<table>
<thead>
<tr>
<th>Case Number :</th>
<th>07/00980/FUL</th>
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<td>Application Address :</td>
<td>Parkside Hotel, 48-52 Clapham Common North Side London SW4 0AB</td>
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L.B. Lambeth LA 100019338 2005
**LAMBETH PLANNING APPLICATIONS COMMITTEE**

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L.B. Lambeth LA 100019338 2005
**Location** | Parkside Hotel 48 - 52 Clapham Common North Side London SW4 0AB  
---|---
**Ward** | Clapham Town  
**Proposal** | Conversion of the existing hotel to provide 32 self-contained units comprising 2 studio, 3 one bedroom, 19 two-bedroom and 8 three-bedroom, together with internal and external alterations, extensions and installation of rooflights. Provision of 13 car parking spaces, storage for 32 bicycles, refuse storage, soft and hard landscaping and boundary treatment. [Revised application to approved Planning Permission ref: 05/02208/FUL with respect to 2 additional units].  
**Application Type** | Full Planning Permission  
**Application No** | 07/00980/FUL/DC_TMI/21245  
**Applicant** | McCabe Builders (UK) Ltd  
**Agent** | DB Architects Ltd - Darren Bland  
Suite 20,  
70 Churchill Square  
Kings Hill  
West Malling  
ME19 4YU  
**Date Valid** | 1 May 2007  
**Considerations** | Conservation Area CA1: Clapham Conservation Area  
Listed Building Listed Building Grade II  
**Approved Plans** | Drawing Issue Sheets 1, 11, 21 and 31 (received 01.05.07);  
Design and Access Statement;  
Transport Assessment  
**Recommendation** | GRANT CONDITIONAL PLANNING PERMISSION SUBJECT TO S106 AGREEMENT
1. Summary Of Main Issues

1.2 The main issues involved in this application are:

- The appropriateness of the change of use from Hotel to Flats
- Provision of off-site affordable housing
- Whether the conversion would provide an adequate standard of accommodation in the flats
- Whether the refurbishment and renovation works to the building preserve the historic integrity of the Grade II Listed Building and the character of the Conservation Area
- Whether the proposal adequately protects the London Square
- Whether adequate car parking provision is made
- Whether the residential amenities of surrounding properties will be adversely affected by the proposal

2. Site Description

2.1 The property is a large, prominent 6-storey property situated on the north side of Clapham Common North Side overlooking Clapham Common. The building was constructed in 1860 and originally contained 5 large houses, each with their own large rear gardens and stables.

2.2 The property was converted into a hotel in the early 1990s and the building has been modified extensively internally and to a lesser degree externally.

2.3 The property is situated in the Clapham Common North Side Conservation Area and is one of a pair of almost identical imposing Grade II Listed Buildings overlooking Clapham Common. The other half of the pair is situated on the opposite side of Cedars Road. The properties were collectively named ‘The Cedars’ and are surviving elements of the Cedars Estate.

2.4 Part of the area at the front of the property originally contained a large landscaped area and this area is classified as a London Square under the London Squares Preservation Act 1931.

2.5 There is a car park at the front of the property that is accessed via Clapham Common North Side and Cedars Road.

2.6 The property is a corner site and is bounded by Clapham Common North Side to the south, Cedars Road to the east and Wix’s Lane to the west. The property overlooks Clapham Common on the south side of Clapham Common North Side. Land on the opposite side of Cedars Road and Wix’s Lane is occupied by residential. The former stables to the north of the property known as ‘Cedars Mews’ are now residential with the exception of the property adjacent to Cedars Road, which is an automotive repair business.
3 Planning History

3.1 The property has a lengthy planning history including the refusal of an application for the erection of 4 new houses at the rear of the property, unauthorized extensions and change of use of the property. The history relevant to this proposal is detailed below.

3.2 Records indicate that permission was granted for the use of 49 Clapham Common North Side as a mothercraft hostel from 1946 to 1952. It is unclear exactly when this use ceased.

3.3 On the 15th January 1975 an application to change the use of 50 Clapham Common North Side from a Student's Hostel to a Hotel was approved.

3.4 On the 23rd September 1975 an application to use 48 and 50 Clapham Common North Side as a reception center for homeless families was approved.

3.5 On the 9th March 1999 an application to change the use of the property from a hotel to 38 self-contained flats was withdrawn (Council Ref: 98/02259/FUL). The associated application for Listed Building Consent was also withdrawn (Council Ref: 98/00407/LB).

3.6 On the 22nd March 2005 an application for conversion of the existing hotel to provide 30 self-contained flats, involving internal and external alterations, together with parking spaces, a bike store, boundary treatment, landscaping and associated works was withdrawn because of transport and affordable housing concerns. (Council Ref: 04/03608/FUL). The related application for Listed Building Consent was also withdrawn on 22nd March 2005.

