

## Planning Committee

Tuesday 15 December 2015

5.30 pm

Ground Floor Meeting Room G02 - 160 Tooley Street, London SE1 2QH

### Membership

Councillor Nick Dolezal (Chair)  
Councillor Sarah King (Vice-Chair)  
Councillor Helen Dennis  
Councillor Hamish McCallum  
Councillor Michael Mitchell  
Councillor Jamille Mohammed  
Councillor Adele Morris  
Councillor Kieron Williams

### Reserves

Councillor Maisie Anderson  
Councillor James Barber  
Councillor Catherine Dale  
Councillor Tom Flynn  
Councillor Kath Whittam  
Councillor Jane Lyons

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### INFORMATION FOR MEMBERS OF THE PUBLIC

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#### Access to information

You have the right to request to inspect copies of minutes and reports on this agenda as well as the background documents used in the preparation of these reports.

#### Babysitting/Carers allowances

If you are a resident of the borough and have paid someone to look after your children, an elderly dependant or a dependant with disabilities so that you could attend this meeting, you may claim an allowance from the council. Please collect a claim form at the meeting.

#### Access

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#### Contact

Victoria Foreman on 020 7525 5485 or email: [victoria.foreman@southwark.gov.uk](mailto:victoria.foreman@southwark.gov.uk)

Webpage: <http://www.southwark.gov.uk>

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Members of the committee are summoned to attend this meeting

**Eleanor Kelly**

Chief Executive

Date: 7 December 2015



# Planning Committee

Tuesday 15 December 2015

5.30 pm

Ground Floor Meeting Room G02 - 160 Tooley Street, London SE1 2QH

## Order of Business

Item No.	Title	Page No.
	<b>PART A - OPEN BUSINESS</b>	
1.	<b>APOLOGIES</b>	
	To receive any apologies for absence.	
2.	<b>CONFIRMATION OF VOTING MEMBERS</b>	
	A representative of each political group will confirm the voting members of the committee.	
3.	<b>NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT</b>	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
4.	<b>DISCLOSURE OF INTERESTS AND DISPENSATIONS</b>	
	Members to declare any personal interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	<b>DEVELOPMENT MANAGEMENT</b>	1 - 5
	<b>5.1. SEA CONTAINERS HOUSE, UPPER GROUND, LONDON SE1 9PD</b>	6 - 24
	<b>ANY OTHER OPEN BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.</b>	

Date: 7 December 2015



## PLANNING COMMITTEE

### Guidance on conduct of business for planning applications, enforcement cases and other planning proposals

1. The reports are taken in the order of business on the agenda.
2. The officers present the report and recommendations and answer points raised by members of the committee.
3. Your role as a member of the planning committee is to make planning decisions openly, impartially, with sound judgement and for justifiable reasons in accordance with the statutory planning framework.
4. The following may address the committee (if they are present and wish to speak) for **not more than 3 minutes each**.

(a) One representative (spokesperson) for any objectors. If there is more than one objector wishing to speak, the time is then divided within the 3-minute time slot.

(b) The applicant or applicant's agent.

(c) One representative for any supporters (who live within 100 metres of the development site).

(d) Ward councillor (spokesperson) from where the proposal is located.

(e) The members of the committee will then debate the application and consider the recommendation.

Note: Members of the committee may question those who speak only on matters relevant to the roles and functions of the planning committee that are outlined in the constitution and in accordance with the statutory planning framework.

5. If there are a number of people who are objecting to, or are in support of, an application or an enforcement of action, you are requested to identify a representative to address the committee. If more than one person wishes to speak, the 3-minute time allowance must be divided amongst those who wish to speak. Where you are unable to decide who is to speak in advance of the meeting, you are advised to meet with other objectors in the foyer of the council offices prior to the start of the meeting to identify a representative. If this is not possible, the chair will ask which objector(s) would like to speak at the point the actual item is being considered.

Note: Each speaker should restrict their comments to the planning aspects of the proposal and should avoid repeating what is already in the report.

6. This is a council committee meeting, which is open to the public and there should be no interruptions from the audience.

7. No smoking is allowed at committee and no recording is permitted without the consent of the meeting on the night, or consent in advance from the chair.

**The arrangements at the meeting may be varied at the discretion of the chair.**

**Contacts:** General Enquiries  
Planning Section, Chief Executive's Department  
Tel: 020 7525 5403

Planning Committee Clerk, Constitutional Team  
Finance and Governance Department  
Tel: 020 7525 5485

<b>Item No.</b> 5.	<b>Classification:</b> Open	<b>Date:</b> 15 December 2015	<b>Meeting Name:</b> Planning Committee
<b>Report title:</b>		Development Management	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Proper Constitutional Officer	

### RECOMMENDATIONS

1. That the determination of planning applications, or formal observations and comments, the instigation of enforcement action and the receipt of the reports included in the attached items be considered.
2. That the decisions made on the planning applications be subject to the conditions and/or made for the reasons set out in the attached reports unless otherwise stated.
3. That where reasons for decisions or conditions are not included or not as included in the reports relating to an individual item, they be clearly specified.

### BACKGROUND INFORMATION

4. The council's powers to consider planning business are detailed in Part 3F which describes the role and functions of the planning committee and planning sub-committees. These were agreed by the annual meeting of the council on 23 May 2012. The matters reserved to the planning committee and planning sub-committees exercising planning functions are described in part 3F of the Southwark Council constitution.

### KEY ISSUES FOR CONSIDERATION

5. In respect of the attached planning committee items members are asked, where appropriate:
  - a. To determine those applications in respect of site(s) within the borough, subject where applicable, to the consent of the Secretary of State for Communities and Local Government and any directions made by the Mayor of London.
  - b. To give observations on applications in respect of which the council is not the planning authority in planning matters but which relate to site(s) within the borough, or where the site(s) is outside the borough but may affect the amenity of residents within the borough.
  - c. To receive for information any reports on the previous determination of applications, current activities on site, or other information relating to specific planning applications requested by members.

6. Each of the following items are preceded by a map showing the location of the land/property to which the report relates. Following the report, there is a draft decision notice detailing the officer's recommendation indicating approval or refusal. Where a refusal is recommended the draft decision notice will detail the reasons for such refusal.
7. Applicants have the right to appeal to the Planning Inspector against a refusal of planning permission and against any condition imposed as part of permission. Costs are incurred in presenting the council's case at appeal which maybe substantial if the matter is dealt with at a public inquiry.
8. The sanctioning of enforcement action can also involve costs such as process serving, court costs and of legal representation.
9. Where either party is felt to have acted unreasonably in an appeal the inspector can make an award of costs against the offending party.
10. All legal/counsel fees and costs as well as awards of costs against the council are borne by the budget of the relevant department.

