hazard and obstruction being caused to users of the public highway (Policies T18, T34 and T38 of the adopted Lambeth Unitary Development Plan (1998), and Policies 9 and 31 of the Deposit Replacement Unitary Development Plan (2002 - 2017) refer.)

8. No part of the building hereby permitted shall be occupied or used until the provision for cycle parking shown on the application drawings has been implemented in full and the cycle parking shall thereafter be retained solely for its designated use, unless the prior written approval of the Local Planning Authority to any variation has been obtained. Reason: To ensure adequate cycle parking is available on site and to promote sustainable modes of transport. (Policies G39, G40, T36 and ST15 of the adopted Lambeth Unitary Development Plan (1998), and Policies 9, 10 and 14 of the Deposit Replacement Unitary Development Plan (2002 - 2017) refer.)

9. The existing trees on the site shall not be removed, felled, topped, lopped or disturbed in any way without the prior consent of the Local Planning Authority in writing. Similarly, no damage shall be caused to the roots of the trees. Reason: The existing trees on site represent an important amenity feature which, if lost, would impair the character of the area. (Policies G10, H10, ST7, ST31, CD2, EMP12, CD15 and ENV7 of the adopted Lambeth Unitary Development Plan (1998) and Policy 36 of the Deposit Replacement Unitary Development Plan (2002-2017) refer.)

10. Prior to the commencement of the development hereby permitted samples and/or a specification of all finishing materials to be used in any hard surfacing and planting to be used in soft landscaping of the application site shall be submitted to and approved by the Local Planning Authority in writing. All hardsurfacing and soft landscaping on the site shall thereafter be carried out solely in accordance with the approved details, and shall be permanently retained for the duration of the development, unless the prior written approval of the Local Planning Authority to any variation has been obtained. Reason: To ensure that such works do not detract from the development itself or from the appearance of the locality in general. (Policy CD15 and G17 of the adopted Lambeth Unitary Development Plan (1998) and policy 36 of the Deposit Replacement Unitary Development Plan (2002 - 2017) refer.)

11. Full details of the means of enclosure, repair to existing boundary walls, proposed fences, and internal gates shall be submitted to and approved by the Local Planning Authority before any work on the site is commenced. Notwithstanding the approved plans, this shall include details of the eastern boundary wall and new fence between the building which shall have a combined height of no less than 3.7 metres above ground level when measured from the outside boundary edge, and a 2.5 metre gate between the proposed building and the northern boundary. The walls, fences, gates and other means of enclosure shall be completed prior to occupation of the development and retained permanently for the full duration of the development, unless the prior written approval of the Local Planning Authority to any variation has been obtained. Reason: To ensure a

12 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme for investigation which has been submitted by the applicant and approved by the Local Planning Authority. The development shall only take place in accordance with the detailed scheme approved pursuant to this condition. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority. Reason: To ensure that any archaeological evidence discovered during groundworks is adequately recorded. (Policy CD14 of the adopted Lambeth Unitary Development Plan (1998) and Policy 43 of the Deposit Replacement Unitary Development Plan (2002-2017) refer.)

13 No development shall take place until the applicant has made arrangements for an archaeological "watching brief" to monitor development groundworks and to record any archaeological evidence revealed. These arrangements are to be submitted to, and approved by, the Local Planning Authority. The development shall only take place in accordance with the "watching brief" proposals agreed approved pursuant to this condition and shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority. Reason: To ensure that any archaeological evidence discovered during groundworks is adequately recorded. (Policy CD14 of the adopted Lambeth Unitary Development Plan (1998) and Policy 43 of the Deposit Replacement Unitary Development Plan (2002-2017) refer.)

14 Notwithstanding the provisions of Article 3 and Classes A, B & E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order), no enlargement, improvement or other alteration of, or to, any dwellinghouse the subject of this permission shall be carried out without planning permission having first been obtained via the submission of a planning application to the Local Planning Authority; nor shall any building or enclosure required for a purpose incidental to the enjoyment of any said dwellinghouse as such be constructed or placed on any part of the land covered by this permission without such planning permission having been obtained. Reason: In the opinion of the Local Planning Authority, the nature and density of the layout requires strict control over the form of any additional development which may be proposed in the interests of maintaining a satisfactory residential environment (Policies CD15, H10, ST1, ST2 and ST8 of the adopted Lambeth Unitary Development Plan (1998) and Policies 31 and 32 of the Deposit Replacement Unitary Development Plan (2002 - 2017) refer.)

15 Details of the proposed finished floor levels of the building and of finished ground levels in relation to the surrounding properties shall be submitted to and approved in writing by the Local Planning Authority prior to any work commencing on site. Reason: To ensure that construction is carried out at suitable levels having regard to the amenities of neighbouring properties (Policies CD15, EMP12 and ST1 of the adopted Lambeth Unitary Development Plan (1998) and Policies 20, 23 and 32 of the Deposit Replacement Unitary Development Plan (2002 - 2017) refer.)

16 No processes shall be carried on or machinery installed which are not such as could be carried on or installed in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke soot, ash, dust or grit. Reason: To safeguard the amenities of neighbouring residential properties. (Policies G12, ENV19 and EMP10 of the adopted Lambeth Unitary Development Plan (1998) and policies 1, 7, 48 and 23 of the Deposit Replacement Unitary Development Plan (2002 - 2017))
17 No plant machinery or activities which are audible at the site boundary shall be operated or carried on within the site other than between the hours of 8am to 6pm Mondays to Fridays and 8am to 1pm Saturdays, and they shall not be carried on or operated on Sundays or Bank or National Holidays. Reason: To protect the amenities of adjoining occupiers. (Policies G12, EMP10 and EMP12 of the adopted Lambeth Unitary Development Plan (1998) and policies 1, 7, 20, 23 and 48 of the Deposit Replacement Unitary Development Plan (2002 - 2017) refer.)

18 Before the development hereby permitted is first occupied, the proposed windows to the first floor bathrooms of Residential Units 6 and 7 shall be obscure glazed and shall subsequently be permanently maintained as such. Reason: To prevent overlooking and loss of privacy in the interests of the amenities of the adjoining property (Policies CD15 and H10 of the adopted Lambeth Unitary Development Plan (1998) and Policy 32 of the Deposit Replacement Unitary Development Plan (2002 - 2017) refer.)

19 Details of refuse storage to serve the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development hereby permitted. The refuse storage facilities shall be provided in accordance with the approved details prior to the initial occupation of the building and shall thereafter be retained as such for the duration of the permitted use. Reason: To ensure that adequate provision is made for the storage of refuse on the site, in the interests of the amenities of the area (Policies ENV24, CD15, H10 and EMP10 of the adopted Lambeth Unitary Development Plan (1998) and policies 9, 32, 50 and 23 of the Deposit Replacement Unitary Development Plan (2002 - 2017) refer.)

20 No new plumbing or pipes, other than rainwater pipes, shall be fixed on the external faces of the building. Reason: Such works would detract from the appearance of the building and would be detrimental to the visual amenities of the locality (Policies CD15 and G17 of the adopted Lambeth Unitary Development Plan (1998) and policy 32 of the Deposit Replacement Unitary Development Plan (2002 - 2017) refer.)

Notes to Applicants:

1 This decision letter does not convey an approval or consent which may be required under any enactment, by-law, order or regulation, other than Section 57 of the Town and Country Planning Act 1990.

2 Your attention is drawn to the provisions of the Building Regulations, and related legislation which must be complied with to the satisfaction of the Council's Building Control Officer.

3 Your attention is drawn to the need to comply with the requirements of the Control of Pollution Act 1974 concerning construction site noise and in this respect you are advised to contact the Council's Environmental Health Division.

4 You are advised of the necessity to consult the Council's Refuse/Streetcare Services with regard to the provision of refuse storage and collection facilities.

5 Any excavation or new groundworks at street or basement level associated with this development may expose or damage archaeological remains. Such works include the
removal of the existing slab and/or foundations, construction of new foundations or floor slabs, lift pits, underpinning or service trenches.

6 You are advised that this property lies within a Conservation Area and Conservation Area Consent may be required for any demolition works.

7 The Local Planning Authority wishes to ensure that archaeological remains on this site are preserved in situ. The detailed proposals should include appropriate drawings, technical notes and method statements, showing how the objectives of in situ preservation are to be achieved. Particular attention should be paid to the design of foundations and new groundworks including piling, underpinning, new slab levels and slab construction, lift pits and new service trenches. You are advised to contact English Heritage's Archaeological Officers to discuss the submission of details required to discharge the archaeological condition(s).

8 The development of this site is likely to damage archaeological remains. The applicant should therefore submit detailed proposals in the form of an archaeological project design. This design should be in accordance with the appropriate English Heritage guidelines.

9 The Local Planning Authority wishes to ensure that adequate arrangements are made to allow an archaeological "watching brief" to take place during all new foundations, below-ground works and excavation phases of the development. The purpose of the watching brief is to ensure that any agreed design measures to preserve the archaeological remains in situ are correctly implemented on site and to allow investigation and recording of any archaeological evidence that might be revealed in areas not covered by preservation measures.

10 You should consult the Council's Tree Preservation Officer with regard to any proposed works to trees on the site. You may be required to give formal notice of intention to the Local Planning Authority before any such works are carried out.

11 You should be aware of the proximity of other trees, shrubs which are not the subject of this consent.

12 The applicant's attention is drawn to condition 12 which prohibits the use of the landscaped area identified on the approved plan for parking, servicing or as a turning area etc.
Location | Business 37 Old Town London
---|---
Ward | Clapham Town
Proposal | Demolition of existing buildings.

Application Type | Conservation Area Consent (demolition)
Application No | 03/02036/CON/DC_SWE/26245
Applicant | Homefield Estates
Agent | Neale And Norden Ltd
| 34 Osnaburgh Street
| London
| NW1 3NP
Date Valid | 20 August 2003
Considerations
Conservation Area CA1 : Clapham Conservation Area
Adopted UDP Archaeological area UDP Archaeological Area : A9 : Clapham

Approved Plans

Recommendation | GRANT CONSERVATION AREA CONSENT
Officer Report

03/02036/CON

1. Summary Of Main Issues

1.1. Whether the existing building makes a positive contribution to the character and appearance of the Clapham Conservation Area, and whether there is satisfactory redevelopment proposal.

1.2. A concurrent application for redevelopment of the site has been submitted and is dealt with elsewhere on the agenda (03/02033/FUL).

2. Site Description

2.1. This is a largely rectangular backland site of approximately 1700 square metres, with access to the eastern side of Old Town - near its junction with Clapham Common Northside, and directly opposite the bus park. It is currently occupied by a large two storey double pitched building of approximately 920 square metres, constructed in the 1930’s and several ancillary buildings, including 2 portakabins. The site has recently been vacated by a printing works.

2.2. To the north of the property on the corner of Old Town and Grafton Square is Maritime House, a large 5 storey building of offices and flats, with a large garden area to the rear. Adjoining this to the north east of the site is The Peoples Church and ancillary buildings. To the west, fronting Old Town is a row of 4 storey Georgian terraced properties, which are Grade II* listed and to the east are a row of residential properties which front Grafton Square, and are Grade II listed. Clapham Congregational Church is located to the south of the property, fronting the south side of Grafton Square.

2.3. The site is located within the Clapham Conservation Area, and is within a designated Archaeological Priority Area.

3. Scheme Details

3.1. The proposal involves the demolition of the existing building and outbuildings and the erection of a part 3/part 4 storey building to contain 7 residential units (each with an integral garage) and 6 office (Class B1 units) units, together with 3 parking spaces, front entrance gates and associated alterations.

3.2. Arranged in an L shape terrace, the B1 units would be provided at the western end of the building – with 3 units over basement and first floor level and 3 units over 2nd and 3rd floor level. Three parking spaces would be provided in front of the building for use by the B1 units. The 7 residential units would make up the balance of the site, each containing an integral garage at ground floor level.

3.3. The mix of residential units comprises: 5 x 3 bed and 2 x 4 bed. Several of the units would have a small study.

3.4. Materials would comprise coloured render and hardwood cladding on blockwork, powder coated aluminium frame windows and doors, with a curved, terne coated stainless steel roof.

3.5. A concurrent planning application for the redevelopment (03/02033/FUL), and this is dealt with separately on the agenda.

4. Planning Considerations

4.1. Relevant Policies (including national guidance)
4.1.1. PPG15 – Planning and the Historic Environment

4.1.2. Under the Adopted Unitary Development Plan (AUDP), the following policy is relevant:
   4.1.2.1. CD3 – Demolition

4.1.3. Under the Deposit Draft Unitary Development Plan (DDUDP), the following policy is relevant:
   4.1.3.1. Policy 42 – Conservation Areas

4.2. Design and Conservation Considerations

4.2.1. Policy CD3 of the AUDP states that consent will not normally be given for the demolition of buildings which make a positive contribution to the character or appearance of the conservation area.

4.2.2. Policy 42 of the DDUDP states that consent will not be given for demolition unless the building positively detracts from the character or appearance of the conservation area.

4.2.3. It is considered that the existing building is not of significant architectural quality, however it gives the impression of low intensity development appropriate to the contextual setting. Generally it is considered that while both the existing building does not harm the conservation area, neither do it make a particularly positive contribution to it.

4.2.4. The redevelopment proposal has been discussed in the report parallel to this application, and it is considered that a satisfactory redevelopment proposal of a suitable high standard can be achieved, which maintains the character and appearance of the conservation area, and which would make a positive contribution to the area in general. The design and appearance of the proposed building is the same as that which was approved in March 2003. There has been no material change in circumstances since the granting of that permission.

5. Conclusion

5.1. Given that an acceptable redevelopment on the site can be achieved, and the existing building does not make a positive contribution to the character or appearance of the conservation area, the application complies with Policy CD3 of the Adopted UDP and Policy 42 of the Deposit UDP.

6. Recommendation

6.1. For the above reasons the application for demolition is recommended for approval, subject to a condition preventing its demolition until a contract for the erection of the replacement building has been entered into.
Summary of Reasons:

In deciding to grant planning permission, the Council has had regard to the relevant policies of the Development Plan and all other relevant material considerations. Having weighed the merits of the proposal in the context of these issues, it is considered that planning permission should be granted subject to the conditions listed below. In reaching this decision the following policies were relevant: Adopted Unitary Development Plan 1998: CD2. Deposit Replacement Unitary Development Plan 2002: 42

1 The demolition hereby permitted shall not be commenced before planning permission has been granted for the redevelopment of the site and a contract for such redevelopment has been made, on which work is to be commenced within 3 months or such longer period as may previously have been agreed in writing by the local planning authority. Reason: to avoid premature demolition and the creation of an undesirable gap in the street frontage, and to maintain the character and appearance of the conservation area (policies CD2 and CD3 of the adopted Lambeth Unitary Development Plan (1998) and policy 42 of the deposit replacement Unitary Development Plan (2002 - 2017) refer.)

