
Appeal Decision

Site visit made on 31 May 2017

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 June 2017

Appeal Ref: APP/N5660/W/17/3170003

79-81 Clapham Common South Side, London SW4 9DQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mazotte Investments Limited against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 15/01219/FUL, dated 24 February 2015, was refused by notice dated 24 October 2016.
 - The development proposed is described as front forecourt and basement extension for four additional guestrooms and a multi-purpose room. Natural daylight to proposed rooms will be provided by front and rear light wells.
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Decision

1. The appeal is allowed and planning permission is granted for front forecourt and basement extension for four additional rooms with installation of four windows and a multi-purpose room with two light wells at front and rear of the property with landscaping at the front at 79-81 Clapham Common South Side, London SW4 9DQ in accordance with the terms of application Ref 15/01219/FUL, dated 24 February 2015, subject to the conditions set out in the attached schedule.

Procedural Matters

2. The Council changed the description of application Ref 15/01219/FUL from that contained on the application form to 'front forecourt and basement extension for four additional rooms with installation of four windows and a multi-purpose room with two light wells at front and rear of the property with landscaping at the front'. This is a more accurate description of the development proposed which I have therefore used in this decision.
 3. The appeal lies within the Clapham Conservation Area. In addition, the adjacent property at No 78 Clapham Common Road South is a Grade II Listed Building. The Council has not identified any harm to these heritage assets in its reasons for the refusal of planning permission. However, I am nevertheless required to have regard to the statutory duty to consider the effect of the proposals on the designated heritage assets. I address this matter below.
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Main Issues

4. The main issues are:

- The effect of the proposed development on highway safety with particular regard to off-street pick up and set down availability.
- The effect of the proposed development on the living conditions of nearby residents with particular regard to noise and disturbance.
- Whether the proposed development would provide adequate accommodation for the future occupiers of the hotel bedrooms having particular regard to light and access.

Reasons

Highway Safety

5. The appeal property comprises a block of three former terraced buildings which have been converted into a 63 bedroom hotel and is located at the junction of Clapham Common South Side with Cautley Avenue. The hotel currently has eight basement rooms. Four of these are beneath the front of the hotel and forecourt with daylight provided by means of a light well. These were granted planning permission following appeal decision (Ref APP/N5660/A/03/1111456).
6. Clapham Common South Side forms part of the A4 and is a Transport for London (TfL) 'Red Route' where restrictions are placed on stopping to park and unload, except for licensed taxi's. There is a marked loading bay on the carriageway in front of the hotel which allows loading/unloading for a maximum duration of 20 minutes (disabled parking being available for 3 hours), except between the hours of 4pm to 7pm Monday to Saturday.
7. Cautley Avenue and the surrounding side roads lie within a controlled parking zone that operates from Monday to Friday from 8.30am to 6.30pm. On both sides of Cautley Avenue, close to the junction with Clapham Common South Side, are two parking bays with capacity for two vehicles each where parking is permitted for one hour. A similar arrangement also exists on Lessar Avenue to the south of the hotel. Parking availability was evident in these bays on both streets on the morning of my site visit.
8. The hotel is located with approximately 350m of Clapham South Underground Station and the area is served by five bus routes. It lies within an area having a Public Transport Accessibility Level (PTAL) of 4 which indicates that it has good accessibility to public transport.
9. The proposed development would involve the construction of a basement extension to provide four additional guests rooms, two of which would be provided beneath the exiting forecourt and two beneath the front elevation of the hotel. The four rooms would have windows facing into a proposed light well and have a similar configuration to the basement rooms that already exist. In addition, a multi-purpose basement room is also proposed at the rear of the hotel, having a capacity for 50 people which would also be served by a light well that would be located in the enclosed rear service yard area. The front forecourt currently has capacity for the parking of two vehicles and this space would be reduced to parking availability for one vehicle as a consequence of the proposed development.