#### **Community impact statement**

11. Community impact considerations are contained within each item.

#### **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

##### **Director of Law and Democracy**

12. A resolution to grant planning permission shall mean that the development & building control manager is authorised to grant planning permission. The resolution does not itself constitute the permission and only the formal document authorised by the committee and issued under the signature of the head of development management shall constitute a planning permission. Any additional conditions required by the committee will be recorded in the minutes and the final planning permission issued will reflect the requirements of the planning committee.
13. A resolution to grant planning permission subject to legal agreement shall mean that the head of development management is authorised to issue a planning permission subject to the applicant and any other necessary party entering into a written agreement in a form of words prepared by the director of legal services, and which is satisfactory to the head of development management. Developers meet the council's legal costs of such agreements. Such an agreement shall be entered into under section 106 of the Town and Country Planning Act 1990 or under another appropriate enactment as shall be determined by the director of legal services. The planning permission will not be issued unless such an agreement is completed.
14. Section 70 of the Town and Country Planning Act 1990 as amended requires the council to have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations when dealing with applications for planning permission. Where there is any conflict with any policy contained in the development plan, the conflict must be resolved in favour of the policy which is

contained in the last document to be adopted, approved or published, as the case may be (s38(5) Planning and Compulsory Purchase Act 2004).

15. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise. The development plan is currently Southwark's Core Strategy adopted by the council in April 2011, saved policies contained in the Southwark Plan 2007, the where there is any conflict with any policy contained in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published, as the case may be (s38(5) Planning and Compulsory Purchase Act 2004).
16. On 15 January 2012 section 143 of the Localism Act 2011 came into force which provides that local finance considerations (such as government grants and other financial assistance such as New Homes Bonus) and monies received through CIL (including the Mayoral CIL) are a material consideration to be taken into account in the determination of planning applications in England. However, the weight to be attached to such matters remains a matter for the decision-maker.
17. "Regulation 122 of the Community Infrastructure Levy regulations (CIL) 2010, provides that "a planning obligation may only constitute a reason for granting planning permission if the obligation is:
  - a. necessary to make the development acceptable in planning terms;
  - b. directly related to the development; and
  - c. fairly and reasonably related to the scale and kind to the development.

A planning obligation may only constitute a reason for granting planning permission if it complies with the above statutory tests."

18. The obligation must also be such as a reasonable planning authority, duly appreciating its statutory duties can properly impose, i.e. it must not be so unreasonable that no reasonable authority could have imposed it. Before resolving to grant planning permission subject to a legal agreement members should therefore satisfy themselves that the subject matter of the proposed agreement will meet these tests.
19. The National Planning Policy Framework (NPPF) came into force on 27 March 2012. The NPPF replaces previous government guidance including all PPGs and PPSs. For the purpose of decision-taking policies in the Core Strategy (and the London Plan) should not be considered out of date simply because they were adopted prior to publication of the NPPF. For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted in accordance with the Planning and Compulsory Purchase Act (PCPA) 2004 even if there is a limited degree of conflict with the NPPF.
20. In other cases and following and following the 12 month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. This is the approach to be taken when considering saved plan policies under the Southwark Plan 2007. The approach to be taken is that the closer the

policies in the Southwark Plan to the policies in the NPPF, the greater the weight that may be given.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Council assembly agenda 23 May 2012	Constitutional Team 160 Tooley Street London SE1 2QH	Lesley John 020 7525 7228
Each planning committee item has a separate planning case file	Development Management, 160 Tooley Street, London SE1 2QH	The named case officer as listed or General Enquiries on 020 7525 5403

## APPENDICES

No.	Title
None	

## AUDIT TRAIL

<b>Lead Officer</b>	Ian Millichap, Constitutional Manager		
<b>Report Author</b>	Everton Roberts, Principal Constitutional Officer Jonathan Gorst, Head of Regeneration and Development		
<b>Version</b>	Final		
<b>Dated</b>	7 December 2015		
<b>Key Decision</b>	No		
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>			
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>	
Director of Law and Democracy	Yes	Yes	
Head of Development Management	No	No	
<b>Cabinet Member</b>	No	No	
<b>Date final report sent to Constitutional Team</b>			7 December 2015



**ITEMS ON AGENDA OF THE PLANNING COMMITTEE**  
**on Tuesday 15 December 2015**

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**Appl. Type** S.73 Vary/remove conds/minor alterations  
**Site** SEA CONTAINERS HOUSE, UPPER GROUND, LONDON SE1 9PD

**Reg. No.** 15-AP-3857  
**TP No.** TP/1227-22  
**Ward** Cathedrals  
**Officer** Kiran Chauhan

**Recommendation** GRANT PERMISSION

***Item 5.1***

**Proposal**

Variation of Condition 14 of planning permission 14-AP-3111 to revise the opening hours of the hotel bars and restaurant to any guest who is not staying at the hotel from: - 07:00 to 23:30 on any day to:  
- 07:00 to 01:00 on Monday to Wednesday, 07:00 to 01:30 on Thursday to Saturday and 07:00 to 00:30 on Sunday.

