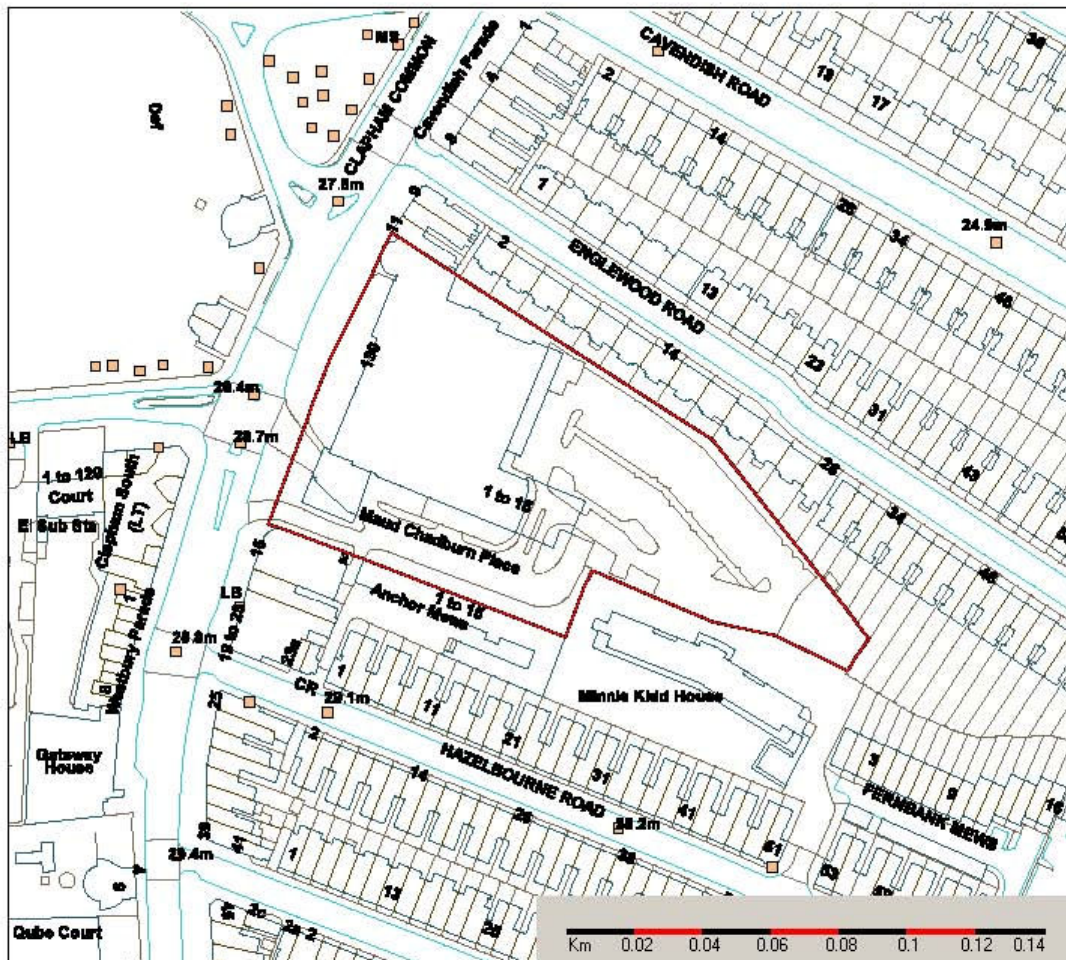


Section 1 – Site Location Map

LAMBETH PLANNING APPLICATIONS COMMITTEE



|                       |  |
|-----------------------|--|
| Case Number :         | 09/0344/FUL                                      |
| Application Address : | Former South London Hospital For Women<br>London |