10. The appellant has produced an On-Street Parking Assessment which demonstrates that the additional car parking demand that could arise from the proposed increase in bedrooms would be less than one car either on a weekday or a Saturday. In addition, analysis of the mode of travel to the hotel by guests on two days in November 2015 demonstrated that upto 83% of guests arrived at the hotel by foot with many having previously used public transport with the maximum recorded level of taxi use in the same period being 6 taxis equating to one every four hours. I have no evidence to indicate that the parking assessment and mode of transport analysis may be incorrect.
11. The appellant indicates that the hotel operates a policy which minimises its occupation by coach parties and has a framework with tour operators for groups to arrive via the underground. Notwithstanding this, I have no evidence to suggest that any coaches which may either drop or pick up guests in the designated bay at the front of the hotel or lawfully park with the designated bays cause a demonstrable obstruction to the free flow of traffic to the extent that highway safety would be compromised. In addition, the footway in the front of the hotel is sufficiently wide to enable the unloading and loading of passengers and luggage without causing any obstruction to the passage of pedestrians.
12. The proposed multi-purpose room is proposed to be used for ancillary associated uses to the hotel. However, given the accessibility to public transport and short term parking availability in the locality, even if the room was to be used by patrons other than those with accommodation in the hotel, this is unlikely to cause any pressure for on-street parking or drop-offs/pick-ups that cannot be accommodated within the parameters of the existing traffic regulations in the area.
13. I have taken into account the accessibility of the hotel to public transport, the low level of increased parking demand that would be generated by the additional bedrooms, the availability of parking on nearby streets and the existing drop-off and loading provision outside of the hotel. In addition, I note that neither the Council's Transport Officer nor TfL raised any objections to the proposal. These factors led me to conclude that there is adequate provision on the public highway in the vicinity of the hotel to accommodate the likely numbers of guest who may require the use of drop off and pick up facilities. Furthermore, the proposed development would not cause any additional pressure on on-street car parking.
14. The Council has identified that the proposed development would conflict with Policy ED12 (a)(i) of the Lambeth Local Plan 2015 (Local Plan) which requires that all visitor accommodation must provide appropriate off-street pick-up and set-down points for taxis and coaches. The appeal property has been in use as a hotel since at least 1975 and the proposal is not for the construction of a new hotel, but a small scale extension of an existing hotel. I agree with the appellant that it is not clear whether this part of the policy applies to 'all visitor accommodation' or 'new visitor accommodation'.
15. Although not specifically stated, in any event, it appears to me that this part of the policy relates to highway safety matters and the free flow of traffic. Given my findings above, I consider that the appeal proposal represents a circumstance where the transportation and parking arrangements in the locality are adequate to serve the proposed development without causing harm to

highway safety or the free flow of traffic. Although not off-street, adequate provision is available within the vicinity of the hotel for set down and pick-up to accommodate the additional number of guests that would be generated by the proposed development without causing any demonstrable harm to highway safety. As such, the appeal proposal represents a circumstance where there would be no material conflict with the overall objectives of this part of the policy.

Living conditions

16. The hotel has an existing rear service yard which is accessed off Cautley Avenue. The gable of No 2 forms the eastern flank of the service area. In the context of the existing 63 bedrooms, the additional 4 bedrooms are unlikely to result in any material increase in the frequency of service vehicles that have deliveries and collections at the hotel.
17. At my site visit I observed that the hotel has in-house washing facilities for small linen and towels and the appellant indicated that there are two deliveries per week of contract washed linen. I also observed one of these deliveries which parked in front of the gates to the service yard and unloaded and loaded caged linen in an operation that lasted less than 20 minutes. Although part of the service yard was occupied by building materials associated with the refurbishment of bedrooms, there were adequate recycling and waste facilities with space to expand these if required. Against this background, I concur with the appellant that the proposed additional rooms would be unlikely to cause any additional increase in the frequency or nature of existing servicing or waste collection arrangements.
18. The multi-purpose room would be accessed internally from within the hotel. The appellant indicates that the use of this room would only be used by guests staying in the hotel and it is not intended to be used as a hired facility. The most significant impact of its use is likely to be noise generated from activities in the room. The Council has suggested planning conditions, were I minded to allow the appeal, placing limits on the external noise generated by the proposal and placing limits on the hours of usage of the multi-function room. The imposition of these conditions would ensure that any noise and disturbance would be maintained within acceptable limits so has not to cause harm to the living conditions of nearby residents.
19. I recognise local residents concerns that the hotel has incrementally expanded over a number of years. However, the proposed development represents a modest addition to the hotel. In adding a further four bedrooms this would have negligible impact on the balance and mix of uses in the area which already contains several medium sized hotels.
20. Taking the above factors into account, the proposed development would not cause any demonstrable harm to the living conditions of nearby residents as a consequence of noise and disturbance and would not alter the balance of the uses in the area. Consequently, there would be no conflict with Policy ED12(a)(ii) of the Local Plan. This policy requires that hotels and other visitor accommodation should not unacceptably harm the balance and mix of uses in the area.