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# Agenda Item 5.1

SEA CONTAINERS HOUSE, UPPER GROUND  
LONDON SE1 9PD

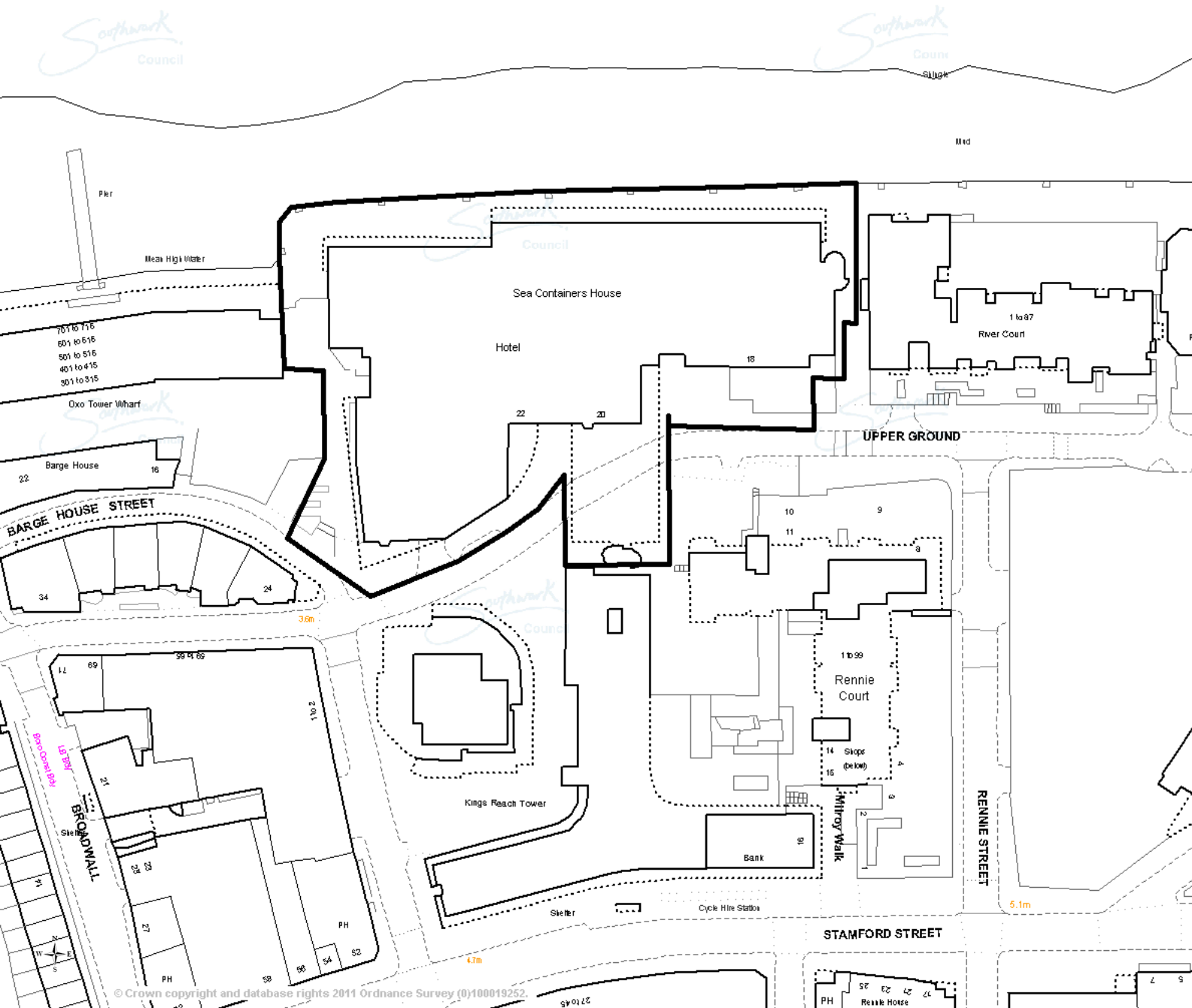


## Ordnance Survey

Date 3/12/2015

Ordnance Survey, OS, Aerial, OS, 1:50,000

Blackfriars  
Bridge



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Scale 1/1250

<b>Item No.</b> 5.1	<b>Classification:</b> Open	<b>Date:</b> 15 December 2015	<b>Meeting Name:</b> Planning Committee
<b>Report title:</b>	<b>Development Management planning application:</b> Application 15/AP/3857 for: S.73 Vary/remove conds/minor alterations  <b>Address:</b> SEA CONTAINERS HOUSE, UPPER GROUND, LONDON SE1 9PD  <b>Proposal:</b> Variation of Condition 14 of planning permission 14/AP/3111 to extend the opening hours of the hotel bars and restaurant to any guest who is not staying at the hotel from: - 07:00 to 23:30 on any day to:  07:00 to 01:00 on Monday to Wednesday 07:00 to 01:30 on Thursday to Saturday and 07:00 to 00:30 on Sunday.		
<b>Ward(s) or groups affected:</b>	Cathedrals		
<b>From:</b>	Director of Planning		
<b>Application Start Date</b> 24/09/2015		<b>Application Expiry Date</b> 24/12/2015	
<b>Earliest Decision Date</b> 25/10/2015			

### RECOMMENDATION

1. That planning permission is granted, allowing the extended opening hours to be made permanent.

### BACKGROUND INFORMATION

2. Members will recall an application heard from the Mondrian Hotel in December last year, to extend the opening hours for their bars and restaurants. There were a number of objections (27 received, with a further 12 following re-consultation) from residents in Rennie Court, River Court and the Oxo Tower, objecting to the extended hours because of concerns over noise and disturbance. The extended hours were granted for a temporary period of one year, to allow for a review at the end of the period to check whether the hotel's management systems had been able to satisfactorily control noise levels and protect amenity. The temporary period ends on 8 January 2016, and accordingly, this current application has been submitted to make the extended hours permanent.

### Site location and description

3. Sea Containers House is a large T-shaped building which fronts onto the Thames Path to the north and to Upper Ground to the south. The building has recently undergone substantial refurbishment and extension and now operates as a mixed use building comprising offices, a hotel and some retail use. The hotel is of the 'Mondrian' brand and opened in October 2014.

4. The hotel contains a ground floor restaurant ("Sea Containers") and two bars. The restaurant fronts onto the Thames Path. The ground floor bar is called the 'Dandelyan Bar' and also fronts onto the Thames Path. The 12<sup>th</sup> floor bar is called the 'Rumpus Room' and is located on the eastern wing of the building. This bar also has an external terrace area.
5. Rennie Court, a flatted residential block, lies to the south-east of the site, across Upper Ground. River Court, another residential block, lies to the immediate east. The Oxo Tower to the west also contains some residential units.
6. Many of the surrounding sites have been granted planning permission for substantial office and residential developments including at Kings Reach Tower (now known as South Bank Tower), 1 & 20 Blackfriars Road and Sampson and Ludgate House.
7. The site is located in an area of high public transport accessibility. The south entrance to the Blackfriars Thameslink station is 100m away and Southwark, Blackfriars and Waterloo stations are within a 10 minute walk. In addition, there are many bus services in the locality.

### **Details of proposal**

8. The original permission (reference 11/AP/1955) limited opening hours of the restaurant and bars until 23:30 hours every day.
9. The permission issued on 9 January 2015 (reference 14/AP/3111) granted extended opening hours for one year only and allowed:-
  - 07:00 to 01:00 on Monday to Wednesday
  - 07:00 to 01:30 on Thursday to Saturday and
  - 07:00 to 00:30 on Sunday.
10. This current application has therefore been made since permission for the extended hours is due to expire and the applicant is seeking to make them permanent.
11. **Planning history**

<p>11/AP/1955 Application type: Full Planning Permission (FUL)          Erection of a new nine storey building in the rear parking/servicing area (maximum height AOD 42.895m) to provide retail at ground and offices above; refurbishment of existing Sea Containers House and change of use of floors 5-14 of the rear wing plus three floors of the main building from offices to a 358 bedroom hotel, including the erection of new roof extension at part 12th floor level to provide a bar ancillary to the hotel use. Extension and conversion of the ground floor area to provide new restaurant (Class A3), cafe (Class A3), service (Class A2) and retail uses (Class A1) together with new service bay, landscaping, new access arrangements and associated car and cycle parking.</p>
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<p>Decision date 24/11/2011 Decision: Granted with Legal Agreement (GWLA)</p>
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<p>14/AP/3111 Application type: S.73 Vary/remove conds/minor alterations (VAR)          Variation of Condition 18 relating to hotel bar and restaurant opening hours (new condition 14) of planning permission 11-AP-1955 (granted in 2011 for the change of</p>
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use to a hotel plus erection of a new building in the servicing area), to revise the opening hours of the hotel bars and restaurant to any guest who is not staying at the hotel from:

- 07:00 to 23:30 hours on any day

to:

- 07:00 to 01:00 on Monday to Wednesday, 07:00 to 01:30 on Thursday to Saturday and 07:00 to 00:30 on Sunday, for a temporary period of one year.