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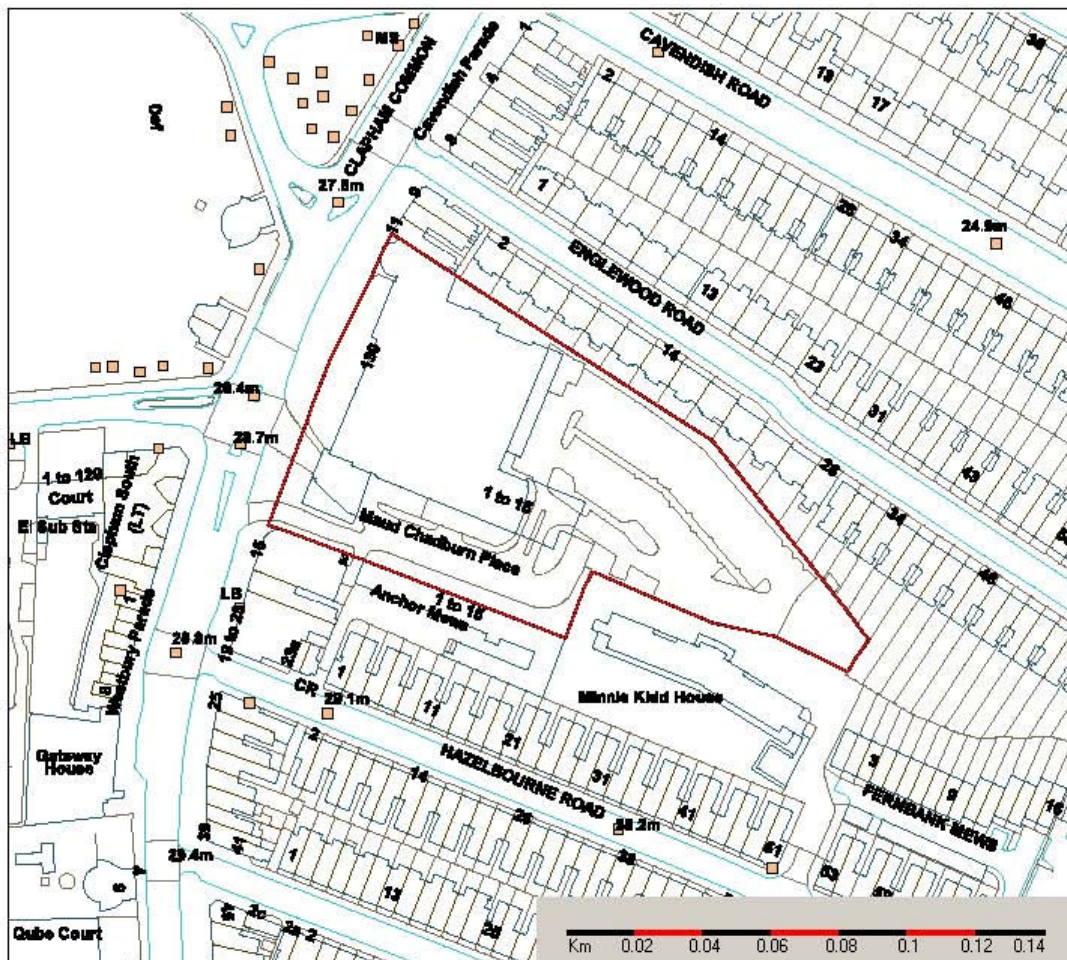
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L.B. Lambeth LA 100019338 2005

# LAMBETH PLANNING APPLICATIONS COMMITTEE



|                       |  |
|-----------------------|--|
| Case Number :         | 09/0344/FUL                                      |
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L.B. Lambeth LA 100019338 2005