Bedroom accommodation

21. The proposed bedrooms would have windows facing towards the light well in the same arrangement as the four existing basement bedrooms at the front of the hotel which I observed at my site visit. The level of daylight received through the windows of rooms in the basement would obviously not be of a level of the other bedrooms on the upper floors. Nevertheless, the existing rooms were neither unacceptably dark nor oppressive. I have no evidence to suggest that the proposed bedrooms would be any different in terms of the amount of daylight that the windows would receive via the light well. I also note that there is no specific policy referred to in the development plan relating to the amount of light to be received at hotel bedroom windows.
22. Therefore, in this case, I consider that the reduction in daylight as a consequence of the proposed windows facing towards the light well would not be a sustainable reason for the dismissal of this appeal.
23. The Council has referred to conflict with Policy ED12 (b), (c) and (d) of the Local Plan. Parts (b) and (c) require that all new visitor accommodation should meet the highest standards of accessibility and inclusion and at least 10% of new provision should be wheelchair accessible and be of high quality design so that it may be accredited by the National Quality Assessment Scheme. Part (d) states that where development proposes to modify existing visitor accommodation, the proposal will be supported only if it provides standards of accessibility and design expected of new build accommodation, subject to feasibility and viability.
24. The Council has also identified conflict with Policy 4.5 of the London Plan 2016. The overall objective of this policy seeks to achieve an increase in hotel bedroom provision in the city of 40,000 by 2036 of which at least 10% should be wheelchair accessible. Part (a) of the policy requires that development should contribute towards the hotel provision and ensure that at least 10% of bedrooms are wheelchair accessible.
25. There is some disagreement between the main parties as to whether parts (b) and (c) of Policy ED12 relating to new visitor accommodation are relevant to the circumstances in this appeal. The addendum to the officer report dated 11 October 2015 indicated that these parts were relevant to the consideration of new development and that the appeal proposal was a modification to an existing hotel use and that part (d) was the relevant part of the policy.
26. There is clear distinction in Policy ED12 between the reference to new development in parts (b) and (c) and the modification to exiting visitor accommodation in part (d). I therefore concur with the appellant that part (d) is the relevant part of Policy ED12 and that parts (b) and (c) are not relevant to the circumstances in this appeal. In addition, it appears to me that part (a) of Policy 4.5 of the London Plan does not specifically require that every single individual development for visitor accommodation should make provision for 10% of the bedrooms to be wheelchair accessible but that overall there should be a contribution to achieving this target.
27. Owing to the historic incremental conversion of the hotel from former residential accommodation in three buildings and having inspected the basement in relation to guest areas at my site visit, I agree with the appellant that it would not be feasible nor viable to remodel the internal elements of the

hotel to install a wheelchair lift. Moreover, there is currently no level access to the hotel from Clapham Common South Side.

28. The appellant indicates that the hotel operates in close association with the Belvedere Hotel, owned by the same operators and located a short distance to the south west of the appeal site at Nos 89/90 Clapham Common South Side. This hotel makes provision for wheelchair users and that any bookings for a wheelchair user at the appeal property are directed to the Belvedere Hotel.
29. Taking these factors into account, it would not be feasible in this case to remodel the hotel to provide wheelchair accessibility and that provision is made for such users as a consequence of the arrangement with the Belvedere Hotel. Consequently there would be no conflict with Policy ED12 (d) of the Local Plan or Policy 4.5 (a) of the London Plan.

Other matters

30. The external elements of the proposed development would involve the provision of the light well in the forecourt of the hotel, which would be of similar size and relationship with the building as the existing light well, and one in the enclosed rear service yard. In addition, the light well in the rear service yard would be provided with a spiral staircase leading to the multi-purpose room in order to provide a secondary means of egress and which would be provided with a fence and balustrade. None of these elements would be readily noticeable in public views and would not appear as obtrusive or out of character in the area. As such they would preserve the character and appearance of the Clapham Conservation Area and would not affect the setting of the adjacent Listed Building.
31. In applying the statutory test as set out in Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 I have had regard to the desirability of preserving or enhancing the designated heritage assets. I am satisfied that the proposal would preserve those interests.
32. Reference has also been made to the part of Policy 4.5 of the London Plan which refers to the fact that where hotel accommodation situated outside of the Central Activities Zone (CAZ) it should be located in town centres or areas with good access to central London on passenger transport. The proposed development is located outside of the CAZ. Policy ED12 of the Local Plan supports visitor accommodation elsewhere in the Borough where the PTAL is 'good' or above. In this case the PTAL is 4 which is defined as 'good' with the underground station and the bus routes providing public transport to give good access into central London. Consequently, there is no conflict with the relevant provisions of these policies.