Notes to Applicants:

1 Your attention is drawn to the need to comply with the requirements of the Control of Pollution Act 1974 concerning construction site noise and in this respect you are advised to contact the Council's Environmental Health Division.

2 Your attention is drawn to the provisions of the Building Regulations, and related legislation which must be complied with to the satisfaction of the Council's Building Control Officer.

3 Any excavation or new groundworks at street or basement level associated with this development may expose or damage archaeological remains. Such works include the removal of the existing slab and/or foundations, construction of new foundations or floor slabs, lift pits, underpinning or service trenches.

4 You should consult the Council's Tree Preservation Officer with regard to any proposed works to trees on the site. You may be required to give formal notice of intention to the Local Planning Authority before any such works are carried out.
LAMBETH PLANNING APPLICATIONS COMMITTEE

Case Number: 03/00143/FUL

Application Address: 411 Coldharbour Lane
London
SW9

Conservation Area Boundary:

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L.B. Lambeth LA086487 2002
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<thead>
<tr>
<th>Location</th>
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<td>Ward</td>
<td>Coldharbour</td>
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<tr>
<td>Proposal</td>
<td>Retrospective change of use from retail unit (Class A1) to restaurant (Class A3) and proposed installation of flue along with associated alterations.</td>
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<td>Full Planning Permission</td>
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<td>Applicant</td>
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<tr>
<td>Agent</td>
<td>Bryan Wells &amp; Associates</td>
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Officer Report

03/00143/FUL

1. Summary Of Main Issues

1.1 The main issues in the determination of this application relate to the following:

- The appropriateness of a Class A3 Restaurant to the shopping parade which, in terms of Policy falls as part of a secondary frontage within Brixton Town Centre;

- Whether the retail character and vitality of the parade within which the premises falls would be adversely affected, and whether the proposal, albeit retrospective, would result in an undue concentration of non-A1 uses;

- Whether this particular use, either alone or cumulatively with other neighbouring Class A3 uses, would have a significant detrimental impact on the amenities of local residents in terms of resultant late night noise and disturbance and also from cooking odours;

- The potential level of traffic generation, its effect, and the availability of on-street parking

2. Site Description

2.1 The subject site is located on the south side of Coldharbour Lane, towards the eastern end of a shopping parade positioned between Electric Lane and Rushcroft Road. It comprises a two-storey premises and is adjoined on its western side (no.413) by the entrance to a first floor hotel which overlies the ground floor units, nos.409-417. The ground floor unit adjoining the eastern side (no.409) is in use as a hairdressers.

2.2 The application relates only to the ground floor of no.411 which, formerly a self-contained retail shop, is now in use as a Restaurant (Class A3)

2.3 The premises floorspace extends to the parade's return frontage with Rushcroft Road, enveloping no.409, running back some 16.5 metres from the Coldharbour Lane junction.

2.4 Directly on the opposite side of Rushcroft Road lie a block of residential flats (nos. 1-45) whilst a series of tall tenament blocks are positioned further along this street, facing the rear elevations of the Coldharbour Lane shopping parade. The nearest of these to no.411 is Matlock House, with the buildings some 14 metres apart.

2.3 The site falls within Brixton Town Centre Conservation Area.

2.4 The south side of Coldharbour Lane is designated a secondary shopping frontage within Brixton Town Centre as set out in the adopted Unitary Development Plan.
3. Planning History

3.1 On 6 August 2002, an application (ref: 02/02247/FUL) for a retrospective change of use to Use class A3 was withdrawn following the restaurant, "Visits," which was unauthorised in planning terms, being closed by Camberwell Magistrates on grounds of public safety.

3.2 Another restaurant has since re-opened, again without the benefit of planning permission.

3.3 As regards the first floor, running between nos. 409 - 417, planning permission (ref: 97/00696) was granted in January 1998 for a change of use to a hotel. This consent was implemented with the accommodation comprising a series of small hostel type rooms.

3.4 Members will recall that on 9th September 2003 the Planning Committee resolved to refuse planning permission for a change of use from a shop (A1) to a bar/internet café (A3) at 435-437 Coldharbour Lane for the reason of the cumulative impact of the use adversely affecting the amenities of local residential occupiers. The proposed hours of opening were until 2am Thursday, Friday and Saturday and until 12 midnight between Sunday and Wednesday. These applications also appear on this agenda.

4. Scheme Details

4.1 This application seeks to regularise the continuation of the current restaurant/bar (Class A3) use.

4.2 The applicant proposes that the hours of operation for the use be from 12 midday to 12 midnight, 7 days a week.

4.3 The floor layout plan shows a large dining room fronted by a bar area. The kitchen and toilet facilities are shown to the rear of no.409, backing on to the building's return frontage on Rushcroft Road. A seating capacity for 60 people is proposed with 7 staff attendant.

4.4 A galvanised steel extract ventilation flue to a diameter of 450 mm is to be mounted on the building's rear elevation and would project 1 metre above eaves height. An existing flue facilitating the current use has been erected on an adjoining elevation without the benefit of planning permission. It is proposed that the Council instigates enforcement action to remove this unauthorised installation.

4.5 External alterations to the front façade of the building would be limited to repairing and repainting the existing shop frontage. No changes to the fascia signage are proposed as part of this application and the applicant is aware that separate consent would be required for any such new signage.

4.6 Refuse bins are to be located in the yard to the rear of the premises.
5 Consultation Responses

5.1 A site notice was erected outside the premises and consultation letters were sent to 396 – 421 Coldharbour Lane and 1 - 45 Rushcroft Road (odds only). The Brixton Society, Brixton Residents and Traders Association and the Police Licensing Unit were also consulted. In addition the application was advertised by means of a Press Notice.

5.2 Two objections were received. The grounds of objection can be summarised as:-

- The proposed use would contribute to anti-social behaviour of the area.
- The proposed use would encourage extra litter, noise, crime, and a general down-grading of the local environment.
- Noise generated would impact on residential properties to the rear.

6 Planning Considerations

6.1 Relevant Policies

6.1.1 PPG6 (Town Centres and Retail Developments)

Para 2.18 - "Town Centres contain and should retain a wide range of uses that need to be accessible to a large number of people. Thus, although retailing should continue to underpin such centres, it is only part of what ensures the health of town centres."

Para 2.25 - "Changes of use can, however, create new concentrations of single uses, such as restaurants, where the cumulative effects can cause local problems. Such proposals should be assessed not only on their positive contribution to diversification, but also on the cumulative effects on such matters as loss of retail outlets, traffic, parking and local residential amenity."

6.1.2 Adopted Unitary Development Plan

Policy CD2 (Proposals for Development)
Policy S9 (Changes of use in secondary frontages in Major and District Centres)
Policy S14 (Food and Drink)
Policy ENV19 (Noise Control)

Deposit Unitary Development Plan

Policy 4 (Town Centres and Community Regeneration)
6.2 Land Use

6.2.1 The northern side of Coldharbour Lane, between Electric Lane and the Prince of Wales Hotel is designated a primary frontage. The shopping parades in Brixton Town Centre that fall outside this designation are considered as secondary frontages. The application site lies on the southern side of Coldharbour Lane within the designated secondary frontage.

6.2.2 Policy S9 (Changes of use in secondary frontages in Major and District Centres) of the adopted Unitary Development Plan states, *inter alia*, that change of use to A3 will normally be permitted provided that it does not adversely impact upon the retail character or vitality of the parade or result in an undue concentration of non-A1 uses ie. usually more than four or more adjoining shop units in non-A1 use. It is also expected that at least 40% of shop units within the parade remain in A1 retail use.

6.2.3 The table below illustrates that there are 27 units on the southern side of Coldharbour Lane and 50 shop units in total. This is for illustrative purposes only. Policy S9, however, is concerned with the retail character and vitality of the shopping parade in which the particular site is located. In this instance the shopping parade, nos. 409-443 Coldharbour Lane, comprises 17 units of which 8 are currently in non-retail use. This includes the application premises, no. 411, as it is currently in A3 use, albeit unauthorised.

6.2.4 The Survey shows that of the seventeen units within the parade nine of these retain lawful use rights for A1 retail purposes. Of these eight are currently in use as retail shops and the remaining one (the application site) is in unauthorised use as a restaurant, Class A3. 53% of units are thereby in lawful retail use which would reduce to 47% if permission was granted to regularise this use.

6.2.5 The first proviso of Policy S9 is thereby satisfied as the yardstick figure of 40% of shop units in the parade remaining in retail use would not be breached and it is not therefore considered that the retail character and vitality of the parade would be compromised by the proposed A3 use. Similarly, the second proviso which requires that in order to prevent an undue concentration of non A1 uses, no more than three adjoining shop units should be used for other purposes. Although the adjoining doorway (no.413) opens into the hotel entrance nos.415 and 417 are both in retail use, as is no.409. Accordingly, the application satisfies the theoretical policy requirements of use density and concentration for the establishment of an A3 use. The proposal would also meet the requirements of Policy 4 of
the deposit Unitary Development Plan which states that units in edge of town centre locations should be in use for either A Class or D Class purposes.

6.2.6 Use survey of Coldharbour Lane

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6.2.7 There are two specific strands to consider in the assessment of the impact of the proposal on the retail character and function of the existing shopping area. The first is the preservation of the retail character of the location and involves retaining a critical mass of A1 units to ensure vitality and viability. Secondly, within a shopping area an undue concentration of non-A1 uses should be avoided.

6.2.8 In terms of the emerging Plan, Policy 4 (Town Centres and Community Regeneration) promotes the role of Brixton and Streatham as major centres within which a diversity of uses is welcomed provided that they are suitable and also comply with other Policies. Policies 53 and 54 of the Plan deal with Brixton and night time facilities. Additional late night food and drink establishments are suitable in principle for town centres although proposals will be judged against Policy 29 of the emerging Plan.

6.2.9 Policy 29 relates to food and drink uses and sets out a number of criteria against which proposals will be assessed. The “test of over-concentration” in the Policy primarily refers to the core area of major town centres. Its criteria requires that, to avoid over-concentration, not more than 40% of original units (not businesses) or 30% of floorspace within 100 metres of the application premises should be in A3 use, unless the proposal adds to the range and mix of A3 uses not causing harm to residential amenity in the area.

6.2.10 An assessment against the percentage of A3 uses within 100 metres of the application site indicates that there exists 43 units of which 7 are in lawful A3 use, equating to 16% of the total. This figure would rise to 19% should the current use of the application site be regularised. The 40% yardstick would not, therefore be breached.

6.2.11 In terms of actual floorspace within 100 metres of the application
premises 17% of the total floorspace is in lawful A3 usage which would rise to 21% should the current use be regularised.

6.2.12 The proposal, therefore, in addition to complying with Policy S9 of the adopted Plan also satisfies the two tests of A3 over-concentration within 100 metres of the site required by way of Policy 29 of the emerging Plan.

6.3 Design and Conservation Considerations

6.3.1 The Council’s Conservation and Design Officer raises no objections to the proposed external alterations which involve only the repainting and renovation of the existing shopfront.

6.3.2 The proposed metal flue which would be affixed to the rear elevation is of an acceptable appearance and is not considered to be detrimental to the character of the Conservation Area and satisfies the provisos of Policies CD2 of the adopted Unitary Development Plan and Policy 42 of the deposit replacement Plan.

6.3.3 Similarly, the proposed window display will promote the premises and is considered appropriate to its location.

6.3.4 Advertisement signage is not relevant to this application.

6.4 Amenity Impact

6.4.1 Policy S14 (Food and Drink - Use Class A3) states that when considering proposals for A3 uses, the Council will have regard to the impact of the proposal, either alone or cumulatively with other A3 uses in the locality. Regard will be had to a) opening hours, b) noise & sound, c) fume ventilation, d) refuse storage and collection, e) traffic generation and congestion and f) the level of A3 usage in the locality and whether an additional A3 use would result in an unacceptable loss of amenity to nearby residents.

6.4.2 Policy 7 of the Deposit Replacement Unitary Development Plan requires that in mixed-use areas such as this the scale, hours of use, intensity, concentration and location of non-residential uses should be controlled in relation to residential uses to protect amenity. Such criteria is reflected in Policies 29, 48 and 53 of the revised Plan.

6.4.3 The applicant proposes that the opening hours are 12 midday to 12 midnight, seven days a week. Policy 29 of the Deposit UDP indicates that for food and drink uses late-night extensions to opening hours (after 11pm) will only be permitted where the proposal would not cause unacceptable harm to residential amenity in relation to the proximity of residential premises.

6.4.4 There are several ‘established’ venues that currently open beyond the standard 11pm because there are no planning conditions restricting the hours of operation. In order to protect the amenities of local residents and
to not exacerbate the acknowledged potential for anti-social/late night noise and behaviour in the area, it is recommended that the opening hours be restricted to 11pm Sunday to Thursday and 12 midnight Friday and Saturday. These opening times would meet with the objectives of Policies 7 and 29 of the deposit Unitary Development Plan which seek to protect residential amenity in mixed-use areas.

6.4.5 In addition, the application does not propose any take-away service, usually associated with a higher level of general disturbance, only involving a restaurant with seating for 60 persons. Accordingly, it is proposed that any permission would be subject to a condition precluding the use of the premises as a take-away. In the absence of any parking provision it is not envisaged that the use would give rise to any significant on-street noise disturbance, given the number of of similar uses in the area. In this respect it is considered that the objectives of Policy 48 of the emerging Plan which deals with noise pollution are satisfied.

6.4.6 Where residential units are located near shopping areas, it is inevitable that there will be a level of noise and sound transmission between the shop units and residential dwellings. In this particular case, it appears that there is ample scope to install soundproofing within the existing building to reduce levels of potential sound and noise disturbance to a level that could reasonable be expected, thereby securing the amenities of the overlying first floor hostel. In this regard it should be noted that despite a wide consultation only two letters of objection have been received, and this is in spite of the use already operating albeit on an unauthorised basis and without any planning restrictions which would mitigate against the impact of the use. Accordingly, it is proposed that any planning permission, allowing for the use's lawful continuation, would be heavily conditioned in respect of hours of use, soundproofing and the extract of cooking odours. Regulatory Services, subject to these safeguards, do not object to the development.

6.4.7 It is important to draw a distinction between the location of this site, which forms the majority of the parade's return frontage onto Rushcroft Road and that of nos.435/437 Coldharbour Lane, the subject of planning applications elsewhere on this agenda (refs: 01/01391/FUL and 03/01663/FUL). The latter site, whose application proposes the change of use of the ground floor with the ancillary use of the upper floors, lies mid-terrace, adjoining a three storey (first, second and third floors) residential block. This proposal has given rise to considerable objection from nearby residential occupiers, indicative perhaps of its more sensitive location.

6.4.8 The application was referred to Lambeth's Streetcare Group who considered that it was essential that storage provision off street is allocated as no bin store would be granted on street. The applicant, by letter dated 3rd July, proposes that refuse bins be located in the yard to the rear to which access is available.