|                                |  |
|--------------------------------|--|
| <b>Location</b>                | Former South London Hospital For Women Clapham, Common South Side, London.   |
| <b>Ward</b>                    | Clapham Common   |
| <b>Proposal Application</b>    | Variation of condition 5 (Loading and Unloading) of planning permission ref: 05/02893/FUL (Retention and refurbishment of front elevation of main building together with new development to provide a Class A1 foodstore of 2 513 square metres (gross external), service yard, landscaping, car parking for 98 customer/staff cars, 104 flats including 27 affordable housing flats with associated car parking for 95 cars and 316 square metres ground floor units to be used for Class A1 purposes together with ancillary plant and equipment and the provision of a new means of vehicular access on land at the former South London Hospital for Women. [This application proposes changes to planning permission reference 98/02489/FUL (granted on 11/12/2001), which include changes to the; Class A1 foodstore layout; mix of private flats by increasing the number of 1-bed flats; design of basement car park layout and access ramp; loading bay area; fenestration details; fire escape (north wing); main entrance steps; and addition of service and staff lift shaft to first floor level (north wing)] Granted on 18.12.2006.The variation seeks to amend the wording of condition 5 from - No loading or unloading of goods, including fuel, by vehicles arriving at or departing from the premises shall be carried out otherwise than within the on site designated loading spaces or loading bays.To - No loading or unloading of goods, including fuel, by vehicles arriving at or departing from the premises shall be carried out otherwise than within the on site designated loading spaces or loading bays, unless otherwise agreed by the Local Planning Authority. |
| <b>Applicant</b>               | Tesco Stores Limited   |
| <b>Agent</b>                   | Mr James Cook<br>20 Soho Square<br>London<br>W1D 3QW   |
| <b>Date valid</b>              | 17 February 2010   |
| <b>Case Officer</b>            | Mr David Thompson  |
| <b>Application Reference</b>   | 09/03744/FUL   |
| <b>Recommendation(s)</b>       | PER  |
| <b>Constraints</b>             | Conservation Area<br>Tunnel Safeguarding line  |
| <b>Advert Publication Date</b> | 1 <sup>st</sup> April 2010   |
| <b>Site Notice Posted on</b>   | 1 <sup>st</sup> April 2010   |
| <b>Drawings</b>                | Service Management Plan Rev A, Transport Statement, Ordnance Survey Extract 1:1250 scale.  |

## **1. Summary Of Main Issues**

- 1.1. Whether the proposed variation of the wording of condition 5 would negatively impact upon the amenity of the surrounding area and to the servicing/loading and unloading of goods.

## **2. Site Description**

2.1 The application site is some 0.9 hectares in size and comprises a supermarket (A1 Use Class) to the ground floor and residential use above (C3 Dwelling-houses). The site of the former South London Women's Hospital is located on the south east side of Clapham Common South Side between its junction with Englewood Road and Hazelbourne Road. Opposite lies Clapham South underground station and the section of the Common between the junctions of The Avenue and Nightingale Lane. One large building occupies the site which is four stories in height with accommodation within roof; a number of ancillary structures are present as well a large car park. There are two principle pedestrian entrances into the store, one from the front on Clapham South Side and one from the rear car park.

2.2 The surrounding area is a mix of residential and commercial uses. The Englewood Road properties to the north are 2 storeys in height and typically have gardens approximately 5m deep, lengthening to between 10-15m at the very rear of the site. Anchor Mews and a nursing home, Minnie Kidd House, form the southern boundary. The properties along the main road are mainly 4 storeys with commercial uses on the ground floors and commercial or residential above.

2.3 The site located within the Clapham Conservation Area (CA21) and none of the buildings in the vicinity of the proposal, including those on the site are designated as listed buildings.

## **3. Planning History**

3.1 The hospital closed in 1984. Tesco are the owners of the site. There have been a number of proposals for redevelopment for various mixes of use; however the most directly relevant decisions are set out below.

3.2 On the 19th October 2009 a planning application for the erection of a single storey glazed extension to the front entrance of the store, relocate existing bollards to the front entrance was withdrawn due to incorrect plans. (ref: 09/02764/FUL).

3.3 On the 26th November 2009 planning permission was granted under delegated powers for the installation of 2 condenser units to the existing wall within the 'loading bay' area. (09/03097/FUL).

3.4 On the 11th October 2004 advertisement consent was refused for the erection of two free standing advertisement display panels with additional alterations to the front of the store. (04/02390/ADV). This scheme was later dismissed on appeal in January 2005 given that the installation of internally illuminated poster panels would be incompatible with the conservation area and would be detrimental to amenity.