3.7 On the 17th June, 2005 a revised application for conversion of the existing hotel to provide 30 self-contained flats involving internal and external alterations, together with parking spaces, a bike store, boundary treatment, landscaping and associated works was refused (Council Ref: 05/00843/FUL). The grounds of refusal were:

1) The proposed development would lead to vehicles entering and exiting the site via an access with severely sub-standard visibility splays. This could have an adverse effect on highway safety and the free flow of traffic on the adjoining highway, and is contrary to Policies T9 and ST28 of the adopted Lambeth Unitary Development Plan (1998) and Policy 9 of the Revised Replacement Unitary Development Plan Revised Deposit (June 2004).

2) The proposed level of car parking does not accord with Council's policies of parking and traffic restraint, nor with the provisions of PPG13 and other regional policy guidance, to encourage lower car dependency, reduce traffic and air borne pollution and encourage a shift to sustainable modes of transport. The proposal is therefore contrary to Policy T17 of the adopted Lambeth Unitary Development Plan (1998) and Policy 14 of the Revised Replacement Unitary Development Plan Revised Deposit (June 2004).
3) Insufficient information has been provided in order to show that the proposed cycle parking provision accords with Council's minimum standards. The proposal is therefore contrary to Policy 14 of the Revised Replacement Unitary Development Plan Revised Deposit (June 2004).

3.8 On the 10th October 2005 the associated application for Listed Building Consent was withdrawn (Council Ref: 05/00844/LB)

3.9 On the 20th October 2006 full planning consent and listed building consent was granted for the conversion of the existing hotel to provide 30 self contained flats (1 studio/office, 2 x 1 bedroom, 19 x 2 bedroom and 8 x 3 bedroom), involving internal and external alterations, together with parking spaces, a bike store, boundary treatment, landscaping and associated works (Council Ref's: 05/02208/FUL and 05/02210/LB). This was linked to a section 106 legal agreement to provide off-site affordable housing.

4 Scheme Details

4.1 The latest application comprises amendments to the approved scheme, proposing the conversion of the existing hotel to provide 32 self-contained flats, involving internal and external alterations, together with parking spaces, bike store, boundary treatment, landscaping and associated works.

4.2 The conversion would provide the following dwelling mix:

<table>
<thead>
<tr>
<th>Floor</th>
<th>No. studios</th>
<th>No. bedroom flats</th>
<th>1 bedroom flats</th>
<th>2 bedroom flats</th>
<th>3 bedroom flats</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lower Ground</td>
<td>1</td>
<td></td>
<td>3</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Ground</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>First &amp; Second</td>
<td></td>
<td></td>
<td></td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>Third</td>
<td></td>
<td></td>
<td>5</td>
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<td>Fourth</td>
<td></td>
<td></td>
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<td>5</td>
<td></td>
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<tr>
<td>Fifth &amp; Sixth</td>
<td></td>
<td></td>
<td></td>
<td>5</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>2</strong></td>
<td><strong>2</strong></td>
<td><strong>20</strong></td>
<td><strong>8</strong></td>
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4.3 The development is large enough to warrant provision of affordable housing. Given the historical significance of the Grade II Listed Building and the scale and costs involved to convert it into affordable flats, it is proposed to provide off-site affordable housing. This issue is explored further in paragraphs 6.2.3. – 6.2.11 of this report.

4.4 The flats would be accessible from the front and rear of the building. The existing side access from Cedars Road would also be retained and provide access to some of the flats.

4.5 Internal and external alterations are proposed to the building for the purpose of refurbishing and restoring the historic fabric of the building and to also facilitate the conversion into flats. The scope of works is listed in detail in section 6.2. of this report.
4.6 The outbuildings at the rear of the original dwellings, at lower ground level, would be demolished along with the stairs providing access from this level to the rear garden. The building would be extended into the area formerly occupied by these features to a depth of 5.2 metres.

4.7 A side extension on the west side of the building at lower ground level would extend to the Wix’s Lane boundary. Both of the end pavilion mansard roofs would provide habitable space.

4.8 It proposed to excavate at the rear of the building to provide private gardens for the rear facing lower ground floor flats. Beyond this a large communal garden would be provided at the rear of the property. In addition, there would be three roof terraces serving three of the apartments at fifth floor level.

4.9 A total of 13 car parking spaces are proposed within the existing car park at the front of the property.

4.10 The existing accesses at the front of the building, to Clapham Common North Side and Cedars Road shall be retained. A one-way vehicular movement system would be created with the entrance to the car park being from Cedars Road and the exit onto Clapham Common North Side.

4.11 A bicycle store for 32 bicycles is proposed at the rear of the property adjacent to the rear garden. Access to the bicycle store would be available from Wix’s Lane. This store would also provide space for communal refuse and recyclables storage and for the pump room.

5 Consultation Responses

5.1 Consultation letters were sent to 173 neighbouring properties.

5.2 The Clapham Society, the Clapham Antiquarian Society, Transport for London, English Heritage and the London Borough of Wandsworth were also consulted.