6.4.9 The written comments received from the Police’s licensing department on the previously withdrawn retrospective application (02/02247/FUL) concluded with “The police fear a future problem should the premises re-open as a bar”. Each application must be treated on its merits and the illegal operation of a former leaseholder is not a valid reason to refuse planning permission. However, the fears of the Licensing Unit are acknowledged.
6.5 Highways and Transportation Issues

6.5.1 Due to the high accessibility of the application site with its proximity to Brixton High Street and its public transport links the Council's Highways officer has raised no objection providing that any permission be subject to a condition prohibiting any take-away provision.

6.5.2 Interim Policy 14 (Parking and Traffic Restraint) requires that such uses provide on-site parking provision to equate with the maximum standard of 1 space / 50sq metres gross floorspace. A yard to the rear of the premises, accessed from Rushcroft Road is securely gated and, moreover, does not form part of the application site. The site area measures some 119 sq metres but due to its location and the character of the area it is considered that a lack of off-street parking is acceptable.

6.5.3 The second issue is one of traffic generation. It is not expected that this development, in itself would generate significant additional traffic or lead to significant on-street parking on residential streets in the site's vicinity. Being located in Brixton Town Centre there are large numbers of other uses, especially on Coldharbour Lane that all add, cumulatively, to additional late-night parking in Brixton. It would, therefore, be difficult to substantiate a reason for refusal relating to these particular premises without evidence to demonstrate that the parking demand generated would be detrimental in its own right.

7 Conclusion

7.1 The critical issue in determining this application is whether the Cumulative impact of a further late night or A3 use in Coldharbour Lane would have a significant impact on residential amenity. The Proposal complies with the various requirements of both adopted and Deposit UDP’s in that there would not be a reduction of A1 units below the level of 40% and, in particular, there would not be an over concentration of A3 uses or, indeed non-A1 uses. Further, a mix of uses, including A3, is promoted as part of Policy 4 of the deposit UDP which seeks to sustain and enhance the vitality and viability of the Borough’s town centres. The principle of an additional A3 use is, therefore, acceptable.

7.2 In terms of amenity issues in this instance it is not considered that demonstrable harm to residential amenity would result. The premises are not so sensitively sited as nos.435/437 Coldharbour Lane which is the subject of a similar change of use proposal elsewhere on this agenda. Further, no.411 is already operating for A3 purposes, albeit without the benefit of planning permission or any restrictive conditions to mitigate against the impact of the use, yet has comparatively given rise to little neighbour objection. During the week, by way of a planning condition, opening beyond 11pm would be prohibited with 12 midnight closing occurring on only Friday and Saturday nights. Accordingly, the provisos of Policy S14 and 29 of the
adopted and revised UDP's respectively are considered met.

8 Recommendation

8.1 It is recommended that planning permission be granted subject to Conditions.

Summary of Reasons:

In deciding to grant planning permission, the Council has had regard to the relevant policies of the Development Plan and all other relevant material considerations. Having weighed the merits of the proposal in the context of these issues, it is considered that planning permission should be granted subject to the conditions listed below. In reaching this decision the following policies were relevant: Adopted Unitary Development Plan 1998 Policy S14 and ENV19 Deposit Replacement Unitary Development Plan 2002 Policies 7, 29, 48 and 53

1 The premises shall not be open for the supply or consumption of food outside the hours of 12 midday to 11.00pm, Sunday to Thursday and 12 midday to 12 midnight, Fridays and Saturdays. (Reason: To safeguard the amenities of local residents (Policies S14 and ENV19 of the adopted Lambeth Unitary Development Plan (1998) and Policies 7, 29, 48 and 53 of the Deposit Replacement Unitary Development Plan (2002 - 2017))

2 There shall be no amplified sound, speech or music which is audible outside the premises. (Reason: To safeguard the amenities of adjoining occupiers (Policies S14 and ENV19 of the adopted Lambeth Unitary Development Plan (1998) and Policies 7, 29, 48 and 53 of the Deposit Replacement Unitary Development Plan (2002 - 2017))

3 Within one month of the date of this decision notice details of a suitable soundproofing scheme shall be submitted for written approval to the local planning authority. The scheme shall be subsequently implemented no later than three months from the date of this decision notice, in full accordance with the approved details. (Reason: To safeguard the amenities of adjoining occupiers (Policies S14 and ENV19 of the adopted Lambeth Unitary Development Plan (1998) and Policies 7, 29, 48 and 53 of the Deposit Replacement Unitary Development Plan (2002 - 2017))

4 Within one month of the date of this decision notice full details of a suitable extract ventilation system shall be submitted to the local planning authority for subsequent written approval. The approved system shall be installed no later than within three months of the date of this decision notice upon which the existing extract flue ducting, affixed to the
premises, shall be removed. The approved system shall thereafter be retained and satisfactorily maintained for the duration of the use. (Reason: To safeguard the amenities of adjoining occupiers (Policies S14 and ENV19 of the adopted Lambeth Unitary Development Plan (1998) and Policies 7, 29, 48 and 53 of the Deposit Replacement Unitary Development Plan (2002 - 2017))

5. For the duration of the use, the flue/extract duct shall discharge at least one metre above eaves level. (Reason: In order to avoid nuisance to neighbouring properties. (Policies S14 and ENV19 of the adopted Lambeth Unitary Development Plan (1998) and Policies 7, 29, 48 and 53 of the Deposit Replacement Unitary Development Plan (2002 - 2017))

6. That part of the site not covered by building(s) shall not be used by customers for any purposes, nor for entertainment purposes, nor for storage purposes without the written consent of the Local Planning Authority. (Reason: To safeguard the amenities of adjoining occupiers (Policies S14 and ENV19 of the adopted Lambeth Unitary Development Plan (1998) and Policies 7, 29, 48 and 53 of the Deposit Replacement Unitary Development Plan (2002 - 2017))

7. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) and any subsequent Order revoking or amending this Order, the premises shall not be used as a hot-food takeaway outlet, there shall be no hot-food takeaway provision in conjunction with the use hereby approved, and there shall be no hot food delivery service. (Reason: To safeguard the amenities of adjoining occupiers (Policies S14 and ENV19 of the adopted Lambeth Unitary Development Plan (1998) and Policies 7, 29, 48 and 53 of the Deposit Replacement Unitary Development Plan (2002 - 2017))

8. Within 1 month of the date of this decision details of a litter, refuse and waste management plan shall be submitted to and approved in writing by the local planning authority. The litter, refuse and waste management plan, which shall include details of the disposal of customer litter and waste from the cooking processes (including the disposal of fat/oil) shall be implemented in accordance with the approved details for the duration of the use. (Reason: To safeguard the amenities of adjoining occupiers (Policies S14 and ENV19 of the adopted Lambeth Unitary Development Plan (1998) and Policies 7, 29, 48 and 53 of the Deposit Replacement Unitary Development Plan (2002 - 2017))

9. All fumes from the cooking processes shall be extracted via the flue herein approved which shall be erected before the use commences and thereafter retained, and satisfactorily maintained, for the duration of the use. (Reason: To ensure that no nuisance or disturbance is caused to the detriment of the amenities of adjoining occupiers or of the area generally. (Policies S14 and ENV19 of the adopted Lambeth Unitary Development Plan (1998) and Policies 7, 29, 48 and 53 of the Deposit Replacement Unitary Development Plan (2002 - 2017))

Notes to Applicants:

1. This decision letter does not convey an approval or consent which may be required under any enactment, by-law, order or regulation, other than Section 57 of the Town and Country Planning Act 1990

3. This decision relates solely to the change of use of the premises and does not purport to grant planning permission for any replacement of the shop frontage or
associated fascia and box signage.

4 In determining this application the Council has had regard to Policies S9, S14 and ENV19 of the Adopted Unitary Development Plan and Policies 4, 7, 29, 48, 52 and 53 of the Deposit Replacement Unitary Development Plan.

5 You are advised of the necessity to consult the Council's Refuse/Streetcare Services with regard to the provision of refuse storage and collection facilities.

6 The applicant is advised in connection with Condition 3 relating to soundproofing that failure to install an appropriate and approved soundproofing scheme could result in the Council undertaking formal enforcement action. In addition, failure to remove the existing extract flue chimney, erected without the benefit of planning permission, could similarly render the applicant liable to enforcement proceedings.

2 Your attention is drawn to the need to comply with the requirements of the Control of Pollution Act 1974 concerning site noise during refurbishment etc and in this respect you are advised to contact the Council's Environmental Health Division.

7 The applicant is advised that failure to remove the existing flue, installed without the benefit of planning permission, will likely result in the Council undertaking formal enforcement proceedings. In light of the planning permission hereby granted the applicant is urged to submit details of an appropriate timescale for the existing flue chimney's removal.
LAMBETH PLANNING APPLICATIONS
COMMITTEE

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L.B. Lambeth LA 086487 2003
<table>
<thead>
<tr>
<th><strong>Location</strong></th>
<th>Business 215 Amesbury Avenue London</th>
</tr>
</thead>
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<tr>
<td><strong>Ward</strong></td>
<td>Streatham Hill</td>
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<td><strong>Proposal</strong></td>
<td>Change of use from retail (Class A1) to Office with advice and training facilities (Class A2 / D1) along with associated alterations.</td>
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<td><strong>Application Type</strong></td>
<td>Full Planning Permission</td>
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<td><strong>Application No</strong></td>
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<td><strong>Applicant</strong></td>
<td>East African Community Organisation</td>
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<td><strong>Agent</strong></td>
<td>Alan Piper Consultancy</td>
</tr>
<tr>
<td></td>
<td>82 Mayall Road</td>
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<td>Herne Hill</td>
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<td><strong>Considerations</strong></td>
<td>Conservation Area CA31 : Leigham Court Estate Conservation Area</td>
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<td><strong>Approved Plans</strong></td>
<td>C469D2, D3, D4.</td>
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<td><strong>Recommendation</strong></td>
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1. Summary Of Main Issues

1.1. The main planning issues are:
- Whether this is an appropriate location for a change of use of the ground floor from retail (Use Class A1) to advice and training facilities with associated offices;
- The impact on the viability of the shopping parade and the amenities of the immediate area.
- The impact on on-street parking in the area.

2. Site Description

2.1. The application site comprises a vacant mid-terrace ground floor retail unit, No. 215 Amesbury Avenue, located within a 3-storey building located on the north side of Amesbury Avenue. Nos. 205-217 Amesbury Road comprises a row of ground floor shops, of which a retail unit, a betting shop and the application premises are vacant. Nos. 205-217 Amesbury Road all have residential accommodation on the upper 2 floors.

2.2. On the opposite side of the road there is a similar 3-storey terrace, Nos. 256-262 Amesbury Road, with a mix of offices, shops and a pub on the ground floor and residential accommodation on the upper 2 floors.

2.3. These 2 terraces form the Amesbury Avenue Neighbourhood Centre, located within the Leigham Court Estate Conservation Area. It is noted that the adopted UDP defines Nos. 205-217 and Nos. 254-262 Amesbury Avenue as comprising the Amesbury Avenue Neighbourhood Centre. However, when the case officer conducted a site visit on 17 October 2003 it was noted that No. 254 Amesbury Avenue is in residential use. In addition, it will be noted from the Relevant Planning History section of this that No. 254 Amesbury Avenue did not form part of the outline planning application (approved in 1952) for new shops in this part of Amesbury Avenue.

2.4. The application site, No. 215 Amesbury Avenue, was used as an electrical goods shop until it became vacant at the end of January 2003. Drawing no. C469D2, submitted with the application, shows the rear of the premises is described as a ‘workshop’. The applicant’s estate agent states that this area was used to repair electrical goods, which were sold in the shop area to the front of the unit.

3. Planning History

3.1. The application site, No. 215 Amesbury Avenue, was in use as an electrical goods shop (Use Class A1) until it became vacant at the end of January 2003.

3.2. On 14 October 1952 outline permission was granted for the erection of a group of seven shops and maisonettes and a newspaper kiosk on the site of Nos. 205-217 (odd) Amesbury Aven, the erection of three shops with maisonettes over a public house on the site of Nos. 256-268 (even), Amesbury Avenue - T.P.65381/S.R.52/5944.

3.3. On 14 May 1985 planning permission was granted for alterations and a change of use of the retail unit at No. 209 Amesbury Avenue to a licensed betting office – DC/0443/85.
3.4. It is likely that the current use of No. 256 Amesbury Avenue is unauthorised, as there is no record of the Council granting permission for a change of use from a shop to a launderette.

3.5. On 23 September 1991 an application for a change of use from retail to use as a take-away hot food shop and restaurant at No. 260 Amesbury Avenue was refused – DC/91/0047/JDG/25539.

3.6. The history file indicates that historically No. 260 Amesbury Avenue was in A1 use as a butcher’s shop. However, a land use survey conducted by the case officer revealed that this site is currently used as offices by Streatham Rangers / Lambeth Housing. The current use is likely to be unauthorised, as there is no record of the Council granting planning permission for this current use.

3.7. The cases of No. 256 and 260 Amesbury Avenue have been passed to the Enforcement section to investigate and, if necessary, applications will be invited on a without prejudice basis to regularise matters.

4. Scheme Details

4.1. The scheme involves a change of use of the ground floor from retail (Class A1) to an advice and training facility with associated offices for the East African Women Organisation, along with associated alterations.

5. Consultation Responses

5.1. A site notice was displayed on a post in front of the property and the application was advertised in the local press on 26 September 2003. Streatham Society and the neighbouring properties were consulted.

5.2. No comments have been received.

6. Planning Considerations

6.1. Relevant Policies

CD2: Proposals for development.
CD15: Proposals for development.
S10: Changes of use in Neighbourhood Centres.
RL43: Community facilities.
S10: Changes of use in Neighbourhood centres.
G12: Pollution.
ENV19: Noise control.
ENV24: Waste management and disposal.
ST13: Refuse storage and collection.


The policies in the Deposit Replacement Unitary Development Plan carry relatively little weight at the moment due to the early stage of the adoption process. However, the ‘Interim’ policies carry more weight in that they have been the subject of consultation as part of the Key Issues Paper and represent changes in national policy or guidance to which the Council must have regard in making planning decisions.

The following policies are relevant to this application:

1: The vision for Lambeth.
6.2. Land Use

6.2.1. The proposal involves the change of use of No. 215 Amesbury Road to offices with associated advice and training facilities for use by the East African Women Community Organisation. The proposal would provide a reception area and computer training facilities in the existing shop area.

6.2.2. It is proposed to provide 3 offices/interview rooms in place of the former workshop at the rear. This workshop was used to repair electrical goods, which were repaired on site and sold in the shop.