3.5 On 29 April 1997 permission was refused for the demolition of the existing building and the erection of a Class A1 food store not exceeding 2,500 sq.m., 112 flats including 22 units of affordable housing and associated car parking, servicing, landscaping etc.

3.6 A revised application was then submitted in August 1997 for the demolition of the existing buildings and the erection of a class A1 retail store of 2,101 sq.m. and associated service yard, landscaping and car parking. This application was refused on 9 December 1997.

3.7 An appeal was lodged against the decision of 29 April 1997. The appeal was dismissed in April 1998, the Inspector concluding that "whilst the appellant's proposal would

have an acceptable retail impact and would not offend neighbours' amenity, the failure of the current proposal to preserve or enhance the appearance and character of the Clapham conservation area is of such seriousness that the appeal be dismissed....”

3.8 In November 1998 application 98/002489/FUL was submitted for the partial demolition of the existing buildings on the site, with the retention and refurbishment of the remaining buildings (The Cooper Building), together with new development to provide a class A1 food-store of 2513 sq. m. floorspace; service yard; landscaping; car parking for 156 customer/staff cars; 104 flats including 27 affordable housing units and associated parking for 97 cars and 316 sq.m, ground floor unit to be used for A1 purposes; together with ancillary plant and equipment and the provision of a new means of vehicular access. The development was granted by the Secretary of State in December 2001.

3.9 Within his decision letter, the Secretary of State imposed a condition stating that the number of car parking spaces was to be reduced from 156 to 98. It is this scheme, with the identified material differences that has been implemented.

3.10 At the same time as the above approval, permission was also granted by the Secretary of State for another similar scheme (00/00520/FUL). The difference between the 2 approvals was that the 316 sq.m of proposed retail (A1) use is replaced by a Class D1 community use.

3.11 Conservation area consent was granted on 4 August 1999 (98/02491/CON) for the demolition of existing buildings on site with the retention and refurbishment of the remaining Cooper Building, together with the new development to provide a Class A1 foodstore of 2,513 sq.m. (gross external), service yard, landscaping, car parking for 156 customer/staff cars; 104 flats including 27 affordable housing units and associated car parking for 98 cars, and 316 sq.m. ground floor unit to be used for Class A1 purposes; together with ancillary plant and equipment and the provision of a new means of vehicular access on land at the former South London Hospital for Women.

3.12 On the 18th December 2006 planning permission was granted for the retention and refurbishment of front elevation of main building together with new development to provide a Class A1 foodstore of 2 513 square metres (gross external), service yard, landscaping, car parking for 98 customer/staff cars, 104 flats including 27 affordable housing flats with associated car parking for 95 cars and 316 square metres ground floor units to be used for Class A1 purposes together with ancillary plant and equipment and the provision of a new means of vehicular access on land at the former South London Hospital for Women (amendment to permission Ref. 98/02489/FUL, granted on 11/12/2001).

3.13 There are currently two planning applications seeking to vary conditions (5 and 14). This report relates to condition 5 and a report relating to condition 14 is to be found elsewhere. An application to discharge condition 13 (Service Management Plan) has also been made. The proposals within the document seeking discharge of condition 13 are also relevant to the determination of the above variations.

#### **4. Scheme Details**

4.1. Planning permission is sought to vary the wording of condition 5 (Loading and Unloading) of planning permission 05/02893/FUL from:

‘No loading or unloading of goods, including fuel, by vehicles arriving at or departing from the premises shall be carried out otherwise than within the on site designated loading spaces or loading bays.’

To: ‘No loading or unloading of goods, including fuel, by vehicles arriving at or departing from the premises shall be carried out otherwise than within the on site designated loading spaces or loading bays, unless otherwise agreed by the Local Planning Authority.’