Conditions

33. The Council has suggested a number of planning conditions which I have considered against the advice given in paragraph 206 of the Framework and the guidance contained in the section on 'Use of Planning Conditions' in the government's Planning Practice Guidance. As a result, I have amended some of them for clarity and to minimise the use of pre-commencement conditions and eliminated some for the reasons set out below.
34. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved

- plans. This is in the interest of certainty. In order to protect the character and appearance of the area conditions are necessary relating to the external finishes of the development, the design of the rear light well grille and balustrade and to a scheme of landscaping to the front forecourt.
35. In order to protect the structural integrity of the building and the London Underground structures and tunnels, a condition is necessary to provide for the detailed design and method of work statements for all of the foundations, basement and below ground floor structures.
36. In order to protect the living conditions of nearby residents a condition is necessary requiring details of a construction management plan. However, as the requirements of this condition also require details of the proposed loading and delivery locations and a strategy to manage vehicles servicing the site, I consider that a separate condition requiring the submission of a Construction Logistics Management Plan is neither reasonable nor necessary. Consequently, I have deleted this condition.
37. Also to protect the living conditions of nearby residents, conditions are necessary relating to the hours of usage of the proposed multi-purpose room, preventing the use of the room from being hired out to non-patrons of the hotel for events/functions/meetings, measures to limit noise and details of proposed servicing arrangements.
38. Notwithstanding the comments of the appellant, the hotel would not be able to prevent the arrival of guests by coach. Consequently, the Council's suggested condition that requires measures to manage coach drop-off, pick-ups and parking is appropriate. I have amalgamated the Council's suggested noise conditions into one condition and requiring that the noise measurement is at the window of the nearest noise sensitive property and not outside of the site. As my assessment of the impact of the development has been based on the increase in the number of bedrooms to 67, a condition restricting the number of bedrooms to this number would not be unreasonable in the interests of protecting the living conditions of adjacent residents.
39. Given the nature of the works below ground level, conditions requiring a flood risk assessment and flood evacuation plan are necessary in order to consider the effects of the hydrogeological conditions on the stability of the building and to protect the health and safety of those involved in the construction work and the future occupants of the development. In the interests of encouraging the use of sustainable transport, I agree that a condition is necessary requiring provision to be made for cycle parking.

Conclusion

40. For the above reasons, taking into account the development plan as a whole based on the evidence before me and all other matters raised, I conclude that the appeal should be allowed.

Stephen Normington

INSPECTOR

CONDITIONS SCHEDULE

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: A 000 000 Rev P0; A 000 001 Rev P0; A 000 002 Rev P0; A 025 001 Rev P5; A 025 002 Rev P0; A 025 003 Rev P1; A 025 004 Rev P0; A 025 005 Rev P2; A 100 001 Rev P4; A 110 001 Rev P3; A 100 001 21/09; A 100 001 28/09.
- 3) Notwithstanding the approved drawings, prior to the commencement of works, detailed drawings and details of materials/finishes for the proposed light well grille and balustrade to the rear light well, shall be submitted to and approved in writing by the local planning authority. The development hereby permitted shall be thereafter built in accordance with the approved details.
- 4) The materials to be used for the external surfaces of the development shall match existing finishes except where shown on the approved plans. All works of making good to the retained fabric shall be finished to match the adjacent work with regards to the methods used and to material, colour, texture and profile.
- 5) No development shall commence until detailed design and method of work statements for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling have been submitted to and approved in writing by the local planning authority which:
 - a) provide details on all structures
 - b) accommodate the location of the existing London Underground structures and tunnels
 - c) accommodate ground movement arising from the construction thereof
 - d) mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.