6.2.3. The site would replace the East African Women Organisation’s premises in Stockwell.

6.2.4. The applicant states that the East African Women Organisation works to meet the needs of women and families from East African Community, particularly refugees and asylum seekers through the provision of:
   - Advice, information, counselling and training to improve the quality of their lives and their families;
   - To raise East African awareness through research, seminars, conferences and publications;
   - Guidance regarding the procedure of the Immigration process and Asylum Act. Clients are referred to solicitors;
   - Clients are referred to the Housing Agencies and information is provided on housing procedures in the UK;
   - Communities are encouraged to take further education to ensure a better future.

6.2.5. Policy S10 of the adopted UDP relates to changes of use in neighbourhood centres. This policy indicates that changes of use from retail shops (Use Class A1) in neighbourhood centres will normally be permitted provided:
   - The retail character and vitality of the centre as a whole would not be adversely affected. The Council would normally expect at least 50% of shop units in the centres as a whole to remain in A1 use;
   - The proposal would not result in an undue concentration of non-A1 uses. In most cases, an undue concentration will constitute four or more adjoining shop units in non-A1 use;
   - The proposed use is one of the non-retail uses set out in Policy S9;
   - For specific uses, that they are acceptable against the more detailed considerations set out in Policies S14-S18;
   - That the amenity of neighbouring occupiers is safeguarded; and
   - That, if the property is in a shopping parade, a window display or frontage appropriate to the shopping area is provided.

6.2.6. The case officer conducted a use class survey on 17 October 2003, which includes the following premises located within the Amesbury Avenue Neighbouring Centre:
Table 1: Nos. 205-217 Amesbury Avenue (odd only) & Nos. 256-262 Amesbury Avenue (even only)

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<thead>
<tr>
<th>Street No</th>
<th>Authorised Use</th>
<th>Current use</th>
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<tbody>
<tr>
<td>205</td>
<td>A1</td>
<td>(vacant)</td>
</tr>
<tr>
<td>207</td>
<td>A1 - hairdressers</td>
<td>A1 - hairdressers</td>
</tr>
<tr>
<td>209</td>
<td>A2 (vacant)</td>
<td>(vacant)</td>
</tr>
<tr>
<td>211</td>
<td>A1 – off licence shop</td>
<td>A1 – off licence shop</td>
</tr>
<tr>
<td>215</td>
<td>A1 - Application site</td>
<td>(vacant)</td>
</tr>
<tr>
<td>256</td>
<td>A1</td>
<td>Sui Generis – launderette*</td>
</tr>
<tr>
<td>258</td>
<td>A1</td>
<td>A2 – office*</td>
</tr>
<tr>
<td>260</td>
<td>A1</td>
<td>A2 - office for Streatham Rangers/Lambeth Housing *</td>
</tr>
<tr>
<td>262</td>
<td>A3</td>
<td>A3</td>
</tr>
</tbody>
</table>

*These uses are likely to be unauthorised.

6.2.7. A total of 11 units are included within the Amesbury Avenue Neighbourhood Centre. Nine of the eleven units in this centre are authorised A1 uses. However, only five units would remain in Class A1 use (including one vacant unit) if planning permission is granted for the current proposal.

6.2.8. The proposal would result in a reduction of authorised Use Class A1 units within the Amesbury Avenue Neighbourhood Centre from 82% to 73%. This calculation refers to the authorised uses of the commercial uses specified in Table 1, and does not take into account the likely unauthorised current uses of some units, specified in Table 1.

6.2.9. As 73% of the shops in the Amesbury Avenue Neighbourhood Centre as a whole will remain in authorised A1 use, it is considered that this application would be in keeping with Policy S10 of the adopted UDP. This figure reduces to 45%, if the unauthorised uses are taken into account. However, in view of the nature of the use (which is generally supported and encouraged by the Council), it is considered that the current proposal could be permitted on a personal basis. A personal permission would prevent a change of use to any less appropriate use without permission.

6.2.10. It is not clear for what period of time the premises at Nos. 256, 258 and 260 Amesbury Avenue have not been in A1 use, but the Council’s Planning Enforcement Team will investigate the current use of the premises in an appropriate manner.

6.2.11. Nos. 211, 213 and 217 Amesbury Avenue would remain in A1 use, and in accordance with proviso 2 of Policy S10 of the adopted UDP it is not considered that the proposal would result in an undue concentration of non-A1 uses.
6.2.12. No. 211 is an off-licence and No. 217 is a newsagent, and accordingly convenience shopping facilities will remain within easy walking distance (up to 400m) of homes or workplaces in the local area. Further, as 5 units within the shopping parade (Nos. 205-217) would remain in retail use it is not considered that the proposal would undermine the parade’s retail function and viability.

6.2.13. The proposed use is one of the non-retail uses set out in Policy S9. This policy states under section (iii) that changes of use from Class A1 will normally be permitted provided “the proposed use is appropriate to a shopping parade, i.e. the use falls within Classes A2 or A3 or is one of the following uses: social, community, or health (e.g. meeting places for women, ethnic minorities, or the unemployed...).” As the proposal is for use of the ground floor as an advice and training facilities with ancillary offices for a Women’s Group, it is considered to be in keeping with the criteria of Policy S9 of the adopted UDP.

6.2.14. The façade of the property would not be altered by this proposal. It is, however, proposed to remove part of the existing display shelf to create more internal floor space. Accordingly, part of the display shelf would be retained as would the porch. It is considered that this application would satisfy Policy S10 of the adopted UDP, in that window display and frontage appropriate to a shopping area would result.

6.2.15. Policy RL43 of the adopted UDP relates to community facilities. This policy indicates that the Council will seek to retain and improve halls and meeting rooms for community use. Where possible, the Council will seek additional provision by reserving sites for such use, or encouraging provision in acceptable new developments.

6.2.16. The applicants state that the premises, if used, would replace the organisation’s present cramped property in Stockwell, which does not satisfy the requirements of the organisation. The existing property is run-down, lacks privacy for individual casework, and access is only possible by stairs to the second floor.

6.2.17. Policy 26 of the deposit UDP relates to community facilities. This policy states that the Council supports and promotes the development and improvement of facilities for the community. Proposals for community facilities serving a neighbourhood or district function should be located in or adjoining a town or local centre. However, this policy indicates that if there are no sites in these areas, small-scale communities should be located on a site with moderate or better public transport accessibility, which is easily and safely accessible by cycling and walking.

6.2.18. The applicant states that between 10 and 15 people visit the centre each day at the current site in Stockwell. The catchment area of the organisation includes greater Brixton, Tulse Hill, Streatham and Norwood areas. This organisation only has one office in London and it is not uncommon for clients who live outside this catchment area to use the services provided. It is anticipated that despite the relocation of the organisation’s premises to Streatham, the level of clients visiting the site would remain unchanged.

6.2.19. The site’s accessibility is discussed under the Highways and Transport Issues section of this report.

6.2.20. Although the approval of this application would not create an additional community facility within the borough, it would provide ground floor premises more convivial for use by a small scale organisation such as the East African Women Organisation. The proposal is in accordance with policy RL43 of the adopted UDP and Policy 26 of the deposit UDP.
6.3. **Design and Conservation Considerations**

6.3.1. No external alterations are proposed to the shop front or entrance doorway, which are already protected by metal roller shutters.

6.3.2. The Council’s Conservation and Urban Design Group has no comments.

6.4. **Amenity Impact**

6.4.1. The proposed opening hours are:
- Monday to Friday: 9.30am to 5pm.
- Saturday: 10.00 am to 1pm.

6.4.2. The presence of a community organisation at this location could lead to an increase of activity during normal daytime opening hours. It could possibly also lead to more pedestrian traffic.

6.4.3. However, it is considered that the proposed use would not have an adverse impact on the amenities enjoyed by the local residents and businesses over and above the existing A1 retail shop. The fact that the premises would not be open on Saturdays after 1300 hours and not at all on Sundays would mean that there would be no implications for residential amenity at those times. Moreover, during the centre’s opening hours the expected number of clients visiting daily would not be such as to be lawful in terms of noise and disturbance being exercised in the amenities of nearby residential occupiers.

6.4.4. It is considered that the proposal would be acceptable in terms of Policy 7 of the deposit UDP.

6.5. **Highways and Transportation Issues**

6.5.1. Policy 14 of the deposit UDP relates to parking and traffic restraint.

6.5.2. Policy 26 of the deposit UDP states that small-scale community facilities should be located on a site with moderate or better public transport accessibility which is easily and safely accessible by cycling and walking.

6.5.3. The applicant states that car ownership is very low among the client group. Consequently most users would arrive by public transport from the Streatham Hill direction. However, it is stated that the application site is more suitable for users being dropped off or collected by car or “dial-a-ride” than the present location in Stockwell.

6.5.4. The Council’s Transportation & Highways Group commented that this proposal is small scale with 3 small offices and 5 computer training desks. As long as this is not used as a social club/meeting room area there is unlikely to be a significant impact (especially considering the current A1 classification and previous use). Therefore, no objection is raised on highway grounds.

6.5.5. It is not, therefore, considered that the proposal would result in a significant increase in on-street parking in the area. The site is easily and safely accessible by walking from public transport facilities along Streatham Hill and Streatham High Street. Therefore, it is considered that the application would be acceptable in terms of Policies 14 and 26 of the adopted UDP.

6.6. **Other**
6.6.1. There is currently an enclosure for wheelie bins at the eastern end of the shopping parade. It is considered that its continued use would satisfy the requirements of the proposed use.

7. Conclusion

7.1. It is considered that this is an appropriate location for a community facility with its associated office use. The proposal would neither be detrimental to local amenity nor the viability of the Amesbury Avenue Neighbourhood Centre. Similarly, there would be no implication for the Leighton Court Estate Conservation Area or for highway safety.

8. Recommendation

Grant planning permission.

Summary of Reasons:

In deciding to grant planning permission, the Council has had regard to the relevant policies of the Development Plan and all other relevant material considerations. Having weighed the merits of the proposal in the context of these issues, it is considered that planning permission should be granted subject to the conditions listed below. In reaching this decision the following policies were relevant: Adopted Unitary Development Plan 1998-CD2: Proposals for development, S10: Changes of use in Neighbouring centres; RL43: Community facilities. Deposit Replacement Unitary Development Plan 2002-7: Protection of residential amenity; 14: Parking and traffic constraint; 26: Community facilities, 42: Conservation Areas.

1. The development to which this permission relates must be begun not later than the expiration of five years beginning from the date of this decision notice. Reason: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990.

2. Details of refuse storage to serve the development shall be submitted to and approved in writing by the local planning authority prior to the conversion of the building hereby permitted. The refuse storage facilities shall be provided in accordance with the approved details prior to the commencement of the use and shall thereafter be retained as such for the duration of the permitted use. Reason: To ensure that adequate provision is made for the storage of refuse on the site, in the interests of the amenities of the area (policies env24, CD15 and ST13 of the adopted Lambeth unitary development plan (1998) and policies 9, 32 and 50 of the deposit replacement unitary development plan (2002 - 2017) refer.)

3. A window display, suitable within a shopping parade, shall be provided and maintained to the satisfaction of the Local Planning Authority for the duration of the use hereby approved. Reason: To comply with Section 91 of the Town and Country Planning Act 1990. (Policy S10 of the adopted Lambeth Unitary Development Plan (1998) and policy 19 of the Deposit Replacement Unitary Development Plan (2002-2017) refer).

4. There shall be no amplified sound, speech or music which is audible outside the premises. Reason: To protect the amenities of adjoining occupiers and the surrounding area. (policies G12 and ENV19 of the adopted Lambeth unitary development plan (1998) and policies 1, 7 and 48 of the deposit replacement unitary development plan (2002 -
5 The use hereby permitted shall not operate otherwise than between 09.30 to 17.00 Mondays to Fridays and between 10.00 to 13.00 Saturdays and shall not operate at all on Sundays, Bank or Public Holidays. Reason: To safeguard the amenities of neighbouring residential properties. (Policies G12 and ENV19 of the adopted Lambeth Unitary Development Plan (1998) and policies 1,7 and 48 of the Deposit Replacement Unitary Development Plan (2002-2017) refer.)

6 The premises shall be used solely as offices, with associated training and advice facilities by the East African Women Organisation and the use hereby approved, shall enure for the benefit of the applicant only and shall not run with the land. Reason: To safeguard the amenities of adjoining premises and the area generally, in recognition of the use of the premises as a community facility and to enable the Local Planning Authority to assess the planning and highway implications of any alternative use of the premises.

Notes to Applicants:

1 This decision letter does not convey an approval or consent which may be required under any enactment, by-law, order or regulation, other than Section 57 of the Town and Country Planning Act 1990.

2 Your attention is drawn to the provisions of the Building Regulations, and related legislation which must be complied with to the satisfaction of the Council's Building Control Officer.

3 Your attention is drawn to the need to comply with the requirements of the Control of Pollution Act 1974 concerning construction site noise and in this respect you are advised to contact the Council's Environmental Health Division.

4 You are advised of the necessity to consult the Council's Refuse/Streetcare Services with regard to the provision of refuse storage and collection facilities.

5 The applicant is advised that this property lies within a Conservation Area and is the subject of an Article IV Direction which has taken away certain permitted development rights. The applicant is advised to consult the Local Planning Authority before carrying out any external works to the property. This permission relates solely to the change of use of the premises and does not purport to grant permission for any external alterations to the building.
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<th>Location</th>
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<td>Streatham Hill</td>
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<td>Proposal</td>
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<td>Application No</td>
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<td>DGG Planning (Wokingham) Ltd</td>
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**Considerations**

- East London Rail Extension
- Within 100m of Trunk Road

**Approved Plans**

- 0363/07A, 08, unnumbered location plan

| Recommendation | GRANT PERMISSION |
Officer Report

03/02648/FUL

1. Summary Of Main Issues

1.1. Loss of employment generating land and floorspace
1.2. Impact on street scene
1.3. Impact on amenity of neighbouring properties
1.4. Highway and traffic safety

2. Site Description

2.1. The application site comprises a two storey rectangular, detached building (14.5m x 11.5m), with a pitched asbestos roof, in light industrial use by an electrical business, with three employees. In the main the building is presently underused with the major part of the occupied floorspace being used for storage. This building is set back from the road by an open area (approx 22m x 12m) used for the display of motorcars. The display of motorcar use (Sui generis) is operated by the adjoining car sales business, which has extended across the forecourt of the application site.

2.2. The application site has a right of way over a service road, which runs along the whole length of the eastern side of the site. This road also provides access to the neighbouring car sales business, and to two separate lock-up garages, and an electricity sub station, with a yard/ turning area, at the rear of the site.

2.3. The site is located between a residential area, with two storey houses adjoining to the west, with workshops to the north, and the rear of shop uses, to the east.

2.4. The site faces onto the junction of Palace Rd and Leigham Vale, which leads onto the junction with Norwood Rd, approximately 40m to the east of the site. As a result vehicular traffic in the vicinity of the site undertake a variety of turning movements.