## 5. Consultation Responses –

- 5.1. Letters of notification were sent to 188 neighbouring property addresses in the vicinity of the site. These included all properties at:
- 5.2. • 8-40 Englewood Road;
- 5.3. • 9-16 Cavendish Parade, Clapham Common South Side;
- 5.4. • 17-23 Balham Hill;
- 5.5. • 1 Fernbank Mews;
- 5.6. 1-29 Hazelbourne Road;
- 5.7. • 1-15 Anchor Mews;
- 5.8. Consultation letters were also sent to the following local amenity and residents groups:
  - Clapham Society
  - Clapham Park Partner in Action
  - Englewood Road Residents Association
- 5.9. The application was also advertised by way of a site notice and a press advert dated 1 April 2010.
- 5.10. The following consultees within the Council were consulted and their responses are summarised as follows:

**Transport and Highways-** Transport officers have been in negotiation with the landowner and have concurred with them that the best way to overcome parking congestion within the site would be to produce a revised Service Management Plan.

One element of the revised Service Management Plan would require that condition 5 of the extant planning permission be varied to allow the delivery of newspapers on Sundays and Bank Holidays at an alternative point between 07:00-10:00hrs to Englewood Road. Transport Services are satisfied that the number and scale of deliveries can be accommodated on Englewood Road. The proposed wording ‘unless otherwise agreed by the Local Planning Authority’ is proposed by the applicants to enable the Council to regularise the revised strategy, to prevent the use of Englewood Road outside of the proposed hours or by other deliveries.

With regard to the loss of 2 x parent and child spaces, it is considered that this can be accommodated by the existing capacity of the car park and would not have an adverse impact on the public highway.

## 6 Relevant Policies

### 6.1. National Guidance

- 6.1.1. Central Government advice is contained in a range of Government Circulars, Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPS). These are essentially general policies which aim to guide the local planning authority to securing good policies based on real and sound objectives and the need to provide high quality, well thought out developments which make a positive contribution to the locality and which help to protect or enhance the environment.

#### **Planning Policy Statement 1 – Delivering Sustainable Development**

- 6.1.2. PPS1 *Delivering Sustainable Development* aims to ensure high quality

development through good and inclusive design and the efficient use of resources. Design which fails to take the opportunities available for improving the character and quality of an area should not be accepted.

**6.1.3 Planning Policy Statement 13 - (Transport)** addresses transport and seeks to promote more sustainable transport choices and accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and discourages the need to travel by car.

## 6.2. London Plan

6.2.1. The London Plan was consolidated in February 2008 and now includes alterations that have been made since it was adopted in February 2004. The London Plan is the Mayor's development strategy for Greater London and provides strategic planning guidance for development and use of land and buildings within the London region.

6.2.2. It seeks to accommodate significant growth in ways that respect and improve London's diverse heritage while delivering a sustainable world city and, proposes to achieve this through sensitive intensification of development in locations well served by public transport.

6.2.3. All Borough plan policies are required to be in general conformity with the London Plan policies.

6.2.4. The following policies of the London Plan are relevant:

- 3C. 1: Integrating Transport and Development
- 3C23: Parking and Strategy
- 4B. 1: Design Principles for a Compact City

## 6.3. Unitary Development Plan (2007)

6.3.1. The following policies of the adopted Unitary Development Plan (2007) are considered relevant to this application:

- Policy 5: The Sequential Approach to Uses Which Attract a Lot of People
- Policy 7: Protecting Residential Amenity
- Policy 9: Transport Impact
- Policy 14: Parking and Traffic Restraint
- Policy 39: Streetscape, Landscape and Public Realm Design

## 7. Planning Considerations

7.1. Planning permission is sought to vary the wording of condition 5 (Loading and Unloading) of planning permission 05/02893/FUL from:

### Original wording:

'No loading or unloading of goods, including fuel, by vehicles arriving at or departing from the premises shall be carried out otherwise than within the on site designated loading spaces or loading bays.'

### To Revised wording:

'No loading or unloading of goods, including fuel, by vehicles arriving at or departing from the premises shall be carried out otherwise than within the on site designated loading spaces or loading bays, unless otherwise agreed by the Local Planning Authority.'

