

Your Ref: 23531

Our Ref: 14/02553/VOC

c/o Mr Kevin Watson  
Swan Court  
Worple Road  
London  
SW19 4JS



7th November 2014

## DECISION NOTICE

Dear

### DETERMINATION OF APPLICATION UNDER SECTION 73. TOWN AND COUNTRY PLANNING ACT 1990

The London Borough of Lambeth hereby approves the following application for the variation of condition as set out below under the above mentioned Act.

In accordance with the statutory provisions your attention is drawn to the statement of Applicant's Rights and General Information attached.

**Application Number:** 14/02553/VOC      **Date of Application:** 19.05.2014      **Date of Decision:** 06.11.2014

**Development At:** Homebase Ltd 100 Woodgate Drive London SW16 5YP

**For:** Variation of condition 1 (Retail Use) of Planning Permission Ref: 10/01143/FUL (Variation of Condition 6 (Permitted retail goods) of planning permission Ref. No. 83/01916 (Erection of a DIY retail unit for Texas homecare and an industrial building for cow industrial polymers) granted on 17.09.85 to allow for the sale of a wider range of goods to include DIY home and garden improvements, car maintenance, building materials and builders merchants goods, carpets and floor coverings, furniture, furnishings, electrical goods, automobile products, camping equipment, cycles, pet and pet products, office supplies and for no other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended)) Granted on 30.06.2010

Original Wording:

The retail use hereby permitted shall be used for the retailing of DIY home and garden improvements and car maintenance, building materials and builders merchants goods, carpets and floor coverings, furniture, furnishings, electrical goods, automobile products, camping equipment, cycles, pet and pet products, office supplies and for no other purpose (including the retail sale of food and drink or any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

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## Proposed Wording

The retail unit hereby permitted shall be used for the sale and display of non-food goods only and , notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), for no other goods.

## Approved Plans

April 2008, drafted by WYG TransportOS Map (110034/1), Transport Assessment Report Dated 08

## Summary of the Reasons for Granting Planning Permission:

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. The development plan in Lambeth is the Lambeth Local Development Framework Core Strategy (adopted 19 January 2011) and the remaining saved policies in the 'Lambeth Unitary Development Plan (UDP) 2007: Policies saved beyond 5 August 2010 and not superseded by the Core Strategy adopted in January 2011' and the London Plan (adopted 22 July 2011.). Having weighed the merits of the proposal in the context of these issues, it is considered that planning permission should be granted subject to the conditions listed below. In reaching this decision the following Policies were relevant:

Lambeth Local Development Framework Core Strategy (2011)

Policy S1 - Delivering the Vision and Objectives

Policy S4 - Transport

London Borough of Lambeth Unitary Development Plan (UDP) 2007: Policies saved beyond 5 August 2010 and not superseded by the LDF Core Strategy January 2011:

Policy 9 - Transport Impact

Policy 14 - Parking and Traffic Restraint

## Conditions

1 The development to which this permission relates must be begun not later than the expiration of three 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 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004)

2 Prior to the variation hereby approved being implemented a parking layout plan at scale of 1:50 indicating the location of the reserved staff car parking shall be submitted to and approved in writing by the Local Planning Authority. The use shall thereafter be carried out solely in accordance with the approved staff car parking details.

Reason: To ensure that the approved variation does not have a detrimental impact on the continuous safe and smooth operation of the adjacent highway (Policies 9 and 14 of the London Borough of Lambeth Unitary Development Plan (UDP) 2007: Policies saved beyond 5 August 2010 and not superseded by the LDF Core Strategy January 2011) Policies S4 of the Core Strategy 2011

3 Within 12 months of the implementation of the development hereby approved details of a traffic survey on the site and surrounding highway network shall be undertaken within 1 month of implementation of the approved development date and the results submitted to the local planning authority. If the traffic generation of the site, as measured by the survey, is higher than that predicted in the Transport Assessment submitted with the original planning application the applicant shall, within 3 months, submit revised traffic modelling of the Woodgate Drive/Streatham

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Vale/Greyhound Lane junction for analysis. If the junction modelling shows that junction capacity is worse than originally predicted within the Transport Assessment, appropriate mitigation measures shall be agreed with the council, if required, and implemented within 3 months of the date of agreement..