Decision date 09/01/2015 Decision: Granted for Limited Period (GFLP)

## 12. Planning history of adjoining sites

1 Blackfriars Road 12/AP/1784 Application type: Full Planning Permission (FUL)

Erection of three buildings (a 50 storey tower plus basement levels to a maximum height 170m Above Ordnance Datum (AOD), a 6 storey building - 'The Rennie Street Building', and a 4 storey building - 'The Podium Building') which together provide a mixed use development totalling 74,905sqm gross external area comprising: 11,267sqm of Class C1 use (hotel); 52,674sqm of Class C3 use (up to 274 flats); 1,316sqm of retail uses (Class A1 to A5); and 9,648sqm of basement, ancillary plant, servicing and car parking with associated public open space and landscaping.

Decision date 14/12/2012 Decision: Granted with Legal Agreement (GWLA)

A condition was attached to the permission limiting opening hours of the hotel restaurant and bar until 23:30 hours every day.

Kings Reach Tower 11/AP/1071 Application type: Full Planning Permission (FUL)

Refurbishment and re-cladding of the tower and podium buildings, erection of six additional storeys to the tower for residential use [132.2m AOD to top of core] and change of use of floors 11 to 30 of the tower from offices to residential [to provide a total of 173 flats]; erection of a series of extensions and additions for office use including the erection of a ten storey infill atrium building between the tower and T shaped podium, erection of a part one, part three storey roof extension to the podium building and a series of other extensions to the north, east and west of the podium building to accommodate plant and stair cores.

Creation of retail (Class A1, A2, A3 and A4) space, pool and gym (Class D2) on the ground floor, provision of new and refurbished landscaping, plant and equipment, formation of new accesses, including formation of a new pedestrian route linking Stamford Street to Upper Ground, and public realm improvements.

Decision date 04/10/2011 Decision: Granted with Legal Agreement (GWLA)

A condition was attached to the permission limiting opening hours of the Class A3 (cafes and restaurants) and Class A4 (drinking establishments) uses until 23:00 hours Mondays to Saturdays and 22:30 hours on Sundays.

Wedge House, 32-40 Blackfriars Road [The Hoxton Hotel] 15/AP/0237 Application type: Full Planning Permission (FUL)

Redevelopment of land and buildings to provide a part 7, part 12, part 14 storey building plus basement, ground and mezzanine levels, comprising office (Class B1) and hotel (Class C1) with ancillary cafe/bar/restaurant and other associated supporting facilities, ancillary plant, servicing, and cycle parking and associated highway and public realm improvements.

Decision date: 09/06/2015 Decision: Granted with Legal Agreement (GWLA)

A condition was attached to the permission preventing use of the roof top external terrace after 22:00 hours.

## **KEY ISSUES FOR CONSIDERATION**

### **Summary of main issues**

13. The main issues to be considered in respect of this application are:
- a) the principle of development, including conformity with all relevant policies, including appropriate uses and activity in town centres and the central activity zone;
  - b) the impact on residential amenity; and
  - c) transport issues

### **Planning policy**

14. The site lies within the Borough and Bankside district town centre, the central activities zone, the strategic cultural area and the Bankside, Borough and London Bridge opportunity area and has a public transport accessibility level (PTAL) of 6.

#### National Planning Policy Framework (the Framework)

Section 1 'Building a strong, competitive economy'

Section 2 'Ensuring the vitality of town centres'

#### London Plan July 2015

Policy 2.15 Town centres

Policy 7.15 Reducing noise and enhancing soundscapes

#### Core Strategy 2011

Strategic Policy 1 - Sustainable development

Strategic Policy 2 - Sustainable transport

Strategic Policy 13 - High environmental standards

#### Southwark Plan 2007 (July) - saved policies

15. The council's cabinet on 19 March 2013, as required by paragraph 215 of the NPPF, considered the issue of compliance of Southwark Planning Policy with the National Planning Policy Framework. All policies and proposals were reviewed and the council satisfied itself that the policies and proposals in use were in conformity with the NPPF. The resolution was that with the exception of Policy 1.8 (location of retail outside town centres) in the Southwark Plan all Southwark Plan policies are saved. Therefore due weight should be given to relevant policies in existing plans in accordance to their degree of consistency with the NPPF.

Policy 1.12 Hotels and other visitor accommodation  
 Policy 3.1 Environmental effects  
 Policy 3.2 Protection of amenity  
 Policy 5.2 Transport impacts  
 Policy 5.3 Walking and cycling

Supplementary Planning Documents  
 Blackfriars Road SPD 2014

**Principle of development**

16. Permission was granted for extended opening hours for the hotels bars and restaurants for a temporary period of one year; the opening hours only restrict non staying customers, hotel guests can use the bars and restaurants outside of these hours. In determining the application, regard was attached to the impact on adjoining residential amenities, whilst balancing the needs of the hotel as a business, and the location within the central activities zone. Although the application at that time sought a permanent extension of the hours, the extended hours were granted for a temporary period of one year only, in order for the council to monitor the impact on the amenity of nearby residents and the effectiveness of the submitted noise management and dispersal plan. As it has been almost a year since the extended hours were granted, the temporary period is due to lapse, and the hotel operator has sought permission for the extended hours to be made permanent. A key consideration is therefore whether the hotel's practices and management regime have allowed the extended hours to operate without significantly compromising residential amenities from noise and disturbance.

**Environmental impact assessment**

17. Not required with the scale and nature of the development proposed.

**Impact of proposed development on amenity of adjoining occupiers and surrounding area**

18. Policy 7.15 'Reducing noise and enhancing soundscapes' of the London Plan 2015 states that development proposals should seek to manage noise by avoiding significant adverse noise impacts on health and quality of life. Saved policy 3.2 'Protection of amenity' of the Southwark Plan states that planning permission will not be granted where it would cause a loss of amenity, including disturbance from noise, to present and future occupiers in the surrounding area or on the application site.
19. The condition currently allows opening of the hotel bars and restaurant to non-staying customers of the hotel until 07:00 to 01:00 on Monday to Wednesday, 07:00 to 01:30 on Thursday to Saturday and 07:00 to 00:30 on Sunday. It is open to staying guests beyond these hours without limitation other than through licensing.

Premises Licence

20. A premises licence was granted by the council's licensing team on 27 November 2013 to allow opening of the hotel bars and restaurant from 07:00 and 03:00 hours every day. The application was assessed by the licensing team specifically in relation to the 'prevention of public nuisance' licensing objective. A series of measures were included as part of the application such as a 'noise management plan'. It should be

noted that the criteria and objectives for the licensing and planning regimes are different and there is not always consistency on hours of operation between the two regimes. A licence could be subject to review in the event that complaints or breaches are reported. Planning conditions limiting hours of use would usually be permanent.