5.3 A site notice was displayed outside of the premises on the 11th May 2007.

5.4 The application was advertised in the South London Press on the 11th May 2007.

5.5 No objections or comments have been received.

6 Planning Considerations

6.1 Relevant Policies

6.1.1 The following policies of the adopted Lambeth Unitary Development Plan (1998) are considered relevant to this application:

- H1 Housing provision
- H10 Residential development standards
- H12 Mobility and wheelchair standard housing
- H17 Flat conversions
- H19 Hotels and related uses (Use Class C1)
- ST5 Privacy and space between buildings
- ST9 Protection from Noise
- ST13 Refuse storage and collection
- ST18 Parking for residential conversions
- T17 Transport implication of development proposals
6.1.2 The following policies of the Lambeth Replacement Unitary Development Plan (October 2006) are considered relevant to this application:

Policy 7  Protection of residential amenity
Policy 9  Transport Impact
Policy 14  Parking and traffic restraint
Policy 15  Additional housing
Policy 32  Building Scale and Design
Policy 33  Alterations and Extensions
Policy 41  Listed Buildings
Policy 42  Conservation Areas
Policy 50  Waste

6.1.3 The current up to date statement of the Council's planning policies is contained in the Replacement Lambeth UDP. This is now at an advanced stage in the process of adoption. Further Proposed Modifications have been placed on deposit ending on 15th June 2007. These, together with the unaltered parts of the Proposed Modifications (October 2006) and the unaltered parts of the Revised Deposit UDP, should be used for development control purposes.

6.1.4 Considerable weight can now therefore be attached to policies which were not subject to objection at the earlier October 2006 Proposed Modifications stage and those that were recommended by the Inspector. It is anticipated that the Replacement UDP will be adopted in August 2007.

6.1.5 The Council's Supplementary Planning Guidance SPG4: Internal Layout and Room Sizes is also relevant.

6.2 Land Use

6.2.1 The property has most recently been used as a budget hotel. Policy H19 of the adopted UDP and policy 28 of the Replacement UDP identify specific areas in the Borough where hotels are encouraged. The site does not fall within any of these areas. The hotel would be replaced with 32 self-contained flats. Residential is the preferred alternative use for sites that cease to be used as hotels according to Policy H19 of the adopted UDP.

6.2.2 Policy H1 of the adopted UDP and Policy 15 of the Replacement UDP state that Council will endeavour to provide additional dwellings in the Borough. The proposal would provide 32 new self-contained residential dwellings and this housing stock would contribute to the overall housing stock in the Borough.
6.2.3 Policy H7 of the adopted UDP requires the provision of affordable housing for the development of the scale proposed. Affordable housing is also required under Policy 16 of the Replacement UDP. Two issues arise in relation to provision of affordable housing in relation to this application and they are 1) The amount of affordable housing that can reasonably be provided and 2) The location of the affordable housing.

6.2.4 Under both policies, the normal expected level of provision is 50% of habitable rooms assuming a public subsidy or 40% of habitable rooms with no public subsidy. Less affordable housing may be considered where it is demonstrated and independently validated that a scheme would not be economically viable unless there is a lower level of provision, having regard to planning obligations necessary for the scheme to go ahead.

6.2.5 Policy H7 of the adopted UDP states that in exceptional circumstances only, where the Council is satisfied that affordable housing cannot satisfactorily be accommodated on the site, and also in the case of large scale conversions, the Council may be prepared to negotiate an appropriate payment sufficient to fund the provision of affordable housing elsewhere in the Borough.

6.2.6 Policy 16 of the Revised Replacement UDP is more flexible, stating in clause (D) that off-site 'provision in lieu' will only be permitted where the configuration of the building or the amenities and services of the proposed building are not suitable for those in housing need.

6.2.7 The applicant has undertaken an economic viability assessment and Cost Plan. The viability assessment states that the land value, cost of refurbishment of the property, market value of the new flats and developer’s profit do not make it financially viable to provide the affordable housing level required under the policies. Furthermore, the floor layout of the Listed Building would cause difficulties in converting it to affordable housing flats and the nature and scale of modifications required to do this would not protect or preserve the historic building in the best way possible.

6.2.8 The Council’s independent economic consultant has reviewed the viability assessment and his comments are summarised as follows:

The Parkside Hotel case is unusual. As a hotel, it has deteriorated and was most recently used as a low budget facility catering for mainly those on housing benefits. Redevelopment of the property is constrained by the floor plate and while this is a design issue, it is difficult to see how the buildings could be reconfigured to smaller units and thus be more appropriate for affordable housing units on site. Even if possible, the costs would be very high and almost certainly outside the financial criteria of Registered Social Landlords.

The existing use value assessments and anticipated refurbishment costs have been accepted in principle.
Regarding the normal policy requirement for 40%/50% affordable housing provision, this has to be considered against the residual monies available from Parkside and the likelihood of achieving a better outcome. Overall, we are satisfied that there is in this case, exceptionally, a reasonable financial case to be made for providing off-site affordable housing.

6.2.9 The off-site affordable housing provision would be secured through a Section 106 agreement. The draft terms of the Section 106 agreement relating to affordable housing have been discussed with the Council’s Solicitor however they are subject to final review and agreement. It is felt that this matter has progressed sufficiently that it could be satisfactorily resolved. The terms of the Section 106 Agreement are detailed in section 6.72 of this report. It should be noted that the previous consent on this site allowed for off-site provision.