2.5. To the south of the site on the opposite side of the road is an embankment carrying a railway line. Diagonally opposite the site is a triangular site also used for open display of cars for sale.

3. Planning History

3.1. Planning permission was refused for the land’s change of use from light industrial by proposed residential redevelopment involving the erection of six x 2 bedroom flats’ on 18.2.2003 (ref 02/03054/OUT). The reasons for refusal were:-

1. Insufficient evidence has been submitted to demonstrate that use of the site for employment generating use is unacceptable and that no effective demand exists or is likely to exist in the future for employment generating use, contrary to Policy EMP6 of the Lambeth Unitary Development Plan and Policy 23 of the Deposit Replacement Unitary Development Plan.

2. The indicative plan, of preliminary proposals for the provision of six x 2 bedroom flats illustrates that such development is likely to result in an unacceptable loss of amenity to neighbouring properties by reason of height, bulk, siting, design, resulting in loss of privacy, loss of outlook, and being overbearing. Contrary to Policy H10, CD15 of Lambeth Unitary Plan and Policy 7 of Deposit Replacement Unitary Development Plan.

3. The indicative access by reason of its siting, close to the Palace Road, Leigham Vale junction and neighbouring business is likely to result in hazard and obstruction to pedestrians and vehicular traffic, contrary to Policy T9,
T12 of Lambeth Unitary Development Plan and Policy 9 and 14 of Deposit Replacement Unitary Development Plan.

4. The proposal would be harmful to the visual amenity of the streetscene at this point contrary to Policy H10, CD15 of Lambeth Unitary Development Plan and Policy 32 and 35 of Deposit Replacement Unitary Development Plan.

4. Scheme Details

4.1. Planning application is made for:
- The demolition of the existing two storey building in light industrial use, and cessation of the use of the front open area for car sales,
- Redevelopment of the site by
  - (a) Erection of two semi-detached, three storey, houses, (second floor within pitched roofspace) towards the front of the site. Each house accommodating three bedrooms, with ancillary front and rear gardens and car parking space at rear leading onto existing vehicular access.
  - (b) Erection of a two storey building providing approximately 170sqm of floorspace for light industrial use (Class B1), with retention of associated car parking space in two lock-up garages, at the rear of the site.

5. Consultation Responses

5.1. Neighbouring occupiers at, houses, flats and businesses at 1, 2, 3, 5, 4, 6, 7, 8, 9, 10, Palace Mansions, Palace Road, 135, to 145 (odd), 151, Palace Road, 1, to 4 Lupin Close, 196, 198, to 204 (even), Norwood Road, 19, to 23 Parade Mews have been consulted.

5.2. The following Groups have also been consulted: Norwood Society, Streatham Society, and Transport for London, have been consulted, and a Notice has been displayed near the site.

5.3. One letter received from a neighbouring resident has raised concerns which are summarised as follows:-
- Reassurance required that the drainage would be adequate, inadequate street drainage is an ongoing worry.
- What work is to be carried out in the proposed workshop, there is little noise from the existing user?
- What is the proposed use of the area between the houses and the workshop?

6. Planning Considerations

6.1. Relevant Policies

6.1.1. The relevant policies of the Adopted Lambeth Unitary Development Plan are as follows,
- EMP6 Protection of employment generating use
- EMP7 Loss of Class B1 use
- EMP10 Business use
- EMP12 Amenity and design
- H10 Residential development standards
- CD15 Design of new development
- T9 Provision of vehicular accesses
- T12 Parking standards
- T17 Transport implications
6.1.2. The relevant Supplementary Planning Guidance is SPG4 Internal Layout and Room Sizes.

6.1.3. The relevant policies of the Deposit Replacement Unitary Development Plan are as follows.
- 7 Protection of residential amenity
- 9 Transport impact
- 14 Parking and traffic restraint
- 15 Additional housing
- 23 Protection of employment uses
- 32 Building scale and design
- 36 Streetscape, landscape and public realm design

The Deposit version of the UDP policies, relevant to this application, carries little weight at this early stage. Interim Policies, which were consulted on in the Key Issues Paper, carry slightly greater weight.

6.2. Land Use

6.2.1. The existing use of the site comprises; approximately 264sqm of hardstanding at the front of the site, in car sale use as described above, and approximately 284sqm of light industrial (Class B1) floorspace, distributed over two floors in the building to the rear of the site.

6.2.2. The proposed development provides for residential redevelopment by the erection of 2-three-bedroom houses, on the area used for display of cars for sale, and part of the site of the existing B1 unit.

6.2.3. The proposed development would provide approximately 170sqm of Class B1 floorspace, distributed over two floors, in a smaller new purpose built B1 building located on a reduced footprint to the rear of the site.

6.2.4. The proposed development would therefore result in the loss of employment generating use/floorspace comprising 264sqm of forecourt area, used for display of cars, and a loss of approximately 114sqm of B1 floorspace, which is approximately 40% of existing B1 floorspace.

6.2.5. It is Council policy to resist the loss of employment generating use / floorspace. (ref Policies EMP6, EMP7, of adopted Unitary Development Plan, and policy 23 of Deposit Replacement Unitary Development Plan)

6.2.6. However policy provides that permission may be granted where the site, with or without adaptation, would not be capable of accommodating an acceptable employment development, taking account of the impact on residential amenity.

6.2.7. The employment uses are currently occupied, three people are presently employed on the site.

6.2.8. The applicant states that no marketing has been undertaken, no evidence of marketing of the premise / site for future employment use has been submitted.

6.2.9. However the loss of employment generating use, and its replacement by 170sqm of employment generating (Class B1) floorspace proposed in a new two storey building is considered acceptable in this instance, in the light of the adverse impact of the existing use on the amenities of
the neighbouring residential area and the townscape, amenity and transport benefits, that are likely to result from the proposed development, and are reported below.

6.2.10. The proposed residential use would provide an additional two x 3 bedroom houses with private gardens within a general area of housing need. These two houses would neighbour existing residential property, to the west with an wider residential area beyond. This housing, together with the proposed new building for B1 use, at the end of the proposed gardens of the proposed residential units is also considered acceptable in this instance.

6.2.11. The proposed land uses are therefore considered acceptable.

6.3. **Design Considerations**

**Townscape:**

6.3.1. The existing car sales / display area on the site is a continuation of the adjoining car sales business. The open display of cars for sale of this business extends across the application site to the junction of Palace Road and Norwood Road. This has a total frontage length of approximately 40 metres clearly visible from the public highway. A prominent triangular area on the diagonally opposite side of the road to the application site is also used for the open display of cars for sale. It is considered that this expanse of ‘car parking’ has a significant adverse impact on the visual amenity of the neighbouring residential area and the street scene.

6.3.2. The proposed two storey houses would adjoin the existing residential area to the west. The proposed residential development would result in a significant reduction of the extent of the highly visible open car display area. This reduction would amount to approximately 25% of the frontage, and approximately 50% of site area in such use.

6.3.3. The proposed pitched and hipped roof houses, with a ridge approximately half a metre higher than the neighbouring houses, would generally reflect the scale and features of the design of existing neighbouring houses. Front dormer windows are an established feature of houses further along Palace Road. In following the front building line of the neighbouring residential properties the proposed residential development would give greater definition to the street scene. It is considered that this would provide acceptable enclosure, which would enhance the visual amenities and residential character of the street scene.

6.3.4. It is therefore considered that the proposed residential redevelopment, in addition to providing additional housing, would also result in a significant townscape benefit by improving the visual amenity of the street scene, thereby significantly enhancing the residential character of the local area.

**Standard of residential accommodation**

6.3.5. In addition to the being acceptable in terms of appearance and character the proposed houses would comply with the Council’s room size standards, and are acceptable in terms of layout, and would have
acceptable rear gardens (between 7.5 and 11.5 metres long and 6 and 8.5 metres wide).

6.3.6. One off street parking space would be provided for each dwellinghouse.

Standard of Business (Class B1) accommodation

6.3.7. The proposed Business unit would have a pitched roof with a ridge height approximately 0.4 metre below that of the existing B1 unit. The ground floor of the proposed unit would have a ground floor ceiling height of approximately 3.8 metres, which complies with the Council’s minimum height of 3.75m.

6.3.8. The proposed unit would be accessed entirely from the yard area at the rear of the site, where parking and turning space exist. Vehicular access to the large roller shutter door at the front of the existing B1 unit has fallen into disuse and has been completely obstructed for some considerable period of time by extension of the display of cars for sale on the forecourt, ancillary to the adjoining use. The car sales use of the forecourt is now likely to be lawful by virtue of the passage of time.

6.4. Amenity Impact

6.4.1. In addition to the improvement in visual amenity to the street scene, described above, it is also considered that the proposed development would improve the residential amenities of the adjoining property.

6.4.2. The proposed B1 unit would be approximately six metres further back on the site from the rear of the neighbouring house, compared with the existing B1 unit. Unlike the existing unit the proposed B1 unit would not have windows in the elevations looking towards the neighbouring house and its rear garden. The proposed building would therefore represent an improvement in the outlook currently experienced by neighbouring residential occupiers. Noise and disturbance from the car sales use to the existing adjoining house would also be removed. The proposed houses would be separated from the car sales use by the existing accessway. The existing and proposed houses would also be screened by the proposed B1 unit from vehicular access and servicing of the proposed unit, which would take place at the rear of the site.

6.4.3. In response to the concern expressed in relation to drainage, to the extent that the existing forecourt hardstanding is removed, and the existing building footprint reduced in size, to form a residential garden, and rainwater is allowed to be absorbed by the land, the volume of surface runoff and demand on the drainage system should be reduced.

6.5. Highways and Transportation Issues

6.5.1. The car display area is located with access onto Palace Road at its junction with Leigham Vale, which is a Local Distributor Road. This junction is also near the busy junction of Palace Road and Norwood Road, a Borough Principal Road (classified A215) and a radial route to Central London. The location of the vehicular accessway to the site is long established. Bollards along the frontage of the site have been erected to limit vehicular access to the public highway, of the car display/sales area, to this established accessway.
6.5.2. The proposed development would result in the removal of the car sales use of the front part of the site, which is at present ancillary to the adjoining car sales business, replacing it with residential use, in the form of two houses. The proposed loss of the car display area is likely to lead to a reduction in cars being driven over the footway, with transport advantages of increased safety and reduced traffic obstruction/hazard.

6.5.3. This reduction in traffic will be beneficial in transport terms.

6.5.4. The proposed car parking within the site is considered adequate.

6.5.5. With a condition to ensure that there is no wall, or other obstruction to visibility over 900mm high along the highway boundary, and 2m back from the highway, the Transport Officer raises no objections to the proposed development.

6.6. **Conclusion**

6.6.1. It is considered that in this instance the overall benefits to the townscape, residential amenities, transport benefits, and the proposed addition of two family houses, in an area of housing need, out weigh the proposed partial loss of employment generating use.

6.6.2. It is therefore recommended that planning permission be granted.

7. **Recommendation**

7.1. **Grant Conditional Permission.**
Summary of Reasons:

In deciding to grant planning permission, the Council has had regard to the relevant policies of the Development Plan and all other relevant material considerations. Having weighed the merits of the proposal in the context of these issues, it is considered that planning permission should be granted subject to the conditions listed below. In reaching this decision the following policies were relevant: Adopted Unitary Development Plan 1998 policies EMP6, EMP10, EMP12, H10, CD15, T9. Supplementary Planning Guidance SPG4 Deposit Replacement Unitary Development Plan 2002 policies 7, 9, 14, 15, 23, 32, 36.

1. The development to which this permission relates must be begun not later than the expiration of five years beginning from the date of this decision notice. Reason: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990.

2. Samples and a schedule of materials to be used in the elevations of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before any building work commences and this condition shall apply notwithstanding any indications as to these matters which have been given in the application. The development shall thereafter be carried out solely in accordance with the approved details. Reason: To safeguard and enhance the visual amenities of the locality. (Policies CD15 and G17 of the adopted Lambeth Unitary Development Plan (1998) and policies 32 and 36 of the Deposit Replacement Unitary Development Plan (2002 - 2017) refer.)

3. Details of refuse storage to serve the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development hereby permitted. The refuse storage facilities shall be provided in accordance with the approved details prior to the initial occupation of the development and shall thereafter be retained as such for the duration of the permitted use. Reason: To ensure that adequate provision is made for the storage of refuse on the site, in the interests of the amenities of the area (Policies ENV24, CD15 and (c) of the adopted Lambeth Unitary Development Plan (1998) and policies 9, 32, 50 and (d) of the Deposit Replacement Unitary Development Plan (2002 - 2017) refer.)

4. Full details of all the siting and design of all walls, fences, gates, shall be submitted to and approved by the Local Planning Authority in writing before any work on site is commenced on the site. No gates shall be outward opening across the public highway / footpath. Such walls, fences and gates, as may be approved shall be erected before the initial occupation of the dwellinghouses unless the prior written approval of the Local Planning Authority to any variation is obtained. Reason: To minimise danger and inconvenience to highway users, and to ensure a satisfactory resultant appearance and standard of amenity of the site. (Policies T17, T18, CD15, H10 of the adopted Lambeth Unitary Development Plan (1998) and policies 7, 9, 31 of the Deposit Replacement Unitary Development Plan (2002-2017)

5. In relation to Condition 4 herewith, no walls gates, fences or other structures or planting shall be higher than 900mm along the highway boundary and at least 2 metres back from the highway. Reason: To ensure adequate visibility so as to minimise danger, obstruction, and inconvenience to users of the highway and of the access. (Policies T9, CD15, ST28 and H10 of the adopted Lambeth Unitary Development Plan (1998), and Policies 9, and 31 of the Deposit Replacement Unitary Development Plan (2002 - 2017)
The development shall not begin until provision has been made to accommodate all site operatives', visitors' and construction vehicles loading, off-loading, parking and turning within the site during the construction period in accordance with details to be submitted and agreed in writing by the Local Planning Authority. Reason: To minimise danger and inconvenience to highway users, (Policies T17 and T18 of the adopted Lambeth Unitary Development Plan (1998), and Policies 9 and 31 of the Deposit Replacement Unitary Development Plan (2002 - 2017) refer.)

The scheme for parking, garaging, manoeuvring, and the loading and unloading of vehicles shown on the submitted plans shall be laid out in accordance with the approved details prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose, or obstructed in any way. Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway (Policies CD15, T12, T18, and ST29 of the adopted Lambeth Unitary Development Plan (1998), and Policies 14 of the Deposit Replacement Unitary Development Plan (2002 - 2017) refer.)