7.2. The variation in the condition would enable Tesco to make newspaper deliveries on Sundays and Bank Holidays from Englewood Road rather than the existing

service yard. There is an existing loading/unloading point at the north eastern end of Englewood Road close to the junction with Clapham Common South Side and very close to the frontage of the store. The revised Service Management Plan proposes that two deliveries take place between the hours of 7.00am and 10.00am. This is because condition 16 of the extant permission does not allow vehicles to enter the loading/ service bay before 10.00am and because of the limitations that exist arise when more than two or larger vehicles are trying to enter the site at the same time, which can result in congestion on the adjoining highway.

- 7.3. The proposed variation, in tandem with the revised management Plan with regard to condition 13 would allow couriers to deliver newspapers to the site at the corner of Englewood Road and bring them into the store by hand on foot or on trolleys quickly and with minimum delay, without breaching any of the conditions that relate parking, servicing and hours of operation.
- 7.4. The applicant has reasoned that the variation to condition 5 is necessary as a consequence of the revised Service Management Plan that is proposed for the site, which will mean that deliveries can be made to the site within the existing permitted hours of use for service deliveries; the designated loading/ service bay has been designed to accommodate only two HGV vehicles at any one time in and if a third HGV arrives with deliveries it will not be able to park in the designated area as there would be no room for it to manoeuvre. It would then have to pass through the loading /service bay and leave the site altogether. If a third, smaller lorry or van arrived at the site, it would have to reverse into the site to allow it to turn around and then leave. This means that the owners would be in breach of condition 5, because vehicle manoeuvring would take place outside the site.
- 7.5. The variations that are proposed need to be understood in relation to the planning permission for the whole development, and in particular in terms of condition 6, which requires that vehicles entering and leaving the site must do so in a forward direction, condition 12, which controls the hours of use of the car park, condition 13, which is the approved Service Management Plan for the development, and which is proposed to be revised by a fresh Service Management Plan and condition 16, which controls the hours during which service vehicles can enter the site.
- 7.6. NB: An application to vary condition 14 has also been submitted to the Council, both this and the application to vary condition 5 are submitted concurrently with the revised Service Management Plan that is required to discharge condition 13.
- 7.7. The original condition stated that the applicant has also submitted an application for the approval of details in connection with condition 13 (Service Management Plan). This condition stated “Within 1 month of the date of this permission, or any other period agreed in writing by the local planning authority, a Servicing Management Plan shall be submitted governing the restriction of all deliveries, loading/unloading and vehicular manoeuvring within the site and upon approval in writing by the Council as local planning authority shall be implemented within one month of the date of this decision, or any other period agreed in writing by the local planning authority. The Plan shall be complied with in accordance with the approved details and for the duration of the permitted use.
- 7.8. Reason: To avoid obstruction of the surrounding streets and to safeguard amenities of adjacent premises. Policies T18, T38, T39 of the Adopted Unitary Development Plan (1998) and Policies 7, 8 and 9 of the Replacement Unitary Development Plan Revised Deposit 2004-2017) refer) Timescales are imposed because development has been carried out before the date of the application.”

Whilst this condition was discharged on 4 May 2007, the requirement to provide deliveries outside of what was agreed when the condition was previously



discharged has required the need to submit a revised Service Management Plan in line with the changes required under the proposed variation to condition 5.