6.2.10 The application was referred to the Council’s Family Housing Group for comment. Comments received indicated that the procurement of off-site affordable housing in relation to 48-52 Clapham Common North Side has been agreed in principle.

6.2.11 Policy H10 of the adopted UDP requires residential development proposals to meet the appropriate Residential Development Standards. Policies H17 and 17 of the Adopted UDP and Replacement UDP respectively set out the development requirements for flat conversion schemes. The building is large with a floor space of over 3,400 square metres over 6 storeys. The building contains well in excess of 6 habitable rooms and overall, is large enough in principle to be converted into flats.

6.2.12 Both policies require that flat conversion schemes provide a mix of dwelling sizes and this is also a requirement of Policy H11 of the adopted UDP. Policy H17 of the adopted UDP states that schemes of up to 5 flats should include no more than 1 no. 1 bedroom flat. Under Policy 17, a dwelling mix is encouraged wherever this is practical whilst complying with the rest of this policy. The proposal would provide a total of 32 flats ranging in size from studio flat to 3-bedroom flat. The proposal would include 2 x 1 studio flats, and 2 x 2-bedroom flats, and this dwelling mix is considered acceptable.

6.2.13 The requirement for family size flats at ground/semi-basement level is also met in this scheme with 3 x 2-bedroom and 3x 3-bedroom flats at lower ground floor level, whilst 2 x 2-bedroom flats are provided at ground level. The flats at lower ground level would be provided with private gardens at this level. The ground floor flats would have use of the large communal garden at the rear.

6.2.14 The room sizes of the proposed flats are generous and far exceed the minimum room sizes of SPG4.

6.2.15 The stacking arrangement is considered acceptable on the basis that the floor to ceiling heights are generous, in some cases 3.3 metres and appropriate sound attenuation can be implemented with the refurbishment works to prevent noise problems. New building laws
require sound testing to be undertaken to ensure that appropriate sound attenuation measures are implemented.

6.2.16 In this case, the floor to ceiling heights are at least 3 metres, which is generous and restoration works to the floors will provide for appropriate noise attenuation measures to be implemented.

6.2.17 There is no objection in principle to the proposal in land use terms.

6.3 Design and Conservation Considerations

6.3.1 An application for Listed Building Consent has also been submitted. A detailed assessment of this proposal forms part of this report and is included in the subsequent conservation and design section (Application ref 07/00981/LB).

6.3.2 Policy CD2 of the adopted UDP and Policy 42 of the Replacement UDP state that development proposals for alterations to an existing building should preserve or enhance the character or appearance of a conservation area.

6.3.3 Policy CD9 of the adopted UDP and Policy 41 of the Replacement UDP relate to listed buildings and states the general presumption that listed buildings will be preserved because of their special architectural or historic interest. The original structure of any listed building should be preserved. The original plan form of historic buildings should not be compromised by unsympathetic alterations.

6.3.4 Policy CD6 of the adopted UDP seeks to promote the improvement and restoration of properties, which make a positive contribution to conservation areas. Policy 33(F) of the Replacement UDP states a similar intent, that development should retain, reinstate and repair as much original architectural fabric of value to the character as possible.

6.3.5 The Historic Buildings Analysis and PPG15 Statement and the Structural Design Strategy describe the current state of the building and alterations that have been made to it. These reports state that the alterations that have been made have not altered the main structural elements of the building to any great extent.

6.3.6 The application currently under consideration proposes only minor amendments to the previously approved scheme, in order that the development is more sympathetic to the original building fabric. The changes consist of:

- the re-positioning of the new lifts to the rear projections, allowing the ground floor entrances to remain as originally constructed;
- the installation of rooflights to the inward facing roofslopes of the mansard roof;
- installation of dry risers to the common stairs;
- repositioning of the entrance doors to the first/second floor duplexes;
- repositioning of stairs and kitchens to the first/second floor duplexes;
reconfiguration of the first/second floor duplex to no. 48 following the revealing of original arches and features;
repositioning of extract vents;
reinstatement of original cornices;
reconfiguration of ground floor units within no’s. 49, 50 and 51 to allow living area views of the common rather than the rear of the site;
reconfiguration of ground floor unit 52;
enlargement of openings between living rooms and kitchens to the third and fourth floor flats, and first floor flat to no. 52 to archways consistent with the size of original archways to first floor.

6.3.7 The proposed renovations and alterations to the property remain proposed:

External alterations include the following:
cleaning and repairing the exterior of the building;
repointing where necessary;
replacement of windows that are beyond repair;
reinstatement of lost balconies and the roof cresting;
new roof coverings in natural slate;
reinstatement of original entrances;
reinstatement of original building partition as a series of terraced houses;
repair and restoration of missing floral balustrades, external joinery details (with the exception of those identified by the windows survey as requiring replacement), gates and light fixtures, architectural paintwork, faults and defects as identified in the structural engineers report

Internal alterations include the following:
removal of non-original partitions to restore the original building partition as a series of terraced houses;
removal of non-original staircase between ground and first floor;
reinstatement of large single rooms on first floor;
formation of new openings where necessary and alterations to load bearing walls;
supplement inadequate areas of floors and ceilings with additional timbers;
removal of existing basement slabs and suspended timber floors and replace with reinforced concrete ground slabs in insulation and damp proof membranes;
refurbishment and reinstatement of internal joinery and ironwork (stair balustrades);
removal of fire lobbies;
reinstatement of original Doric ‘porch’ and cornice used as a small sitting room and found on stair landing between the ground and first floors.