#### Opening hours of nearby public houses and bars

21. In terms of opening times of nearby drinking establishments, the Doggett's public house at 1 Blackfriars Bridge has a licence to allow opening until 23:30 hours Mondays to Wednesdays, until 00:30 Thursdays to Saturdays and 23:00 on Sundays.
22. The Oxo Tower Bar and Brasserie to the west of the site has a licence to allow opening until 23:00 hours Mondays to Thursdays, until midnight on Fridays and Saturdays and until 22:30 on Sundays.
23. In the planning permission for the development at 1 Blackfriars Road, a condition was attached limiting the hours of opening for the hotel restaurant and bar until 23:30 hours every day. The development is under construction, but the hotel is not yet operational.
24. The applicant has also referred to other hotels in Southwark which have late opening hours, including the More London Hilton (02:00) and Shangri-La at the Shard (24 hour license). The Hoxton Hotel planned for 32-40 Blackfriars Road does not have any planning restriction on hours other than for the external terraces (until 22:00). This hotel is not yet open.

#### Noise

25. A total of nine objections have been received from residents and from the Deputy Chair of Kings Reach Management Flats Ltd, objecting to late night noise from customers leaving the hotel, taxi noise and to a lesser extent music from the roof top bar. There is also concern about precedent for other bars and hotels in the area, including that granted at No. 1 Blackfriars. A low number of complaints (a total of two) were received by the council's environmental protection team since the extended hours were granted; it may be assumed that the numbers are low because the incidents are short, lasting a few minutes whilst customers leave in a taxi, or make their way to Blackfriars Road, rather than protracted noisy events.
26. A noise log has also been submitted by residents, who have recorded a total of nine entries (from a period starting February 2015 and ending September 2015) relating to a number of noisy incidents including noise from customers leaving, young women screaming, and loud music from the roof top bar. In relation to loud music from the roof top bar, the hotel has advised that it now keeps the external doors closed whilst amplified music is playing. The security team ushered the young group back into the controlled lobby whilst their taxi arrived. From the log, it seems that most of the incidences were relatively short in duration.
27. Since the extended hours were granted, it is clear that the hotel have put some effective management systems in place, with security patrols, managing customers inside the hotel whilst their taxi arrives, directing customers to authorised smoking areas, encouraging customers to leave via the Thames Path and also offering regular monitoring group meetings where residents are invited to attend. It is also evident from email correspondence that the hotel has been keeping in direct contact with the



residents, replying to emails and investigating issues and queries promptly. It is therefore considered that the hotel's management of the dispersal of non resident guests has been effective. New CCTV enforcement cameras have been installed over the taxi rank on Upper Ground and this has helped the hotel in moving on unauthorised vehicles in the taxi rank.

28. In terms of size, the maximum licensed capacity of the ground floor restaurant and bar is 1,000 and the 12<sup>th</sup> floor bar is 300 (total 1,300 guests) although it is accepted that they would not be at this capacity most of the time, and not all customers would stay until the closing time. In addition, some of the customers would be those that are staying at the hotel and so would not be leaving the hotel at the end of the night, but the numbers provide a useful indication of scale. The hotel itself has 358 bedrooms.
29. The hotel has been very successful since its opening last year, and is keen to capitalise on its location close to the heart of London and allow customers to continue to stay for longer periods. In determining acceptable permanent opening hours, there needs to be an appropriate balance between the needs of the business, and its location in a central part of London, and the protection of amenity for surrounding residents. It is relevant that the site lies within the Bankside, Borough and London Bridge district town centre, which includes a mix of uses including retail and offices as well as residential uses and in granting planning permission it was accepted that this an appropriate location for a hotel.
30. All nine of the objections responded to the application with concerns over late night noise, however, some of these refer to an 'extension of operating hours', which indicates that these residents may not realise that the hotel is already open at the extended hours and the application is to make the current hours permanent. Measured over the period of almost a year, it is clear from the submitted noise log that the opening hours have not caused a significant loss to residential amenities. The incidents that have taken place are short in nature and have been resolved quickly and promptly. The hotel's active management procedures are considered to have effectively dealt with complaints and issues. It is therefore considered that the extended opening hours can continue to operate in a responsible manner, maintaining the objectives of the planning condition and the premises license. In conclusion, since the extended hours have operated with limited adverse impact during the course of the year it is recommended that the hours be made permanent. It is recommended that the noise management plan continue to be secured by planning condition to ensure the management policies and procedures continue to remain in place. The council's environmental protection team have not objected to the application.

### **Transport issues**

31. Saved policy 5.2 of the Southwark Plan seeks to ensure that developments do not result in adverse highway conditions.
32. The hotel is well served by public transport with a public transport accessibility level (PTAL) of 6a (high). The local tube stations at Blackfriars, Waterloo and Southwark are due to run all night at the weekends subject to agreement being reached with Transport for London. Late night bus services operate from Blackfriars Road and Stamford Street. In addition, there is a taxi bay on Upper Ground which can be used for picking up guests at the end of the night.
33. Accordingly, the extended opening hours are not considered to result in any adverse

highway conditions and there are a number of options for guests to make their way home.

### **Planning obligations (S.106 undertaking or agreement)**

34. The legal agreement relating to the main planning application (11/AP/1955) contains a clause ensuring that all obligations and provisions are carried forward to any new section 73 permission that is issued. Since this is a section 73 application, all of the terms and provisions contained within the legal agreement would continue to be in force in the event that planning permission is granted.

### **Other matters**

35. Although this is an s73 application to vary a condition, it relates to hours of use only with no uplift in floorspace therefore no CIL payment is due in this instance.

### **Conclusion on planning issues**

36. The recommendation is that the extended hours be made permanent. The hotel has demonstrated that their management regime has been successful in managing disturbances to a minimum. Whilst there have been incidences of noisy behaviour, these are considered to be brief, infrequent and isolated and do not highlight any wider management issue with the hotel operation. The recommended hours would offer additional benefits for the hotel, and recognise the location in the district town centre and central activities zone (CAZ), whilst striking an appropriate balance with reasonable protection of amenity for local residents. It is recommended that a condition be attached to the permission requiring the on-going operation of the agreed noise management plan.

### **Community impact statement**

37. In line with the council's community impact statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process.

a) The impact on local people is set out above.

### **Consultations**

38. Details of consultation and any re-consultation undertaken in respect of this application are set out in Appendix 1.

### **Consultation replies**

39. Details of consultation responses received are set out in Appendix 2.

### **Summary of consultation responses**

8 objections received from the residents of Rennie Court and the Oxo Tower, on the following grounds:

- noise and disturbance to residents, when customers are leaving the bars;
- noise from music being played at the roof top bar;
- increase in traffic and congestion on Upper Ground;
- no effective systems in place to deal with the noise disturbances;
- will set a precedent for other local bars and hotels
- increase in vandalism and graffiti since the hotel has been in use;
- impacts on sleep with some residents needing to be up early for school or work
- impact on physical and mental health

#### Deputy Chair of the Kings Reach Flats Management Limited: Objects

40. A record has been kept of the noisy events that have taken place since permission for the extended hours was granted, with a total of 12 entries on the log relating to noise from guests leaving and music coming from the roof top bar. Local residents were happy with the hours originally recommended by officers (until midnight Monday to Thursday, 0100 Friday and Saturday and until 2330 on Sunday). [Video footage of a music event at the rooftop bar was also sent in].