- The revised Service Management Plan proposes that 2 x Parent and Child be converted to provide a short term delivery space for smaller non HGV delivery vehicles
  - The bays would be marked as servicing only and would have a maximum stay of 10 minutes
  - The bays would be adjacent to the rear customer entrance and goods would be delivered via this entrance
  - The deliveries made would not be DotCom vans since the store does not provide a home delivery service, but would deliver newspapers and freshly baked foodstuffs such as bread, sandwiches, doughnuts, CDs etc in transit / courier vans.
  - vans would only make deliveries to the non-service yard areas (i.e. the converted loading bays in the car park) when the service yard is full.
- 7.9. Also condition 16 will require amendment due to the hours of delivery being requested. Condition 16 states: "Vehicles shall only service the site between the hours of 0700 and 2200 Monday to Saturday and 1000 and 1600 Sundays / Bank Holidays, and shall not enter or leave the site outside these hours.
- 7.10. Reason: To safeguard the amenities of the adjoining premises and to the area generally Policies H10 and CD15 of the Adopted Unitary Development Plan (1998) and policies 7 and 32 of the Replacement Unitary Development Plan Revised Deposit (2002-2017) refer.)No application has been made."
- 7.11. Paragraph 14 of the Circular 11/95: Use of Conditions in Planning Permission asserts that conditions should be imposed where they satisfy all of the following tests:
- i) necessary;
  - ii) relevant to planning;
  - iii) relevant to the development to be permitted;
  - iv) enforceable
  - v) precise; and
  - vi) reasonable in all other respects.
- 7.12 Officers consider that the amendment to the wording of the condition in the manner proposed would satisfy the above tests and would not be prejudicial to the overall intention of the original condition.
- 7.13 Officers further consider that the variation of condition 5 would also enable the revised Service Management Plan to be implemented, the aim of which is to allow service deliveries and parking of vehicles within the site to operate more efficiently and more safely. For example, utilising the existing unloading/loading point at the corner of Englewood Road would enable newspapers to be delivered to the store swiftly and without undue noise and disturbance to neighbouring residents, as the activity would take place at the commercial end of the road, close to Clapham Common. As such, no conflict would arise with regard to UDP Policy.
- 7.14 The proposed change of wording would mean that the Council would have more effective control of vehicular movements within the context of a revised Service management plan for the store which would ameliorate highway congestion in the locality and lessen the impact on the amenity of neighbouring residents of vehicular movements in terms of noise and disturbance. The proposal would

therefore comply with the requirements of relevant national Guidance, Strategic and Lambeth UDP Policies.

## 8. Conclusion

8.1. The current application seeks variation of the condition 5 of planning permission 05/02893/FUL. On balance it is considered that the proposed revised wording is acceptable and satisfies the tests of the Circular 11/95 It is therefore recommended that planning permission be granted.

## 9. Recommendation –

9.1. It is recommended to **VARY** condition 5 of the planning permission 05/02893/FUL so that its revised wording reads as follows:

No loading or unloading of goods, including fuel, by vehicles arriving at or departing from the premises shall be carried out otherwise than within the on site designated loading spaces or loading bays, unless otherwise agreed by the Local Planning Authority.

### Conditions

No loading or unloading of goods, including fuel, by vehicles arriving at or departing from the premises shall be carried out otherwise than within the on site designated loading spaces or loading bays, unless otherwise agreed by the Local Planning Authority.

Reason: To ensure satisfactory landscaping of the site in the interests of visual amenity (Policy 39 of the Unitary Development Plan (2007) refers).

### Informative

You are advised that all undischarged conditions imposed on Planning Permission (05/02893/FUL) apply to this permitted varied condition.

## **Section 4 – Decision Notice**

**Date of Application:** 04.11.2009      **Date of Decision:**

In order to comply with Section 91 of the Town and Country Planning Act 1990 the development to which this permission relates must be begun not later than the expiration of THREE years from the date hereof.

**Proposed Development At:** Former South London Hospital For Women Clapham Common South Side London

### **Summary of the Reasons for Granting Planning Permission:**

Conclusion8.1. The current application seeks variation of the condition 5 of planning permission 05/02893/FUL. On balance it is considered that the proposed revised wording is acceptable and satisfies the tests of the Circular 11/95 It is therefore recommended that planning permission be granted.

## **Section 5 - Appendices**

### **Appendix 1 - List Of Internal Consultations, Statutory Bodies And Local Amenity Groups Consulted.**

Transport/Highways Ext 60208  
Worksheet  
Clapham Society  
Clapham Park Partner In Action  
Englewood Road Residents Association  
Worksheet