6.3.8 The existing inverted terraces and spiral staircases at roof level would be removed and replaced with larger timber decked terraces and new stairs. There is no objection to these changes as they are
sympathetic to the character of the property and will not detract from the overall appearance of the property.

6.3.9 The rear extensions at lower ground level would extend 5.2 metres in depth, following the same rear building line as the existing outbuildings and extend the full width of the property. These extensions do not strictly meet the SPG for Residential Extensions and Guidelines as they would extend more than two thirds of the width of the property, however, in this instance the extensions would infill the area at lower ground level vacated by the outbuildings and access stairs that are to be demolished. The extensions would be single storey in height and subordinate in scale to the main building and as such, they would not adversely impact the character and architectural qualities of the building. The extensions would be obscured from view surrounding properties by boundary walls therefore they would not alter the appearance of the property.

6.3.10 The proposed side extension on the west side of the building would also be at lower ground level and would extend to the west site boundary. The extension is acceptable on the basis that the property is a stand-alone property therefore it would not infill a gap between properties that contributes to the appearance of the street. The extension would incorporate a flat roof to keep its height to the height of the boundary wall along Wix's Lane. Combined with the refuse bin enclosure adjacent to the extension at ground level, the side extension would be obscured from view from beyond the site and would not detract from the appearance of the property.

6.3.11 The replacement of the inverted roof terraces above the main roof element would not affect the appearance of the building.

6.3.12 English Heritage has considered the application and do not wish to make any representations in respect of the application.

6.3.13 Overall, it is considered that the proposed alterations and extensions to this Grade II Listed Building would be a sensitive refurbishment of the property and the reinstatement of many original features would preserve and enhance the building’s historic significance and its setting in the conservation area.

6.4 **Amenity Impact**

6.4.1 The application involving the proposed amendments above would raise no amenity issues beyond those which were considered in the previous application, as such the scheme does not raise any amenity issues for future occupiers of the flats within the development or occupiers of surrounding properties.

6.4.2 The room sizes of the flats are generous and exceed the minimum requirements under SPG4. The floors to ceiling heights for each of the floors are generous and alterations to the floor and ceilings will enable noise attenuation measures to be implemented to meet current standards and Standard ST9 of the adopted UDP. An acceptable
standard of accommodation can be provided for future occupiers of the flats.

6.4.3 The new flats would be separated from residential properties in Cedars Mews to the north by a minimum of 33 metres, in most cases 36 metres. This represents a substantial separation buffer, which complies with Standard ST5 of the adopted UDP. The established separation from properties to the east and west will be maintained. New windows on the 5th floor in the west elevation are sufficiently elevated to not cause undue overlooking or loss of privacy. The side extension on the west side of the building would be at lower ground level and would not provide permit additional overlooking of surrounding properties.

6.4.4 The scheme retains the existing rear garden and this would provide approximately 250 square meters of communal garden space. The 5 lower ground floor flats would be provided individual gardens of at least 27 square metres and access to the communal garden would be provided from these gardens. The garden space provision is considered adequate to cater for the recreation needs of the future occupiers of the flats.

6.5 Highways and Transportation Issues

6.5.1 The existing car park at the front of the property would be retained and formalised to provide 13 car parking spaces including 2 disabled spaces. This is the maximum number of parking spaces permitted under Council’s parking standards.

6.5.2 The existing accesses to Clapham Common North Side and Cedars Road would be retained and a one-way movement system created with the ingress from the access from Clapham Common North Side and the egress onto Cedars Road. This meets the requirement of Transport for London and is acceptable to the Council’s Transport Planner. This access arrangement along with appropriate signage can be secured via a condition.

6.5.3 The scheme has been amended to restrict access from Wix’s Lane to the property to pedestrians and cyclists only. This overcomes concerns regarding the safety of an access to this highway, which was raised previously by Wandsworth Council and objectors.

6.5.4 A bicycle storage area for a minimum of 32 bicycles would be provided at the rear of the building. The bicycle storage area would be accessible from Wix’s Lane via a gate. Modifications are proposed to the boundary wall within 2 metres of the gate, to provide the appropriate visibility splays. This would involve replacing the wall above 0.9 metres within 2 metres of the gate with railings.

6.5.5 A communal refuse and recyclables bin storage area is also proposed within the same freestanding building as the cycle stores. The location and bin provision accords with Streetcare requirements.
6.5.6 All of the requirements made by Transport for London can be met in the scheme and the Council's Transport Planner has raised no objection to proposal.

6.6 Trees and Landscaping

6.6.1 The excavations at lower ground level necessitated the removal of one tree (Ginkgo biloba) located in close proximity to the rear of the extension. The condition of this tree was examined in the Tree Condition Report submitted with the application. The Council's Arboricultural Officer has inspected the tree and raised no objection to its removal.