Details of a scheme to light the access drive/road and vehicle parking areas hereby permitted shall be submitted to and approved in writing by the local planning authority prior to the commencement of development and shall be implemented in full before the buildings hereby permitted are occupied/used. The approved lighting shall thereafter be permanently retained and maintained in accordance with the approved scheme. Reason: in the interest of public safety (policies ENV12, ENV15 and ENV16 of the adopted Lambeth Unitary Development Plan (1998), and policy 31 of the deposit replacement Unitary Development Plan (2002 - 2017) refer.)(also check policies H5, H10, ST4 of adopted UDP, as well as use-related policies in both adopted and deposit UDP's)

The two storey workshop building shown on the drawings hereby approved shall be used for Business purposes Class B1 and for no other purpose. No processes shall be carried on or machinery installed which are not such as could be carried on or installed in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke soot, ash, dust or grit. Reason: To safeguard the amenities of the adjoining residential properties and the surrounding area. (Policies G12, G17, EMP10, and ENV19 of the adopted Lambeth Unitary Development Plan (1998) and policies 1, 7, 32, 35 and 48 of the Deposit Replacement Unitary Development Plan (2002 - 2017) refer.)

No new plumbing or pipes, other than rainwater pipes, shall be fixed on the external faces of the building. Reason: Such works would detract from the appearance of the building and would be detrimental to the visual amenities of the locality (Policies CD15 and G17 of the adopted Lambeth Unitary Development Plan (1998) and policy 32 of the Deposit Replacement Unitary Development Plan (2002 - 2017) refer.)

Following the implementation of this consent, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no buildings, extensions or alterations permitted by Classes A, B, C, D and E of Part 1 of the Second Schedule of the 1995 Order shall be carried out without the prior written permission of the Local Planning Authority. Reason: To safeguard the character and the amenities of the premises and adjoining properties. (Policies CD15 and G17 of the adopted Lambeth Unitary Development Plan (1998) and policy 7, 32, 33 of the Deposit Replacement Unitary Development Plan (2002 - 2017) refer.)
12 The first floor windows in the side elevations to the bathrooms of Unit 1, shown on the approved plans, shall not be other than permanently obscure glazed fixed shut. Reason: To safeguard the amenities of the neighbouring premises. (Policies CD15 and G17 of the adopted Lambeth Unitary Development Plan (1998) and policy 7, of the Deposit Replacement Unitary Development Plan (2002 - 2017) refer.)

13 Following the implementation of this consent, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no formation, laying out or construction of a means of vehicular access from the front gardens of the two dwellinghouses herewith approved directly onto Palace Road, which may be permitted by Class B of Part 2 of the Second Schedule of the 1995 Order, shall be carried out without the prior written permission of the Local Planning Authority. Reason: To minimise danger, obstruction, and inconvenience to users of the public highway. (Policies G42, T9, CD15, ST28 and H10 of the adopted Lambeth Unitary Development Plan (1998), and Policies 9, and 31 of the Deposit Replacement Unitary Development Plan (2002 - 2017) refer.)

Notes to Applicants:

1 This decision letter does not convey an approval or consent which may be required under any enactment, by-law, order or regulation, other than Section 57 of the Town and Country Planning Act 1990.

2 You are advised that this consent is without prejudice to any rights which may be enjoyed by any tenants/occupiers of the premises.

3 Your attention is drawn to the provisions of the Building Regulations, and related legislation which must be complied with to the satisfaction of the Council's Building Control Officer.

4 Your attention is drawn to the need to comply with the requirements of the Control of Pollution Act 1974 concerning construction site noise and in this respect you are advised to contact the Council's Environmental Health Division.

5 You are advised of the necessity to consult the Council's Refuse/Streetcare Services with regard to the provision of refuse storage and collection facilities.

6 Building products made from asbestos are liable to emit fibres especially during construction, repair or demolition. These fibres are hazardous. There are strict regulations governing work with asbestos and you are advised to employ a contractor specifically licensed by the Health and Safety Executive to undertake work with materials containing asbestos. You are invited to contact the Council's Environmental Health Department for further advice.
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Location | Notre Dame Estate Ball Games Area, Worsopp Drive, Opposite Grover House London

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<th>Clapham Common</th>
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Proposal

Refurbishment of existing playground incorporating new fencing around the playground, two multipurpose goals and six floodlights. (Amended description).

Application Type | Full Planning Permission

Application No | 03/02857/FUL/DC_JVA/20425

Applicant | Clapham Common NHO

Agent | Design & Technical Services (attn: Caroline Fraser)
| Hambrook House
| Porden Road
| London SW2 5RY

Date Valid | 14 October 2003

Considerations

Approved Plans

D1/A, D2, D3, LA1/A, LA2/A, LD1

| Recommendation | GRANT PERMISSION

142
Officer Report

03/02857/FUL

1. Summary Of Main Issues

1.1. The main issues in determining this application are:
- the impact on the residential amenities of neighbouring properties
- the appearance of the new fence, lighting poles and multipurpose goals
- the impact on the setting of the neighbouring listed buildings
- the views into and out of the Clapham Conservation Area.

2. Site Description

2.1. The site is a playground that is part of the Notre Dame Estate. The playground is in a rundown state and is considered to be unsafe. The playground has therefore been officially closed for a number of years. However, there are several holes in the existing fence and the playground is still being used. The playground has an asphalt paving and two metal football goals. A four metre high fence surrounds the site. Also, two lampposts are located to the west side of the site.

2.2. The north boundary wall of the playground is the common boundary with residential properties on Clapham Common South Side and Crescent Lane. The residents of these properties have put up 6 metres high additional fencing on this boundary to the rear of the playground and on 5 metres of the eastern side. This was done a number of years ago to stop balls being kicked into the neighbouring gardens. This fencing, consisting of steal poles and netting, is now overgrown with foliage. There appears to be no planning consent for this fence, but since it was erected over four years ago it is immune from enforcement action.

2.3. To the west, the application site borders onto garage boxes. The southern side of the playground borders onto Worsopp Drive. The eastern side borders partly on private property and partly on common land of the estate.

2.4. The site is not located in a conservation area, but borders the Clapham Conservation Area. Both the neighbouring terraces on Clapham Common South Side and Crescent Lane are within this conservation area. The terrace comprising 32 - 38 Clapham Common South Side is Grade II Listed.

3. Planning History

3.1. There is no relevant planning history that relates to this playground.

4. Scheme Details

4.1. New fencing is proposed around the site. The fencing would be 6.5 metre high on the north side and also 5 metres of the western side and 10 metres of the eastern side where the site borders residential properties. Elsewhere, the fence would be 4.1 metres. On the Northern side, the fencing would be set forward from the rear boundary wall. The fence would be green painted “Zaun Ball Court Fencing”. Two gates into the court are proposed to the east and south to create access into the courtyard. Two gates are also proposed to the north side, to create access to the space between the fence and the party wall.

4.2. Six standard ballcourt floodlights are proposed; three on each side of the court. The lights would be single “Thorlux Starguard” low glare floodlights mounted on six metre high poles. The lights would be faced inwards to reduce light pollution.
into neighbouring gardens. The lights could be switched off manually when not in use but would be switched off automatically at 9pm daily.

4.3. New surfacing and two multipurpose goals (football/basketball) on either sides of the pitch are proposed, with the surface marked out for football and basketball.

4.4. Part of the area next to the ball games area would be paved, and two picnic benches would be installed. These works do not require planning permission however.

5. Consultation Responses

5.1. Neighbouring residents on Clapham Common South Side, Crescent Lane, and the occupiers of Grover House and Bourne House have been consulted. A list of all consulted properties is attached to this document. Additionally, a notice has been erected on site.

5.2. One letter supporting the refurbishment of the playground, but requesting higher fencing to stop balls flying over the fence, has been received.

5.3. A letter and a petition signed by 14 residents of Crescent Lane and Clapham Common South Side, which stated the problems that have been caused by the ball games area over the years. The main of issues of contention are balls coming over the fence into private gardens, after which the balls are retrieved, and noise from the playground. Concerns are raised that the fencing as proposed would not be high enough and that the lighting would cause disturbance to residential amenities.

5.4. In light of these concerns from residents, a meeting was held on 9 December 2003 with various neighbours, a ward Councillor and the Council’s Landscape Architect.

5.5. After this meeting, a petition was received by the Council. This petition stated that, although grateful for the compromise on the fencing, there were still concerns regarding the floodlighting. Objectors state that the floodlighting should be switched off at 8 PM and not as 9 PM as requested.

6. Planning Considerations

6.1. Relevant Policies

6.1.1. Relevant Policies in the adopted Unitary Development Plan are:

G36: Retention and improvement of community facilities
CD 2: Proposals for development
CD13: Setting of Listed Buildings
CD15: Design of development
RL34: Preservation and Use of sports facilities

6.1.2. The following policies of the Deposit Replacement Unitary Development Plan (2002 – 2017) are also relevant:

26: Community Facilities
32: Building Scale and Design

6.1.3. The policies in the Deposit Draft Unitary Development Plan carry relatively little weight at the moment due to the early stage of the adoption process.

6.2. Land Use

6.2.1. This application relates solely to the refurbishment of the site, and the use of the site as a playground is not an issue to be determined.
Although the playground has been closed for some years due to its condition, the site had previously been used as a playground for over 20 years. The estate is in need of secure play facilities in the immediate vicinity, as the facilities on Clapham Common are considered to be too far away for younger children. Policy RL34 of the adopted UDP endeavours to retain public, private and educational playing fields, and refurbishment and bringing back into use of this ball games area would be in accordance with this policy.

6.3. Design and Conservation Considerations

6.3.1. Policy CD2 states that all development should preserve or enhance conservation areas, and policy CD13 states that development should not adversely affect the setting of listed buildings. The Council’s Conservation and Design officer has commented on this scheme and has raised no objections. The new fence would be approximately the same height of 4.1 metres for most of the playground. To the rear and to parts of the side elevation however, the fence will be raised to 6.5 metres, what is for most part an increase of 0.5 metre, and an increase of 2.4 metres for 5 metres at each of the sides. However, since the fence would be an inconspicuous green metal structure, it is not considered to have a significant detrimental impact on the views out of or into the conservation area or on the setting of the listed terrace.

6.3.2. The ball games area is currently in a rundown state and it is considered that the works would be a visual improvement to the play area and this part of the estate.

6.4. Amenity Impact

6.4.1. Policy 15 of the adopted UDP states that development should safeguard the amenities of neighbourhoods. For the largest part, the new fence would be 4.1 metre, about the same height of the existing fence. However, the fence will be 6.5 metre high to the north; half a metre higher than the existing fence. Five metres of the west and 10 metres of the east elevation would also have this extra high fence, as to protect neighbours from balls landing in private gardens. At the moment, only 5 metres of the fence on the eastern border benefits from this higher fence.

6.4.2. The proposal has been amended after the meeting with local residents mentioned in paragraph 4.2 in order to meet the concerns of the neighbours. The fence is set forward from the boundary wall so no damage will be done to the existing wall and fence, which the residents would like to retain. By bringing the fence forward, the risk of balls entering the neighbouring gardens is further reduced and the proposal is now considered to be acceptable.

6.4.3. The Council’s Design and Technical services have looked into the possibility to put netting over the playground, however it was found that this would not be possible over such a large area. In these circumstances, it is considered that the new fencing would be acceptable.

6.4.4. The Council’s Regulatory Services have commented on the proposal, and have raised no objections, subject to a condition that the lights should be focussed on the playground only, and that the illumination should not exceed 300 LUX. The lights would be switched off automatically at 9 PM every evening, but could be switched off earlier
by the Clapham Common Neighbourhood Manager. This is not considered to have a significant detrimental effect on the residential amenities of neighbouring properties, and would provide the opportunity for the ball games area to be used to its full extend.

6.5. **Highways and Transportation Issues**

6.5.1. No highways and transportation issues arise from this application.

7. **Conclusion**

7.1. The new fence, goals and lighting poles would form part of a much-needed refurbishment of this playground, while increasing the residential amenities of neighbouring residents, without jeopardising the setting of the neighbouring listed buildings or views into or out from the conservation area. As such, the proposal is acceptable.

8. **Recommendation**

8.1. It is recommended to grant conditional planning permission.
Summary of Reasons:

In deciding to grant planning permission, the Council has had regard to the relevant policies of the Development Plan and all other relevant material considerations. Having weighed the merits of the proposal in the context of these issues, it is considered that planning permission should be granted subject to the conditions listed below. In reaching this decision the following policies were relevant: Adopted Lambeth Unitary Development Plan 1998: policies CD2, CD13, CD15, RL34. Deposit Replacement Unitary Development Plan 2002: policies 26, 32.

1. The development to which this permission relates must be begun not later than the expiration of five years beginning from the date of this decision notice. (Reason: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990.)

2. The floodlights hereby approved shall only operate between the hours of 8:00 and 21:00. Reason: To protect the amenities of adjoining occupiers. (Policy CD15 of the adopted Lambeth Unitary Development Plan (1998) and policy 32 of the Deposit Replacement Unitary Development Plan (2002 - 2017) refer.)

3. The floodlighting shall be focused on the playground only to a level of illumination not exceeding 300 LUX. Obtrusive illumination, glare or reflection from the approved lighting shall not exceed 10Ev LUX up until 9pm daily after which time the light will be switched off. The Ev LUX shall be measured at the window of facade of the nearest light sensitive premises. Reason: To protect the amenities of adjoining occupiers. (Policy CD15 of the adopted Lambeth Unitary Development Plan (1998) and policy 32 of the Deposit Replacement Unitary Development Plan (2002 - 2017) refer.)

4. The gates to the playground shall be locked between 9pm and 8am every day. Reason: To protect the amenities of adjoining occupiers. (Policy CD15 of the adopted Lambeth Unitary Development Plan (1998) and policy 32 of the Deposit Replacement Unitary Development Plan (2002 - 2017) refer.)

Notes to Applicants:

1. This decision letter does not convey an approval or consent which may be required under any enactment, by-law, order or regulation, other than Section 57 of the Town and Country Planning Act 1990.

2. Your attention is drawn to the provisions of the Building Regulations, and related legislation which must be complied with to the satisfaction of the Council's Building Control Officer.

3. This decision is without prejudice to the London Borough of Lambeth's position as freeholder or ground landlord of the property. The application has been considered only from a Town Planning point of view and application for necessary consent which may be required from the London Borough of Lambeth as freeholder or lessor should be made to the Head of Legal Services of the Council in accordance with the provisions of the conveyance, lease or agreement.

4. Your attention is drawn to the need to comply with the requirements of the
Control of Pollution Act 1974 concerning construction site noise and in this respect you are advised to contact the Council's Environmental Health Division.
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**Approved Plans**

**Site plan, 0289/P/01**

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<th>GRANT PERMISSION</th>
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1. Summary Of Main Issues

1.1. Whether the proposed use of the arch as an A1/ A3 establishment is acceptable.

2. Site Description

2.1. The application site is a railway arch situated under the main viaduct into Waterloo, fronting onto Goding Street. The site is located opposite Italian Walk and Spring Gardens, and the nearest residential property is approximately 150metres away on Kennington Lane. A number of the arches have been converted to various uses and the adjoining site has consent for use as a nightclub.