Reason: to ensure that the proposed development does not lead to an unacceptable traffic impact on the adjoining highway network (Policy 9 of the London Borough of Lambeth Unitary Development Plan (UDP) 2007: Policies saved beyond 5 August 2010 and not superseded by the LDF Core Strategy January 2011) Policies S4 of the Core Strategy 2011

#### **Notes to Applicants:**

In dealing with this application the Council has implemented the requirement in the National Planning Policy Framework (2012) to work with the applicant in a positive and proactive manner. The Council has made available on its website the policies and guidance provided by its Core Strategy (2011), its Unitary Development Plan (2007), and its Supplementary Planning Documents. The Council provides a free duty planner service for basic enquiries, which is accessible by telephone, by email, or by appointment. The Council also offers a free pre-application advice service for householder development and a paid pre-application advice service for other development. All of these services ensure that the applicant has every opportunity to submit an application that's likely to be considered acceptable.

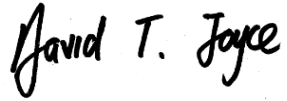
1. This decision letter does not convey an approval or consent which may be required under any enactment, by-law, order or regulation, other than Section 57 of the Town and Country Planning Act 1990.
2. Your attention is drawn to the provisions of the Building Regulations, and related legislation which must be complied with to the satisfaction of the Council's Building Control Officer.
3. Your attention is drawn to the provisions of The Party Wall Act 1996 in relation to the rights of adjoining owners regarding party walls etc. These rights are a matter for civil enforcement and you may wish to consult a surveyor or architect.
4. Your attention is drawn to the need to comply with the requirements of the Control of Pollution Act 1974 concerning construction site noise and in this respect you are advised to contact the Council's Environmental Health Division.
5. You are advised of the necessity to consult the Principal Highways Engineer of the Highways team on [drw@lambeth.gov.uk](mailto:drw@lambeth.gov.uk) in order to obtain necessary prior approval for undertaking any works within the Public Highway including Scaffold, Temporary/Permanent Crossovers, Oversailing/Undersailing of the Highway, Drainage/Sewer Connections and Repairs on the Highways, Hoarding, Excavations, Temporary Full/Part Road Closures, Craneage Licenses etc. You are advised to contact the Highways team at the earliest possible opportunity.

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Yours sincerely



**David Joyce**

Assistant Director Planning & Development  
Business, Growth & Regeneration  
Delivery Cluster

Date printed: 7th November 2014

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## **INFORMATION FOR APPLICANTS GRANTED PLANNING PERMISSION SUBJECT TO CONDITIONS, OR WHERE PERMISSION HAS BEEN REFUSED.**

### **General Information**

This permission is subject to due compliance with any local Acts, regulations, building by-laws and general statutory provisions in force in the area and nothing herein shall be regarded as dispensing with such compliance or be deemed to be a consent by the Council thereunder.

Your attention is drawn to the provisions of the Building Regulations 1985 and related legislation which must be complied with to the satisfaction of the Council's Building Control Officer, Phoenix House, 10 Wandsworth Road, SW8.

The Council's permission does not modify or affect any personal or restrictive covenants, easements, etc., applying to or affecting the land or the rights of any person entitled to the benefits thereof.

STATEMENT OF APPLICANT'S RIGHTS ARISING FROM THE REFUSAL OF PLANNING PERMISSION OR FROM THE GRANT OF PERMISSION SUBJECT TO CONDITIONS.

### **Appeals to the Secretary of State**

If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development or to grant permission or approval subject to conditions, he may appeal to the Secretary of State in accordance with Section 78 of the Town and Country Planning Act 1990 within six months from the date of this notice. Appeals must be made on a form which is obtainable from Room 3/13 Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN. Alternatively an Appeal form can be downloaded from their website at [www.planningportal.gov.uk/planning/appeals](http://www.planningportal.gov.uk/planning/appeals). The Secretary of State has power to allow longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and not to any directions given under the order.

### **Purchase Notice**

If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonable beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the London Borough of Lambeth a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Section 137 of the Town and Country Planning Act 1990.

### **Compensation**

In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State for the Environment on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 120 and related provision of the Town and Country Planning Act 1990.

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