6.6.2 The loss of a tree adjacent to the Wix's Lane boundary was raised by objectors. The scheme has been amended to retain this tree. Another tree located in the rear garden is also now to be retained. This is a positive amendment to the scheme as the trees contribute to the visual amenity of the property and in particular, the tree adjacent to Wix's Lane contributes to the visual amenity of the street scene of Wix's Lane.

6.6.3 The two small landscape beds at the front of the property within the car park originally were part of a larger garden that extended in front of 4 of the 5 original houses on the property. The original garden was protected by the London Squares Preservation Act 1931. This act seeks to preserve areas designated as London Squares for their aesthetic and recreation value and protect them from non-compatible development. This is reiterated in Policy RL23 of the adopted UDP and Policy 45 (D) of the replacement UDP.

6.6.4 The garden has reduced considerably in size over the years and the use of the front area for car parking has resulted in only 2 small garden beds remaining. Whilst these gardens are protected under the London Squares Preservation Act 1931, the proposal would actually increase the landscaped area at the front of the property and the existing trees can be retained. The trees can be protected if the ground level is not altered and the car parking spaces are created using a 'no dig' method, involving surface level construction only. On balance, the increase in landscaping and retention of existing trees at the front of the property would not harm the character of the London Square and would be an improvement on the current situation, going towards achieving the aims of the London Squares Preservation Act 1931 and Policies ENV7 of the adopted UDP and Policy 45 (D) of the adopted UDP.

6.7 Terms of the S106

6.7.1 The critical matters that the terms of the Section 106 Agreement must relate to are providing a financial disincentive to the applicant to simply provide a monetary contribution in lieu of provision of affordable housing.

6.7.2 The terms of the Section 106 Agreement should comprise:
Reference to 33 habitable rooms as the affordable housing provision
Obligate the developer to find a suitable site for affordable housing within 24 months of the date of the agreement
Obtain planning permission for the affordable housing development as soon as is reasonably practical
If the affordable housing is not delivered within 24 months, pay to Council a contribution of £750,000 indexed linked
Not permit occupation of more than 25% of the Clapham Common North Side flats until the affordable housing development is constructed and disposed of to the Registered Social Landlord or 24 months from the date of the agreement has elapsed and the contribution of £750,000 indexed linked has been paid

7 Conclusion

7.1 In light of the above considerations, it is considered that the change of use of the property from a Hotel to 32 self-contained flats accords with Council policy and National Planning Policy. The provision of off-site affordable housing can be supported in this instance and secured through a Section 106 Agreement. The proposed alterations and extensions to the building would not be detrimental to the historic significance of the building or the character of the Conservation Area.

8 Recommendation

8.1 Minded to grant conditional planning permission subject to the applicant entering into a Section 106 Agreement to secure the provision of off-site affordable housing.

8.2 Grant conditional Listed Building Consent.
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 and standards were relevant: Adopted Unitary Development Plan (1998): H1 Housing provision; H10 Residential development standards; H12 Mobility and wheelchair standard housing; H17 Flat conversions; H19 Hotels and related uses (Use Class C1); T17 Transport implication of development proposals; CD2 Proposals for Development; CD6 Restoration of properties in conservation areas; CD9 Listed Building Consent; CD18 Extensions; ENV7 Retention of existing trees in new development; ENV8 Protection of trees on construction sites; ENV24 Waste management and disposal; RL23 London Squares; ST5 Privacy and space between buildings; ST9 Protection from Noise; ST13 Refuse storage and collection; ST18 Parking for residential conversions. Replacement Unitary Development Plan (October 2006): Policy 7 Protection of residential amenity; Policy 9 Transport Impact; Policy 14 Parking and traffic restraint; Policy 15 Additional housing; Policy 16 Affordable housing; Policy 32 Building Scale and Design; Policy 33 Alterations and Extensions; Policy 41 Listed Buildings; Policy 42 Conservation Areas; Policy 50 Waste.

Conditions

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 Cedars Road access to the site shall be used for ingress only and the Clapham Common North Side access for egress only. Suitable signs to indicate this, in accordance with details to be submitted to and approved in writing by the Local Planning Authority, shall be displayed before the premises are first used and shall thereafter be permanently maintained in accordance with the approved details. Reason: To ensure that the development does not prejudice highway safety or cause inconvenience to other highway users in accordance with Policies T9, CD15 and ST28 of the adopted Lambeth Unitary Development Plan (1998) and Policies 9 and 31 of the Replacement Unitary Development Plan (October 2006).

3. Notwithstanding the provisions of Article 3 and Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) no gates, fences, walls or other means of enclosure other than those shown on the approved plan shall be erected along the site frontage within 6 metres of the edge of the carriageway. Furthermore, any gates hereby permitted shall not open out over the public highway. Reason: To enable vehicles to draw off clear of the highway for the safety and convenience of the highway users, in accordance with Policies T9, CD15 and ST28 of the adopted Lambeth Unitary Development Plan (1998) and Policies 9 and 31 of the Replacement Unitary Development Plan (October 2006).