3. Planning History

3.1. Arch 64 – 65- Conversion to builder’s storage and storage- Approved 7th April 1975

3.2. Arch 67- 68- Conversion from storage to nightclub- Approved 27th June 1994

3.3. 71- Conversion to a nightclub- Approved 14th October 1993. This permission appears never to have been implemented.

3.4. 74- Conversion from storage to food and drink (A3)- 5th October 2000.

3.5. 01/02809/FUL- Change of use from warehouse (B8) to wine bar club (A3) along with the installation of new frontage along with associated alterations.

3.6. The applicant has stated on the application form that the proposal is for a change of use from B1 but that the last user of the site appears to have been storage (B8) for the Met Police. The last piece of recorded correspondence on the council’s files states that consent was granted in 1975 for use of the arch for storage of Postal vehicles. Therefore it is unclear what the last permitted use of the arch is however for the purposes of assessing the scheme officers are treating it as a B1/B8 sui generis use.

4. Scheme Details

4.1. Change of use of Arch 69, Goding Street from employment (B class) to either A1 or A3 use. The applicant has not submitted any details regarding any elevational changes to the arch, as these will form part of any application submitted by any future tenants. In addition no details have been submitted regarding hours of opening, refuse storage, servicing, ventilation and detailed floor plans.

5. Consultation Responses

5.1. A site notice was erected at the site and neighbour notifications were sent to Arches 64- 65, 66- 68, 70, 71 Goding Street and 64- 65 & 76 Albert Embankment. No representations have been received.
5.2. Consultations were sent to the Association of Waterloo Groups, Manor of Kennington Residents Association, Vauxhall Society, Waterloo Action Centre, The Friends of Spring Gardens, Waterloo Community Development Group. No comments have been received.

6. Planning Considerations

6.1. Relevant Policies

6.1.1. The relevant policies from the adopted Unitary Development Plan (AUDP) are as follows:
- S14- Food and Drink (Use Class A3).
- CD17- Shopfronts.
- V3- Railway Arches.
- ENV19- Noise Control.
- EMP6- Protection of land and buildings generating employment.

6.1.2. In addition the following policies from the Draft Deposit Unitary Development Plan (DDUDP) are relevant:
- 7- Protection of Residential Amenity.
- 14- Parking and Traffic Restraint.
- 19- Active Frontage Uses.
- 23- Protection and Location of other Employment Uses.
- 29- The Evening and Later Night Economy.
- 71- Use of Arches in Vauxhall.

6.1.3. The policies of the Deposit Draft of the UDP carry relatively little weight at the moment due to the early stage of the adoption process. However, the interim policies carry more weight, in that they have been the subject of consultation as part of the Key Issues Paper and represent changes in national policy or guidance to which the Council must have regard in making planning decisions. In considering material considerations, other than the adopted development plan, regard should be had to the most up to date National and Regional policy.

6.2. Land Use

6.2.1. The railway arch appears to have been vacant for some time, with the applicant indicating that its last use was for storage for the Met Police. For the purposes of assessing the scheme officers are treating the arch as being a sui generis use of storage with ancillary office floorspace (B1/ B8). However there is no indication of how long the unit has been vacant but the arch is currently undergoing internal refurbishment. Policies V3 states that the Council will normally resist the loss of industry from the many railway arches in the area. However, for those arches between South Lambeth Place and Glasshouse Walk, changes of use from industry to retail or leisure uses will normally be permitted, subject to other relevant planning issues being acceptable, provided there is no loss of an existing industrial use. Such a loss could be avoided, for example, by relocating the industrial use into an arch outside the area between South Lambeth Place and Glasshouse Walk. The application site is situated within this designated area and therefore the change of use complies with Policy V3.

6.2.2. In addition Policy EMP6 relates to the protection of buildings in, or last in employment generating use. Whilst the last use of the arch appears
to have been B8 with ancillary B1 floorspace it should be noted that A1/ A3 use class falls within the definition of employment floorspace in the adopted UDP. Therefore there would be no loss of employment floorspace in this change of use and as such the proposal complies with EMP6.

6.2.3. Policy S14 states that in considering proposals for cafés, restaurants, take-away hot food shops, wine bars and public houses, regard will be given to the impact of the proposal, either alone or cumulatively with other A3 uses in the local area, on:
(i) the local environment;
(ii) the amenity of nearby residents and workers; and
(iii) road safety, parking and traffic congestion.
Factors taken into account will include:
(a) the proposed opening hours of the business;
(b) noise generation and sound insulation;
(c) the need to install ventilation and fume extraction equipment where cooking smells and fumes would be created.

6.2.4. The proposed frontage of the bar is situated approximately 200metres from the nearest residential property and is located in a commercial area. Therefore there will be no impact on any residential properties from the proposed bar. No internal layout has been provided however this can be secured as a condition of any consent.

6.2.5. Policy 71 and 19 of the DDUDP relate to the use of railway arches in the Vauxhall area and seek to encourage active frontage uses such as shops and cafes. The current proposal for A1/ A3 would therefore comply with the aims of these policies and also Policy 29, especially given the distance from the nearest residential property. The nature of the area is such that it is a positive step to encourage active uses into this location and the proposal would bring people to the area, in line with Policy 71 and 19 of the DDUDP.

6.3. **Design and Conservation Considerations**

6.3.1. No external elevations have been provided however full details of any frontage will be conditioned as will ventilation and extraction methods.

6.4. **Amenity Impact**

6.4.1. The situation of the bar underneath the main rail line into Waterloo will have a noise implication of the users of the bar. It would be very difficult to reduce the noise and vibration completely however the use of the arch as bar/ retail means that this would not be of detriment to the users. The noise levels that emulate from the railway and the short-term usage of the unit by people mean that Policy ENV19 is complied with. Any external air conditioning units will be conditioned to be discharged at a later date.

6.5. **Highways and Transportation Issues**

6.5.1. The council’s transport department were consulted and raised no objections. In addition given the proposed use of the arch it is unlikely that any patrons would drive to the site. Taxis can pull up outside of the bar on Goding Street, whilst black cabs are frequent on Albert Embankment. The site is located 5mins from Vauxhall Tube and Rail
station and is within an area of exceptional public transport accessibility.

6.5.2. As no details of servicing or refuse storage has been submitted as part of the application a condition will be added to any consent securing these details at a later date.

6.6. **Regeneration and Town Centre Issues**

6.6.1. The proposed change of use of the arch will enable this area of Vauxhall to continue regenerating and bringing new uses into the area.

7. **Conclusion**

7.1. The proposed usage of the vacant archway will not have a detrimental impact on the surrounding area and as such complies with Policies CD17, S14, V3 and ENV19 of the Lambeth UDP and Policies 7, 14, 19, 23, 29 and 71 of the DDUDP. Therefore the application is recommended for approval.

8. **Recommendation**

8.1. Grant consent subject to the following conditions:
Summary of Reasons:

In deciding to grant planning permission, the Council has had regard to the relevant policies of the Development Plan and all other relevant material considerations. Having weighed the merits of the proposal in the context of these issues, it is considered that planning permission should be granted subject to the conditions listed below. In reaching this decision the following policies were relevant: Adopted Unitary Development Plan 1998: S14, CD17, V3, ENV19, EMP6Deposit Replacement Unitary Development Plan 2002 policies: 7, 14, 19, 23, 29, 71

1. The development to which this permission relates must be begun not later than the expiration of five years beginning from the date of this decision notice. Reason: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990.

2. Details of ventilation and filtration equipment, including details of all external plant equipment and trunking, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works on the site. All flues, ducting and other equipment shall be installed in accordance with the approved details prior to the occupation of the unit and shall be retained for the duration of the use. Reason: To protect the amenities of neighbouring properties and the area in general (Policies G12 and S14 of the adopted Lambeth Unitary Development Plan (1998) and policies 1, 7, 29, 34 and 48 of the Deposit Replacement Unitary Development Plan (2002 - 2017) refer.)

3. No part of the building hereby permitted shall be occupied or used until a strategy for the management of deliveries and servicing has been submitted to and approved in writing by the Local Planning Authority. Deliveries and servicing shall thereafter be carried out solely in accordance with the approved details. Reason: To avoid hazard and obstruction being caused to users of the public highway (Policy T18 of the adopted Lambeth Unitary Development Plan (1998), and Policies 14 and 29 of the Deposit Replacement Unitary Development Plan (2002 - 2017) refer.)

4. The premises shall not be open for the serving of customers before 8am on any day or after 2am Mondays to Saturdays, or 12pm on Sundays, and all customers shall vacate the premises within 30 minutes of service ceasing. Reason: To protect the amenities of adjoining occupiers. (Policies G12, S14, ENV19 and V3 of the adopted Lambeth Unitary Development Plan (1998) and policies 1, 7 and 29 of the Deposit Replacement Unitary Development Plan (2002 - 2017) refer.)

5. There shall be no amplified sound, speech or music which is audible outside the premises. Reason: To protect the amenities of adjoining occupiers and the surrounding area. (Policies G12, ENV19 and S14 of the adopted Lambeth Unitary Development Plan (1998) and policies 1, 7, 48 and 29 of the Deposit Replacement Unitary Development Plan (2002 - 2017) refer.)

6. Details of a waste management plan, incorporating provision for refuse storage and recycling facilities on the site, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works on the site. The refuse storage and recycling facilities shall be provided in accordance with the approved details prior to the occupation of the unit and shall thereafter be retained as such for the duration of the permitted use. Reason: To ensure that adequate provision is made for the storage of refuse and the provision of recycling facilities on the site, in the interests of the amenities of the area (Policies G14, ENV24, ENV25, CD15 and S14 of the adopted

Notes to Applicants:

1. This decision letter does not convey an approval or consent which may be required under any enactment, by-law, order or regulation, other than Section 57 of the Town and Country Planning Act 1990.

2. You are advised that this consent is without prejudice to any rights which may be enjoyed by any tenants/occupiers of the premises.

3. Your attention is drawn to the provisions of the Building Regulations, and related legislation which must be complied with to the satisfaction of the Council's Building Control Officer.

4. You are advised to consult the Council's Environmental Health Division concerning compliance with any requirements under the Housing, Food, Safety and Public Health and Environmental Protection Acts and any by-laws or regulations made thereunder.

5. You are advised to consult the Council's Environmental Health Division with regard to the extraction of fumes from the premises.

6. Your attention is drawn to the need to comply with the requirements of the Control of Pollution Act 1974 concerning construction site noise and in this respect you are advised to contact the Council's Environmental Health Division.

7. Your attention is drawn to the necessity to register your food business with the Council's Environmental Health Division, under the Food Premises (Registration) Regulations 1991 before the use commences. Failure to do so may result in prosecution.

8. You are advised of the necessity to consult the Council's Refuse/Streetcare Services with regard to the provision of refuse storage and collection facilities.

9. You are advised that this permission does not authorise the display of advertisements at the premises and separate consent may be required from the Local Planning Authority under the Town and Country Planning (Control of Advertisements) Regulations 1992.

10. This permission relates solely to the change of use of the premises and does not authorise any external alterations to be carried out.

11. Your attention is drawn to the provisions of the London Building Acts (Amendment) Act 1939 - Part VI in relation to the rights of adjoining owners regarding party walls etc. These rights are a matter for civil enforcement and you may wish to consult a surveyor or architect.

12. You are advised that permission will be required for the installation of a new shopfront at these premises.
<table>
<thead>
<tr>
<th>Case Number</th>
<th>03/00038/FUL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application Address</td>
<td>296-298 Streatham High Road</td>
</tr>
<tr>
<td></td>
<td>London</td>
</tr>
</tbody>
</table>

Based on the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.
Location | Shop 296-298 Streatham High Road London SW16 6HG
---|---
Ward | St Leonards
Proposal | Change of use of ground floor shop from A1 to A3, along with associated alterations.

Application Type | Full Planning Permission
Application No | 03/00038/FUL/DC_TKI/22096
Applicant | Mr B Laceb

Agent | Mike Scudamore
| Dual Building Design
Date Valid | 8 August 2003
Considerations |

Conservation Area Streatham High Road and Streatham Hill

Approved Plans

Drawing no. DM03/17/1

Recommendation | GRANT PERMISSION
Officer Report
03/00038/FUL

9. Summary Of Main Issues

9.1. The main issues to be considered in determining this application relate to the following:

- Whether the retail character of the immediate area would be adversely affected, and whether the proposal (albeit retrospective) would result in an over-concentration of non A1 uses;
- Whether this particular use, either alone or cumulatively, with other neighbouring Class A3 uses, would have a significant detrimental impact on the amenities of nearby residential occupiers in terms of resultant late night noise and disturbance and also from cooking odours;
- The potential level of traffic generation, but with reference to the premises location.

10. Site Description

10.1. This property is located within the Streatham High Road and Streatham Hill Conservation Area. It is a purpose built shop, part of a late Victorian parade with three upper floors of residential flat units running the full length of the parade. Access to the overlying flats is gained from front doors located at various points along the parade.

10.2. The property has a land-locked rear yard and all servicing, therefore, must take place directly from Streatham High Road.

10.3. The ground floor unit lies within Streatham High Road's secondary shopping frontage but has recently fallen into use as a café (Class A3). It adjoins an Indian restaurant (no.294) and a Photography shop (no.300).

10.4. This section of Streatham High Road is a designated red-route. The premises has a landlocked rear yard and, therefore, has no rear servicing facilities. Accordingly, all loading and unloading is carried out from the High Road.

11. Planning History

11.1. There is no relevant planning history for these premises save for the fact that the unauthorised change of use has given rise to enforcement investigations.

12. Scheme Details

12.1. The application seeks retrospective planning permission for the use of the ground floor as a café (Class A3), open between the hours of 10am to 11pm, seven days per week. There is seating for 30 persons. Food is prepared and cooked on the premises.

12.2. A steel galvanised extract flue is proposed to the rear of the premises, to be taken through the pitched roof of an existing shallow ground floor addition. The use is currently operating without any extract ventilation system and is, therefore, contravening Environmental Health legislation.

12.3. Whilst the main entrance to the café is via the door of no.296, adjoining the shop window, a front door (no.298) at the opposite end of the frontage is seemingly for staff. This opens out into an internal lobby off which is a toilet to which access can also be gained from an internal door off the main eating area.
13. Consultation Responses

5.1 Bearing in mind the numerous upper floor flat units along the parade some 73 local properties were consulted. The Streatham Society were also notified and a Site Notice and Press Notice were displayed, publicising the proposal.

5.2 Two letters of objection have been received, one on behalf of Stensons, the Company which owns the six self-contained flats on the upper three floors directly above the application premises. The grounds of objection are summarised as follows:

- the use is giving rise to serious amenity problems for the residential occupiers above, including cooking smell as the café has no proper extract ventilation system;
- the café is giving rise to noise disturbance, often until the early hours of the morning;
- the café is detrimental to the retail character and vitality of Streatham High Road with too few units remaining in retail use;
- there has been a recent decision to refuse planning permission for a change of use to A3 at 310 Streatham High Road.