#### Environmental Protection Team

41. Recommend approval. Application reference 14/AP/3111 allowed extended hours for a temporary period of one year only, in order for the council to monitor the impact on the amenity of nearby residents and the effectiveness of the operator's Noise Management and Dispersal plan. Since then, the Noise & Nuisance Team have received two complaints from the same complainant back to back on the afternoon on 27 June 2015. The resident complained of loud music noise coming from the roof bar at the Mondrian at 15:35 and at 16:12, and when a noise officer called back it was confirmed the disturbance had stopped.
42. If problems with these extended hours do occur in future, then measures within the Licensing Act 2003 are available to review Mondrian's premises licence if necessary. Any premises license holder that regularly (rather than occasionally) fails to meet one or more of the 4 licensing objectives can be called, by either one of the responsible authorities or local residents, to a license review. Even if this planning application is granted, the license review process is available to both residents and environmental protection officers should problems occur in future. The environmental protection team therefore have no objections to the hours outlined within the proposal description above becoming permanent.

#### **Human rights implications**

43. This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.
44. This application has the legitimate aim of extending the hours of opening for the hotel bars and restaurant. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

**BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Site history file: TP/1227-22 Application file: 15/AP/3857 Southwark Local Development Framework and Development Plan Documents	Chief Executive's Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 5513 Council website: www.southwark.gov.uk

**APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Recommendation

**AUDIT TRAIL**

<b>Lead Officer</b>	Simon Bevan, Director of Planning	
<b>Report Author</b>	Kiran Chauhan, Team Leader Majors	
<b>Version</b>	Final	
<b>Dated</b>	1 December 2015	
<b>Key Decision</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Finance and Governance	No	No
Strategic Director, Environment and Leisure	No	No
Strategic Director of Housing and Modernisation	No	No
Director of Regeneration	No	No
<b>Date final report sent to Constitutional Team</b>		3 December 2015

## APPENDIX 1

**Consultation undertaken****Site notice date:** 02/10/2015**Press notice date:** 01/10/2015**Case officer site visit date:** n/a**Neighbour consultation letters sent:** 02/10/2015**Internal services consulted:**

EH & TS Licensing Unit  
 Environmental Protection Team Formal Consultation [Noise / Air Quality / Land Contamination / Ventilation]

**Statutory and non-statutory organisations consulted:**

Greater London Authority

**Neighbour and local groups consulted:**

Unit 115 Oxo Tower Wharf SE1 9PH	Flat 28 Rennie Court SE1 9LP
Unit 111 Oxo Tower Wharf SE1 9PH	Flat 27 Rennie Court SE1 9LP
Unit 117 Oxo Tower Wharf SE1 9PH	Flat 3 Rennie Court SE1 9LP
Unit 122 Oxo Tower Wharf SE1 9PH	Flat 32 Rennie Court SE1 9LP
Unit 120 And Unit 121 Oxo Tower Wharf SE1 9PH	Flat 31 Rennie Court SE1 9LP
Unit 118 And Unit 119 Oxo Tower Wharf SE1 9PH	Flat 30 Rennie Court SE1 9LP
Unit 103 Oxo Tower Wharf SE1 9PH	Flat 22 Rennie Court SE1 9LP
Unit 102 Oxo Tower Wharf SE1 9PH	Flat 21 Rennie Court SE1 9LP
Unit 101 Oxo Tower Wharf SE1 9PH	Flat 20 Rennie Court SE1 9LP
Unit 106 Oxo Tower Wharf SE1 9PH	Flat 23 Rennie Court SE1 9LP
Unit 110 Oxo Tower Wharf SE1 9PH	Flat 26 Rennie Court SE1 9LP
Unit 109 Oxo Tower Wharf SE1 9PH	Flat 25 Rennie Court SE1 9LP
Unit 108 Oxo Tower Wharf SE1 9PH	Flat 24 Rennie Court SE1 9LP
Unit 201 And Unit 202 Oxo Tower Wharf SE1 9PH	Flat 33 Rennie Court SE1 9LP
Flat 506 Oxo Tower Wharf SE1 9GY	Flat 42 Rennie Court SE1 9LP
Flat 505 Oxo Tower Wharf SE1 9GY	Flat 41 Rennie Court SE1 9LP
Flat 504 Oxo Tower Wharf SE1 9GY	Flat 40 Rennie Court SE1 9LP
Flat 507 Oxo Tower Wharf SE1 9GY	Flat 43 Rennie Court SE1 9LP
Flat 510 Oxo Tower Wharf SE1 9GY	Flat 46 Rennie Court SE1 9LP
Flat 509 Oxo Tower Wharf SE1 9GY	Flat 45 Rennie Court SE1 9LP
Flat 508 Oxo Tower Wharf SE1 9GY	Flat 44 Rennie Court SE1 9LP
Unit 208 Oxo Tower Wharf SE1 9PH	Flat 36 Rennie Court SE1 9LP
Unit 207 Oxo Tower Wharf SE1 9PH	Flat 35 Rennie Court SE1 9LP
Unit 204 Oxo Tower Wharf SE1 9PH	Flat 34 Rennie Court SE1 9LP
Unit 209 Oxo Tower Wharf SE1 9PH	Flat 37 Rennie Court SE1 9LP
Flat 503 Oxo Tower Wharf SE1 9GY	Flat 4 Rennie Court SE1 9LP
Flat 502 Oxo Tower Wharf SE1 9GY	Flat 39 Rennie Court SE1 9LP
Flat 501 Oxo Tower Wharf SE1 9GY	Flat 38 Rennie Court SE1 9LP
G11 Oxo Tower Wharf SE1 9PH	Flat 2 Rennie Court SE1 9LP
Flat 311 Oxo Tower Wharf SE1 9GY	Unit 305 To 305a Enterprise House SE1 9PG
Flat 310 Oxo Tower Wharf SE1 9GY	And 14 11-11a Enterprise House SE1 9PQ
Flat 309 Oxo Tower Wharf SE1 9GY	Unit 112 To 113 Oxo Tower Wharf SE1 9PH
Flat 312 Oxo Tower Wharf SE1 9GY	Unit 8 Basement Enterprise House SE1 9PQ
Flat 315 Oxo Tower Wharf SE1 9GY	Unit 502 Enterprise House SE1 9PG
Flat 314 Oxo Tower Wharf SE1 9GY	Unit 501 Enterprise House SE1 9PG