The development shall thereafter be carried out in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

- 6) The multi-purpose room hereby permitted shall only be used for purposes ancillary to the Dudley Hotel, 79-81 Clapham Common South Side and shall not be hired out to non-patrons of the hotel for events/functions/meetings.
- 7) The multi-purpose room hereby permitted shall not be used other than within the following times:

0900 Hours to 2300 Hours – Monday to Thursday

0900 Hours to 0000 Hours – Fridays and Saturdays

1000 Hours to 1800 Hours – Sundays, Bank Holidays or Public Holidays.

- 8) The Dudley Hotel, 79-81 Clapham Common South Side shall not increase the number of bedrooms from the hereby permitted 67 bedrooms.
- 9) Noise from the site, from any source of amplified sound, speech or music, as measured in accordance with BS4142: 2014, shall not exceed the background noise level [L90B(A) 15 minutes], when measured outside the window of the nearest noise sensitive or residential premises.
- 10) Prior to the first use of the additional bedrooms and the multi-purpose room hereby permitted, a Servicing Management Plan shall be submitted and approved in writing by the local planning authority. The use hereby permitted shall thereafter be operated in accordance with the approved details. The submitted details shall include the following:
 - a) frequency of deliveries to the site;
 - b) frequency of other servicing vehicles such as refuse collections;
 - c) dimensions of delivery and servicing vehicles;
 - d) proposed loading and delivery locations; and
 - e) a strategy to manage vehicles servicing the site.
- 11) Prior to the first use of the additional bedrooms and the multi-purpose room hereby permitted, a Coach Parking Management Strategy shall be submitted to and approved in writing by the local planning authority. The use hereby permitted shall thereafter be operated in accordance with the approved details.
- 12) Prior to the first use of the additional bedrooms and the multi-purpose room hereby permitted, details of the provision to be made for cycle parking shall be submitted to and approved in writing by the local planning authority. The details shall demonstrate that a minimum of 5 secure and easily accessible cycle spaces will be provided (1 long-stay space per 20 bedrooms and 1 short-stay space per 50 bedrooms). The cycle parking shall be provided in accordance with the approved details and thereafter be retained for its designated use during the duration of the hotel use.
- 13) Notwithstanding the approved plans, no development shall take place until a Basement Impact Statement and Flood Risk Assessment have been submitted to and approved in writing by the local planning authority. This statement shall include details regarding:
 - a) Detailed site specific analysis of hydrological and geotechnical local ground conditions;
 - b) Analysis of how the excavation of the basement may impact on the water table and any ground water floor, and whether perched water is present;
 - c) Details of how flood risk, including risk from groundwater and surface water flooding has been addressed in the design, including details of any proposed mitigation measures;
 - d) Details of measures proposed to mitigate any risks in relation to land instability;
 - e) Demonstration of how cumulative effects have been considered;

- f) A comprehensive non- technical summary document of the assessments provided and information submitted against (a) to (e) of this condition.
- 14) No demolition or development shall commence until full details of the proposed construction methodology, in the form of a Method of Construction Statement, have been submitted to and approved in writing by the local planning authority. The Method of Construction Statement shall include details regarding:
- a) The notification of neighbours with regard to specific works;
 - b) Advance notification of road closures;
 - c) Details regarding parking, deliveries, and storage;
 - d) Details regarding dust mitigation;
 - e) Details of measures to prevent the deposit of mud and debris on the public highway; and
 - f) Any other measures to mitigate the impact of construction upon the amenity of the area and the function and safety of the highway network.

No demolition or development shall commence until provision has been made to accommodate all site operatives', visitors' and construction vehicles loading, offloading, parking and turning within the site or otherwise during the construction period in accordance with the approved details. The demolition and development shall thereafter be carried out in accordance with the details and measures approved in the Method of Construction Statement.

- 15) No demolition or development shall commence until an Evacuation Plan has been submitted and approved by the local planning authority. The Evacuation Plan shall demonstrate the evacuation methods and escape route that will be undertaken by those persons involved in the construction of, and those occupying, the proposed development should flooding to the basement rooms occur.
- 16) Prior to the commencement of the development hereby permitted, a landscaping scheme for the forecourt of 79-81 Clapham Common South Side outlining both hard landscaping and soft landscaping shall be submitted to and approved in writing by the local planning authority. The development hereby permitted shall be thereafter carried out in accordance with the approved details within 6 months of the date of occupation of the rooms hereby permitted. The submitted details are expected to demonstrate the following:
- a) Details of the proposed plants and location of the planter boxes located within the forecourt area
 - b) Details of the pavers proposed for the forecourt.