4. Full details of the repair and reinstatement works to the existing wall on the Wix's Lane boundary of the property shall be submitted to and approved in writing by the Local Planning Authority prior to any building works. Details shall show the areas
of the wall to be retained and replaced, identify original and non-original wall and materials. Details of replacement of the wall exceeding 0.9 metre in height within 2 metres of the new pedestrian and cyclist access gate with metal railings shall also be provided. The wall, gate and railings shall be constructed in accordance with the approved details prior to occupation of the building and shall thereafter be maintained in accordance with the approved details. Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access and to ensure that the works are not detrimental to the character and appearance of the Listed Building and the Conservation Area, in accordance with Policies T9, CD9, CD15 and ST28 of the adopted Lambeth Unitary Development Plan (1998) and Policies 9, 31 and 42 of the Replacement Unitary Development Plan (October 2006).

5 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, in accordance with Policies CD15, T18 and ST29 of the adopted Lambeth Unitary Development Plan (1998) and Policy 14 of the Replacement Unitary Development Plan (October 2006).

6 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, full details of an enclosed and secure cycle and refuse store. Provision is to be made for cycle parking for a minimum of 32 bicycles. The cycle parking shall be provided in accordance with the approved details before the dwellings hereby permitted is occupied and shall thereafter be retained solely for its designated use. Refuse storage facilities for the residential units hereby permitted shall be provided in accordance with the requirements of the London Borough of Lambeth's 'Waste and Recycling Storage and Collection Requirements: Guidance for Architects and Developers' (May 2006) prior to the residential occupation of the building and shall thereafter be retained as such for the duration of the permitted use, unless the prior written approval is obtained from the Local Planning Authority for any variations. Reason: To ensure adequate cycle parking and refuse storage is available on site and to promote sustainable modes of transport in accordance with Policies T36, ENV24 and ENV25 of the adopted Lambeth Unitary Development Plan (1998) and Policies 9, 10, 14 and 50 of the Replacement Unitary Development Plan (October 2006).

7 The roof area of the lower ground floor side extension on the west side of the building hereby approved shall not be used as a balcony, sitting out area or amenity area. Reason: To preserve the privacy and amenities of the adjacent property occupiers, in accordance with Policy CD15 and Standards ST5 and ST8 of the adopted Lambeth Unitary Development Plan (1998) and Policy 32 of the Replacement Unitary Development Plan (October 2006).

8 No trees, other than the one Gingko, shall be felled or pruned without the prior written consent of the Council. All reasonable precautions shall be taken (including any detailed in other conditions) to protect the branch structure of the trees to be retained and to protect the root systems from damage during site works. Reason: The existing trees and vegetation on site represent an important amenity feature which, if lost, would impair the character of the area and would be contrary to Policies G10, H10, ST7, ST31, CD15 and ENV7 of the adopted Lambeth Unitary Development Plan (1998) and Policy 36 of the Replacement Unitary Development Plan (October 2006).
9. No development shall take place until there has been submitted to and approved by the Local Planning Authority in writing details of protective fencing to protect existing vegetation on the site during construction. The approved fencing, which shall conform to British Standard 5837:2005, 'Trees in Relation to Construction - Recommendations', shall be erected prior to the commencement of any work on the site and shall be retained and maintained until all building, engineering or other operations have been completed. No work shall be carried out or materials stored within the fenced area without the prior written permission of the Local Planning Authority. Reason: To ensure that the crowns, boles and root systems of the shrubs, trees and hedgerows are not damaged during the period of construction and in the long term interests of local amenities, in accordance with Policies G10, H10, ST31 and ENV8 of the adopted Lambeth Unitary Development Plan (1998) and Policy 36 of the Replacement Unitary Development Plan (October 2006).

10. 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. The scheme of landscaping shall include a new tree on the site, to replace the Gingko Biloba, which is approved for removal. Reason: To ensure satisfactory landscaping of the site in the interests of visual amenity, in accordance with Policies CD15, ENV7, ENV9, G10, H10 and ST31 of the adopted Lambeth Unitary Development Plan (1998) and Policy 36 of the Replacement Unitary Development Plan (October 2006).

11. Prior to the commencement of any part of the development, a specification and method statement for the implementation of the portion of boundary wall close to the existing trees (adjacent to Wix's Lane) shall be submitted to and approved in writing by the Local Planning Authority. Reason: To ensure that any works to the boundary wall would not adversely affect the root system of existing trees on the site that are in close proximity to the boundary wall, in accordance with Policies ENV8 and G10 of the adopted Lambeth Unitary Development Plan (1998) and Policy 36 of the Replacement Unitary Development Plan (October 2006).

12. The car parking spaces located to the front of the site as shown on Drawing No. P/0407/002 shall be constructed using the 'No Dig' method specified in Arboricultural Practice Note 1. (1996), Driveways Close to Trees, produced by the Arboricultural Advisory and Information Service. Reason: To ensure that the siting of the car parking would not adversely affect the root system of trees on the site, in accordance with Policies ENV8 and G10 of the adopted Lambeth Unitary Development Plan (1998) and Policy 36 of the Replacement Unitary Development Plan (October 2006).