6 Planning Considerations

6.1 Relevant Policies

6.1.1 PPG6 (Town Centres and Retail Developments)

Para 2.18 - "Town centres contain and should retain a wide range of uses that need to be accessible to a large number of people. Thus, although retailing should continue to underpin such centres, it is only part of what ensures the health of town centres."

Para 2.25 - "Changes of use can, however, create new concentrations of single uses, such as restaurants, where the cumulative effects can cause local problems. Such proposals should be assessed not only on their positive contribution to diversification, but also on the cumulative effects on such matters as loss of retail outlets, traffic, parking and local residential amenity."

6.1.2 Adopted Unitary Development Plan

Policy CD2 (Development proposals in Conservation Areas)
Policy S9 (Changes of use in Secondary frontages in Major and District Centres)
Policy S14 (Food and drink)
Policy ENV19 (Noise control)
Policy STR2 (Shopping frontages in Streatham)

Deposit Replacement Unitary Development Plan

Policy 4 (Town centres and Community regeneration)
Policy 7 (Protection of Residential amenity)
6.2 Land Use

6.2.1 Nos. 248-386 Streatham High Road is designated as a Secondary frontage. Policy S9 states, inter alia, that change of use to A3 will normally be permitted provided that it does not adversely impact upon the character or vitality of the parade or result in an undue concentration of non-A1 uses (ie in most cases constituting 4 or more shop units in non-A1 use and result in at least 40% of shop units remaining in A1 retail use.  

6.2.2 Whilst nos. 292-322 Streatham High Road falls within the Secondary frontage nos 2-20 Gleneagle Road, which continues the parade totalling 24 units, fall within a Fringe location where, by way of Policy S12, it is stated that changes of use for non-retail purposes should be assessed against Policy S9 ie. over-concentration and amenity issues.  

6.2.3 Of the 14 units (nos. 292-322) which comprise secondary frontage, 5 are currently in non A1 use, 3 are vacant (with A1 use rights) and 6 are trading as retail outlets. 64% are thereby currently in retail use, easily satisfying the requisite percentage figure in Secondary frontage locations. Policy S9 also stresses that an over-concentration of non A1 uses would result where four or more adjoining units fall outside retail use. In this instance, although nos. 292 and 294 are no longer used as retail shops nos 300 and 302 remain in retail use and this strand of the Policy would also be satisfied.  

6.2.4 Of the 10 units (nos. 2-20 Gleneagle Road) which form a Fringe location, 7 are currently in non A1 use. The whole parade, therefore, shows 12 out of the 24 units (50%) being in non-retail use. The table below indicates the Streatham High Road secondary frontage premises and the Gleneagle Road premises which continue the shopping parade.  

6.2.5 It should be noted that planning permission was refused in August 2003 for a proposed change of use to Class A3 at 310 Streatham High Road (ref: 03/01599/FUL) on the grounds of the use being detrimental to the retail character and vitality of the Town centre by reason of a further loss of a retail unit, contrary to Policy S9. However, in reassessing the proposal it now appears that an error was made in calculating the percentage of units in retail use along the secondary frontage parade. A further reason for refusal, however, related to the proposed replacement shop frontage which was considered inappropriate to the Conservation Area.  

6.2.6 On the basis of adopted Policy the current proposal would not give rise to an unacceptable percentage of units in non A1 use along
the shopping parade nor would there be a resultant over-concentration of such uses.

<table>
<thead>
<tr>
<th>Premises</th>
<th>Lawful Use Class</th>
<th>Current Occupier</th>
</tr>
</thead>
<tbody>
<tr>
<td>292</td>
<td>A2</td>
<td>Vacant</td>
</tr>
<tr>
<td>294</td>
<td>A3</td>
<td>Indian restaurant</td>
</tr>
<tr>
<td>296/298</td>
<td>A1</td>
<td>Café (Unauthorised)</td>
</tr>
<tr>
<td>300</td>
<td>A1</td>
<td>Konica Photos</td>
</tr>
<tr>
<td>302</td>
<td>A1</td>
<td>Hairdressers</td>
</tr>
<tr>
<td>304/306</td>
<td>A2</td>
<td>Betting office</td>
</tr>
<tr>
<td>308</td>
<td>A1</td>
<td>Mobile phone shop</td>
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<tr>
<td>310</td>
<td>A1</td>
<td>Vacant</td>
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<tr>
<td>312</td>
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<td>314</td>
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<td>Vacant</td>
</tr>
<tr>
<td>316</td>
<td>A1</td>
<td>Electrical shop</td>
</tr>
<tr>
<td>318</td>
<td>A3</td>
<td>Turkish restaurant</td>
</tr>
<tr>
<td>320</td>
<td>A1</td>
<td>Mobile phone shop</td>
</tr>
<tr>
<td>322</td>
<td>A1</td>
<td>Convenience store</td>
</tr>
<tr>
<td>Gleneagles Rd</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>A3</td>
<td>Cafe</td>
</tr>
<tr>
<td>4</td>
<td>A1</td>
<td>Barbers</td>
</tr>
<tr>
<td>6</td>
<td>A3</td>
<td>Indian restaurant</td>
</tr>
<tr>
<td>8</td>
<td>A1</td>
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<td>10</td>
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<td>Café</td>
</tr>
<tr>
<td>12</td>
<td>A3</td>
<td>Chinese take-away</td>
</tr>
<tr>
<td>14</td>
<td>A3</td>
<td>Café (unauthorised)</td>
</tr>
<tr>
<td>16</td>
<td>A1</td>
<td>Newsagents</td>
</tr>
<tr>
<td>18</td>
<td>A3</td>
<td>Coffee house/restaurant</td>
</tr>
<tr>
<td>20</td>
<td>A1</td>
<td>Café (Unauthorised)</td>
</tr>
</tbody>
</table>

6.3 Design and Conservation Considerations

6.3.1 Although the premises are located within a Conservation Area the use has not given rise to any external alterations to the shopfront nor are any proposed. Indeed, the only external works proposed involves the installation of an extract flue chimney to be passed through the pitched roof of an existing single storey rear addition. The use is appropriate to its location and it is not considered that the use, subject to restrictive conditions, would impact on the character of the Conservation Area.

6.4 Amenity Impact

6.4.1 Policy S14 (Food and Drink - Use class A3) states that when considering proposals for A3 uses, the Council will have regard to the impact of the proposal, either alone or cumulatively with other A3 uses in the locality. Regard will be had to opening hours, noise, fume ventilation, refuse storage and collection, traffic and whether an additional A3 use would result in an unacceptable loss of amenity to nearby residents. Policy 29 of the DRUDP also refers to the cumulative impact of A3 proposals.
6.4.2 Policy 7 of the DRUDP requires that in mixed-use areas such as this i
with 3 floors of residential flats above, the scale, hours of use, intensity, concentration and location of non-residential uses should be controlled so as to protect amenity.

6.4.3 The café is currently open 10am to 11pm seven days per week, although sometimes later, according to complainants. There is seating for 30 persons. As the use is currently operating without any planning restrictions and also without the benefit of any fume extraction system it is inevitable that complaints have been received from occupiers of the upper floor residential flats along the parade, particularly in respect of cooking odours permeating the first floor units directly overhead. However, subject to an appropriate extract system with the 300 mm diameter galvanised flue discharging at 1 mt above eaves level Regulatory Services consider that such nuisance would be satisfactorily ameliorated and raise no objections on this basis. Conditions requiring the installation of adequate sound insulation measures and prohibiting any takeaway or delivery service are also considered appropriate.

6.4.4 Bearing in mind that the designated secondary frontage parade would still retain 64% of all units within retail use should the current unauthorised use be regularised it is not considered that there would be significant implications for upper floor occupiers on the issue of cumulative impact on residential amenity.

6.4.5 It is understood that the current layout does not fully accord with fire regulations. However, this is not a planning issue and can be dealt with under other legislation.

6.3 Highways and Transportation Issues

6.3.2 Subject to a condition prohibiting any takeaway provision there are no objections to the use on highway grounds. Servicing direct from Streatham High Road is standard practice in the immediate location.

7 Conclusion

7.1 The change of use of an additional unit in this location would, it is considered satisfy the aims of both Policies S9 and S14 of the adopted Plan, Policies 7, 29 and 67 of the deposit Plan and would not affect the character or appearance of the wider Streatham High Road and Streatham Hill Conservation Area. Accordingly, granting planning permission would neither result in an over-concentration neighbouring units in non A1 use or would significantly impact on local residential amenity. Subject, therefore, to the imposition of planning conditions regarding sound insulation measures, the containment of the use, the installation of a suitable extract ventilation system to safeguard local residential amenity and prohibiting any takeaway provision it is considered that the proposal represents an acceptable change of use.

8 Recommendation

8.2 Grant permission, subject to conditions.
Summary of Reasons:

In deciding to grant planning permission, the Council has had regard to the relevant policies of the Development Plan and all other material considerations. Having weighed the merits of the proposal in the context of these issues, it is considered that planning permission should be granted subject to the conditions listed below. In reaching this decision the following policies were relevant: Adopted Lambeth Unitary Development Plan (1998): Policies CD2, S9, S14, ENV19 and STR2; Deposit Replacement Unitary Development Plan (2002-2017): Policies 4, 7, 14, 19, 29, 34, 42, 48 and 67.

1. The premises shall not be open for the serving of customers before 10am or after 11pm, and all customers shall vacate the premises within 30 minutes of service ceasing. Reason: to protect the amenities of adjoining occupiers. (policies G12, S9, S14, ENV19 and (c) of the adopted Lambeth Unitary Development plan (1998) and policies 1, 7, 29 and 48 of the deposit replacement unitary development plan (2002 - 2017) refer.)

2. There shall be no amplified sound, speech or music which is audible outside the premises. Reason: to protect the amenities of adjoining occupiers and the surrounding area. (Policies G12, ENV19, S9 and S14 of the adopted Lambeth Unitary Development plan (1998) and policies 1, 7, 29 and 48 and of the deposit replacement unitary development plan (2002 - 2017) refer.)

3. Within one month of the date of this permission details of appropriate soundproofing and insulation measures to be undertaken shall be submitted to the local planning authority for subsequent written approval, and within three months of such confirmation the approved scheme shall be fully implemented and thereafter retained for the full duration of the use, so as to prevent fumes, smell and noise permeating into adjoining accommodation. Reason: To ensure that no nuisance or disturbance is caused to the detriment of the amenities of adjoining occupiers or of the area generally (Policies G12, ENV19, S9 and S14 of the adopted Lambeth Unitary Development Plan (1998) and Policies 1, 7, 29, 48 and 67 of the deposit Replacement Unitary Development Plan (2002-2017)

4. Within one month of the date of this permission full details of the design and functioning of the proposed fume extraction system, including details of the fans (including noise attenuation measures), grease filters, anti-vibration mountings and appearance of the flue, shall be submitted and approved in writing by the local planning authority, and the approved scheme shall be implemented in full within three months of the date of such approval. Reason: To ensure that no nuisance, disturbance, or loss of visual amenity is caused to the detriment of the amenities of adjoining occupiers or of the area generally. (Policies G12, ENV19, S9 and S14 of the adopted Lambeth Unitary Development Plan (1998) and Policies 1, 7, 29 and 48 of the deposit Replacement Unitary Development Plan (2002-2017)

5. Within three months of the date of this permission full details of a plan for the maintenance and upkeep of the approved fume extraction system, including ducts, fans, noise attenuation measures, and filters shall be submitted and approved in writing by the local planning authority. Reason: To ensure that no nuisance, disturbance or loss of visual amenity is caused to the detriment of the amenities of adjoining occupiers or of the area generally. (Policies G12, ENV19, S9 and S14 of the adopted Lambeth Unitary Development Plan (1998) and Policies 1, 7, 29 and 48 of the deposit Replacement Unitary Development Plan (2002-2017)
Development Plan (2002-2017)

6 Noise from the extractor and flue shall not exceed ambient noise levels when measured outside the window of the nearest noise sensitive or residential premises. Reason: to protect the amenities of adjoining properties and the surrounding area. (policies G12, S14 and ENV19 of the adopted Lambeth unitary development plan (1998) and policies 1, 7, 29 and 48 of the deposit replacement unitary development plan (2002 - 2017) refer.)

7 Within one month of the date of this permission full details of a litter, refuse and waste management plan shall be submitted and approved in writing by the local planning authority. The litter, refuse and waste management plan, which shall include details of the disposal of customer litter and waste from the cooking process (including the disposal of fat/oil) and details of the covered refuse store shall be implemented within one month of the date of such approval and shall be retained for the duration of the use. Reason: To ensure that adequate provision is made for the storage/disposal of refuse/waste on the site, in the interests of the amenities of the area (Policy ENV24 of the adopted Lambeth Unitary Development Plan (1998) and Policy 50 of the deposit Replacement Unitary Development Plan (2002-2017)

8 The use of the premises hereby approved shall be contained solely within the existing building, and that part of the site not covered by building(s) including the rear yard and the side lobby behind the adjoining food preparation area shall not be used for Class A3 purposes and by customers for purposes such as entertainment purposes nor for storage purposes, without the written consent of the local planning authority. Reason: To safeguard the amenities of the occupiers of adjoining properties and of the area generally (Policies G12, ENV19 and S14 of the adopted Lambeth Unitary Development Plan (1998) and Policies 1, 7, 29 and 48 of the deposit Replacement Unitary Development Plan (2002-2017)

9 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order, 1987 (as amended) and any subsequent Order revoking or amending this Order, the premises shall not be use as a hot-food takeaway or to provide a delivery service. Reason: To protect the amenities of local occupiers and the surrounding area generally (policies G12, ENV19, S( and S14 of the adopted Lambeth Unitary Development Plan (1998) and Policies 1, 7, 29, 48 and 67 of the deposit Replacement Unitary Development Plan (2002-2017)

Notes to Applicants:

1 This decision letter does not convey an approval or consent which may be required under any enactment, by-law, order or regulation, other than Section 57 of the Town and Country Planning Act 1990.

2 Your attention is drawn to the provisions of the Building Regulations, and related legislation which must be complied with to the satisfaction of the Council's Building Control Officer.

3 You are advised to consult the Council's Environmental Health Division concerning compliance with any requirements under the Housing, Food, Safety and Public Health and Environmental Protection Acts and any by-laws or regulations made thereunder.
4. You are advised to consult the Council's Environmental Health Division with regard to the extraction of fumes from the premises.

5. You are advised that this permission does not authorise the display of illuminated advertisements at the premises and separate consent may be required from the Local Planning Authority under the Town and Country Planning (Control of Advertisements) Regulations 1992.

6. You are advised that permission will be required for the installation of a new shopfront at these premises.

7. This permission relates solely to the change of use of the premises and does not authorise any external alterations to be carried out.