Flat 313 Oxo Tower Wharf SE1 9GY  
 Flat 304 Oxo Tower Wharf SE1 9GY  
 Flat 303 Oxo Tower Wharf SE1 9GY  
 Flat 302 Oxo Tower Wharf SE1 9GY  
 Flat 305 Oxo Tower Wharf SE1 9GY  
 Flat 308 Oxo Tower Wharf SE1 9GY  
 Flat 307 Oxo Tower Wharf SE1 9GY  
 Flat 306 Oxo Tower Wharf SE1 9GY  
 Flat 401 Oxo Tower Wharf SE1 9GY  
 Flat 411 Oxo Tower Wharf SE1 9GY  
 Flat 410 Oxo Tower Wharf SE1 9GY  
 Flat 409 Oxo Tower Wharf SE1 9GY  
 Flat 412 Oxo Tower Wharf SE1 9GY  
 Flat 415 Oxo Tower Wharf SE1 9GY  
 Flat 414 Oxo Tower Wharf SE1 9GY  
 Flat 413 Oxo Tower Wharf SE1 9GY  
 Flat 404 Oxo Tower Wharf SE1 9GY  
 Flat 403 Oxo Tower Wharf SE1 9GY  
 Flat 402 Oxo Tower Wharf SE1 9GY  
 Flat 405 Oxo Tower Wharf SE1 9GY  
 Flat 408 Oxo Tower Wharf SE1 9GY  
 Flat 407 Oxo Tower Wharf SE1 9GY  
 Flat 406 Oxo Tower Wharf SE1 9GY  
 Flat 511 Oxo Tower Wharf SE1 9GY  
 Unit 104 Oxo Tower Wharf SE1 9PH  
 Bargehouse Oxo Tower Wharf SE1 9PH  
 Unit 107 Oxo Tower Wharf SE1 9PH  
 Unit 114 Oxo Tower Wharf SE1 9PH  
 Unit 210 Oxo Tower Wharf SE1 9PH  
 Unit 105 Oxo Tower Wharf SE1 9PH  
 G1 And G12 Oxo Tower Wharf SE1 9PH  
 Flat 712 Oxo Tower Wharf SE1 9GY  
 Flat 711 Oxo Tower Wharf SE1 9GY  
 Flat 710 Oxo Tower Wharf SE1 9GY  
 Flat 713 Oxo Tower Wharf SE1 9GY  
 Flat 716 Oxo Tower Wharf SE1 9GY  
 Flat 715 Oxo Tower Wharf SE1 9GY  
 Flat 714 Oxo Tower Wharf SE1 9GY  
 Unit 211 Oxo Tower Wharf SE1 9PH  
 Unit 203 Enterprise House SE1 9PG  
 Unit 10 Enterprise House SE1 9PQ  
 9 Enterprise House 59-65 Upper Ground SE1 9PQ  
 Unit 204 Enterprise House SE1 9PG  
 Unit B2 Enterprise House SE1 9PQ  
 Unit B1 Enterprise House SE1 9PQ  
 15 Enterprise House 59-65 Upper Ground SE1 9PQ  
 3 Enterprise House 59-65 Upper Ground SE1 9PQ  
 Units 6 And 6a Enterprise House SE1 9PQ  
 Unit 2 Enterprise House SE1 9PQ  
 5 Enterprise House 59-65 Upper Ground SE1 9PQ  
 Unit 6 Basement Enterprise House SE1 9PQ  
 5b Enterprise House 59-65 Upper Ground SE1 9PQ  
 5a Enterprise House 59-65 Upper Ground SE1 9PQ  
 Flat 709 Oxo Tower Wharf SE1 9GY  
 Flat 605 Oxo Tower Wharf SE1 9GY  
 Flat 604 Oxo Tower Wharf SE1 9GY  
 Flat 603 Oxo Tower Wharf SE1 9GY  
 Flat 606 Oxo Tower Wharf SE1 9GY  
 Flat 609 Oxo Tower Wharf SE1 9GY  
 Flat 608 Oxo Tower Wharf SE1 9GY  
 Flat 607 Oxo Tower Wharf SE1 9GY  
 Flat 514 Oxo Tower Wharf SE1 9GY  
 Flat 513 Oxo Tower Wharf SE1 9GY  
 Flat 512 Oxo Tower Wharf SE1 9GY  
 Flat 515 Oxo Tower Wharf SE1 9GY  
 Flat 602 Oxo Tower Wharf SE1 9GY  
 Flat 601 Oxo Tower Wharf SE1 9GY  
 Flat 516 Oxo Tower Wharf SE1 9GY  
 Flat 610 Oxo Tower Wharf SE1 9GY  
 Flat 704 Oxo Tower Wharf SE1 9GY  
 Flat 703 Oxo Tower Wharf SE1 9GY  
 Flat 702 Oxo Tower Wharf SE1 9GY  
 Flat 705 Oxo Tower Wharf SE1 9GY  
 Unit 503 Enterprise House SE1 9PG  
 Unit B5 Enterprise House SE1 9PQ  
 G5 Oxo Tower Wharf SE1 9PH  
 G3 And G10 Oxo Tower Wharf SE1 9PH  
 Units 1 And 4 And Unit 3 Basement Enterprise House SE1 9PQ  
 G2 Oxo Tower Wharf SE1 9PH  
 G6 And G8 Oxo Tower Wharf SE1 9PH  
 Unit 507 Enterprise House SE1 9PG  
 Flat 14 Rennie Court SE1 9LP  
 Flat 13 Rennie Court SE1 9LP  
 Flat 12 Rennie Court SE1 9LP  
 Flat 15 Rennie Court SE1 9LP  
 Flat 19 Rennie Court SE1 9LP  
 Flat 18 Rennie Court SE1 9LP  
 Flat 16 Rennie Court SE1 9LP  
 22 Stamford Street London SE1 9LJ  
 20 Upper Ground London SE1 9PD  
 Kings Reach Tower Stamford Street SE1 9LS  
 Flat 11 Rennie Court SE1 9LP  
 Flat 10 Rennie Court SE1 9LP  
 Flat 1 Rennie Court SE1 9LP  
 Flat 47 Rennie Court SE1 9LP  
 Flat 82 Rennie Court SE1 9NZ  
 Flat 81 Rennie Court SE1 9NZ  
 Flat 80 Rennie Court SE1 9NZ  
 Flat 83 Rennie Court SE1 9NZ  
 Flat 86 Rennie Court SE1 9NZ  
 Flat 85 Rennie Court SE1 9NZ  
 Flat 84 Rennie Court SE1 9NZ  
 Flat 75 Rennie Court SE1 9NZ  
 Flat 74 Rennie Court SE1 9NZ  
 Flat 73 Rennie Court SE1 9NZ  
 Flat 76 Rennie Court SE1 9NZ  
 Flat 79 Rennie Court SE1 9NZ  
 Flat 78 Rennie Court SE1 9NZ  
 Flat 77 Rennie Court SE1 9NZ  
 Flat 87 Rennie Court SE1 9NZ  
 Flat 97 Rennie Court SE1 9NZ  
 Flat 96 Rennie Court SE1 9NZ  
 Flat 95 Rennie Court SE1 9NZ  
 Flat 98 Rennie Court SE1 9NZ  
 24 Upper Ground London SE1 9PD  
 26 Upper Ground London SE1 9PD  
 Flat 99 Rennie Court SE1 9NZ  
 Flat 90 Rennie Court SE1 9NZ  
 Flat 89 Rennie Court SE1 9NZ  
 Flat 88 Rennie Court SE1 9NZ  
 Flat 91 Rennie Court SE1 9NZ  
 Flat 94 Rennie Court SE1 9NZ  
 Flat 93 Rennie Court SE1 9NZ  
 Flat 92 Rennie Court SE1 9NZ  
 Flat 72 Rennie Court SE1 9NZ  
 Flat 56 Rennie Court SE1 9LP  
 Flat 55 Rennie Court SE1 9LP  
 Flat 54 Rennie Court SE1 9LP  
 Flat 57 Rennie Court SE1 9LP  
 Flat 6 Rennie Court SE1 9LP  
 Flat 59 Rennie Court SE1 9LP  
 Flat 58 Rennie Court SE1 9LP  
 Flat 5 Rennie Court SE1 9LP  
 Flat 49 Rennie Court SE1 9LP  
 Flat 48 Rennie Court SE1 9LP  
 Flat 50 Rennie Court SE1 9LP  
 Flat 53 Rennie Court SE1 9LP  
 Flat 52 Rennie Court SE1 9LP  
 Flat 51 Rennie Court SE1 9LP  
 Flat 7 Rennie Court SE1 9LP  
 Flat 67 Rennie Court SE1 9NZ  
 Flat 66 Rennie Court SE1 9NZ  
 Flat 65 Rennie Court SE1 9NZ  
 Flat 68 Rennie Court SE1 9NZ  
 Flat 71 Rennie Court SE1 9NZ  
 Flat 70 Rennie Court SE1 9NZ