13. 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, in

14 The new rooflights hereby permitted shall be of conservation grade specifications, flush with the profile of the roof. Reason: To safeguard and enhance the visual amenities of the Clapham Conservation Area, in accordance with Policies CD2 and CD18 of the adopted Lambeth Unitary Development Plan (1998) and Policies 33 and 42 of the Replacement Unitary Development Plan (October 2006).

15 Details of the following should be provided prior to the initial occupation of the development hereby permitted: a) details of digital CCTV installation; b) details of security measures to the cycle store/refuse; c) details of a secure visual access control system compliant with BSI PAS 23/24; d) details of security lighting. In order to meet Secure by Design requirements in accordance with Policy 31a of the Replacement Unitary Development Plan (October 2006).

16 Details, including samples, of the proposed brickwork to be deployed in the new walls of the development hereby approved 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 ensure that the works are not detrimental to the character and appearance of the building and the Clapham Conservation Area, in accordance with Policies CD2 and CD15 of the adopted Lambeth Unitary Development Plan (1998) and Policies 33 and 42 of the Replacement Unitary Development Plan (October 2006).

17 Detailed drawings at a scale of 1:20 showing the replacement windows and doors to the building 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 ensure that the works are not detrimental to the character and appearance of the building and the Clapham Conservation Area, in accordance with Policies CD2 and CD15 of the adopted Lambeth Unitary Development Plan (1998) and Policies 33 and 42 of the Replacement Unitary Development Plan (October 2006).

18 Details, including samples, of the proposed roofing materials of the development hereby approved 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 ensure that the works are not detrimental to the character and appearance of the building and the Clapham Conservation Area, in accordance with Policies CD2 and CD15 of the adopted Lambeth Unitary Development Plan (1998) and Policies 33 and 42 of the Replacement Unitary Development Plan (October 2006).

19 Detailed drawings at a scale of 1:20 showing the new/replacement railings to the building 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 ensure that the works are not detrimental to the character and appearance of the building and the Clapham Conservation Area, in accordance with Policies CD2 and CD15 of the adopted Lambeth Unitary Development Plan (1998) and Policies 33 and 42 of the Replacement Unitary Development Plan (October 2006).

20 Detailed drawings at a scale of all new signage to the building 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 ensure that the works are not detrimental to the character and appearance of the building and the Clapham Conservation Area, in accordance with Policies CD2 and CD15 of the adopted Lambeth Unitary Development Plan (1998) and Policies 33 and 42 of the Replacement Unitary Development Plan (October 2006).

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 As soon as building work starts on the development, you must contact the Street Naming and Numbering Officer if you need to do the following- name a new street- name a new or existing building- apply new street numbers to a new or existing building This will ensure that any changes are agreed with Lambeth Council before use, in accordance with the London Buildings Acts (Amendment) Act 1939 and the Local Government Act 1985. Although it is not essential, we also advise you to contact the Street Naming and Numbering Officer before applying new names or numbers to internal flats or units. Contact details are listed below.
Rachel Harrison Street Naming and Numbering Officer e-mail: rharrison1@lambeth.gov.uk tel: 020 - 7926 2283 fax: 020 7926 9131

5 You are advised of the necessity to consult the Council's Highways team prior to the commencement of construction on 020 7926 9000 in order to obtain necessary approvals and licences prior to undertaking any works within the Public Highway including Scaffolding, Temporary/Permanent Crossovers, Oversailing/Undersailing of the Highway, Drainage/Sewer Connections, Hoarding, Excavations (including adjacent to the highway such as basements, etc), Temporary Full/Part Road Closures, Craneage Licences etc.

6 It is current Council policy for the Council's contractor to construct new vehicular accesses and to reinstate the footway across redundant accesses. The developer is to contact the Council's Highways team on 020 7926 9000, prior to the
commencement of construction, to arrange for any such work to be done. If the developer wishes to undertake this work the Council will require a deposit and the developer will need to cover all the Council’s costs (including supervision of the works). If the works are of a significant nature, a Section 278 Agreement (Highways Act 1980) will be required and the works must be carried out to the Council's specification.

7 You are advised that this property is a Grade II Listed Building and listed building consent will be required for any internal and/or external works which materially affect its character as a listed building.

8 You should consult the Council’s Arboricultural 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.

9 You are advised that affordable housing will not be accepted on sites which already have a residential provision established (private or affordable). If more than 17 units are sold, then enforcement action will be commenced.

10 To meet Secure by Design requirements all window sets should be to Pas 24 with windows to BS 7950 and glazing at the basement and ground level and accessible windows above to 6.4 MM laminated glass. Windows should comply with BS 7950 - sash windows should have sash stops fitted. Patio doors should have 3 point locking an anti lift device fitted and the sliding door positioned on the inside with 6.4 MM laminated glass. All Glazing should be ideally 6.4 MM Laminated glass although in high risk areas 6.8 MM glass should be considered. The secured by design standard for residential door sets is BSI PAS 23/24 this is for a front or a flat door (enhanced security performance). For further advice please contact Mr Rob Harrison, Crime Prevention Design Advisor, at the Lambeth Borough Police.