Flat 708 Oxo Tower Wharf SE1 9GY  
Flat 707 Oxo Tower Wharf SE1 9GY  
Flat 706 Oxo Tower Wharf SE1 9GY  
Flat 613 Oxo Tower Wharf SE1 9GY  
Flat 612 Oxo Tower Wharf SE1 9GY  
Flat 611 Oxo Tower Wharf SE1 9GY  
Flat 614 Oxo Tower Wharf SE1 9GY  
Flat 701 Oxo Tower Wharf SE1 9GY  
Flat 616 Oxo Tower Wharf SE1 9GY  
Flat 615 Oxo Tower Wharf SE1 9GY  
Flat 301 Oxo Tower Wharf SE1 9GY  
Flat 29 Rennie Court SE1 9LP

Flat 69 Rennie Court SE1 9NZ  
Flat 60 Rennie Court SE1 9NZ  
Flat 9 Rennie Court SE1 9LP  
Flat 8 Rennie Court SE1 9LP  
Flat 61 Rennie Court SE1 9NZ  
Flat 64 Rennie Court SE1 9NZ  
Flat 63 Rennie Court SE1 9NZ  
Flat 62 Rennie Court SE1 9NZ  
50 Rennie Court 11 Upper Ground SE1 9LP  
Reception 11 Upper Ground SE1 9LP  
Rennie Court London SE1 9LP  
By Email

**Re-consultation:** n/a

**APPENDIX 2****Consultation responses received****Internal services**

None

**Statutory and non-statutory organisations**

None

**Neighbours and local groups**

Email representation

Flat 40 Rennie Court SE1 9LP

Flat 414 Oxo Tower Wharf SE1 9GY

Flat 60 Rennie Court SE1 9NZ

Flat 703 Oxo Tower Wharf SE1 9GY

Flat 9 Rennie Court SE1 9LP

Reception 11 Upper Ground SE1 9LP

Rennie Court London SE1 9LP

50 Rennie Court 11 Upper Ground SE1 9LP



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## RECOMMENDATION

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This document shows the case officer's recommended decision for the application referred to below.  
This document is not a decision notice for this application.

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<b>Applicant</b>	Ms Anne Golden Mondrian Hotel Group	<b>Reg. Number</b>	15/AP/3857
<b>Application Type</b>	S.73 Vary/remove conds/minor alterations	<b>Case Number</b>	TP/1227-22
<b>Recommendation</b>	Grant permission		

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### Draft of Decision Notice

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**Planning Permission was GRANTED for the following development:**

Variation of Condition 14 of planning permission 14-AP-3111 to revise the opening hours of the hotel bars and restaurant to any guest who is not staying at the hotel from: - 07:00 to 23:30 on any day to:

- 07:00 to 01:00 on Monday to Wednesday, 07:00 to 01:30 on Thursday to Saturday and 07:00 to 00:30 on Sunday.

**At:** SEA CONTAINERS HOUSE, UPPER GROUND, LONDON SE1 9PD

**In accordance with application received on** 23/09/2015 08:01:17

**and Applicant's Drawing Nos.** Site plan, Planning Statement (which includes the Noise Management and Dispersal Plan), D1112 Rev P1, D0100 Rev P7.

**Subject to the following sixteen conditions:**

**Time limit for implementing this permission and the approved plans**

- 1 The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans:

A10075 D 0001 Rev P1, D 0098 P1, D 0099 P4, D0100 P4, D 0101 P1, D 0102 P1, D 0103 P1, D 0104 P1, D 0105 P1, D 0106 P1, D 0107 P2, D 0108 P1, D 0109 P1, D 0110 P2, D 0111 P1, D 0112 P1, D 0113 P1, D 0114 P1, D 0115 P1, D 0116 P1, D 0201 P1, D 0202 P2, D 0203 P2, D 0204 P2, D 0205 P2, D 0206 P3, D 0207 P2, D 0208 P1, D 0210 P1, D 0211 P1, D 0220 P1, D 0230 P1, D 0240 P1, D 0260 P1, D 0300 P1, D 0301 P1, D 0302 P1, D 0303 P1, D 0212 P1, D 0400 P1

As amended by:

Site plan, Planning Statement (which includes the Noise Management and Dispersal Plan), D1112 Rev P1, D0100 Rev P7.

Reason:

For the avoidance of doubt and in the interests of proper planning.

**Compliance condition(s)** - the following condition(s) impose restrictions and/or other requirements that must be complied with at all times once the permission has been implemented.

- 2 **Energy**  
The energy strategy shall be provided in accordance with the submitted details prior to the first occupation of the development and thereafter retained and used for energy supply for so long as the development remains occupied.

Reason:

To ensure the development complies with Strategic Policy 13 - High Environmental Standards of The Core Strategy 2011 and Policy 5.1 Climate change mitigation, Policy 5.2 Minimising carbon dioxide emissions and Policy 5.7 Renewable energy of the London Plan 2011 consolidated with revised early minor alterations 2013..

- 3 **Refuse storage**

The refuse storage arrangements shown on the approved drawings shall be provided and made available for use by the occupiers of the dwellings and commercial units and the facilities provided shall thereafter be retained and shall not be used or the space used for any other purpose.

Reason

To ensure that the refuse will be appropriately stored within the site thereby protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance in accordance with Saved Policies 3.2 Protection of Amenity and 3.7 Waste Reduction of The Southwark Plan 2007 and Strategic Policy 13 High Environmental Standards of the Core Strategy 2011.

4 Service Management Plan

The development shall be carried out in accordance with the approved Service Management Plan and shall remain for as long as the development is occupied.

Reason

To ensure compliance with Strategic Policy 2 - Sustainable Transport of The Core Strategy 2011 and Saved Policy 5.2 Transport Impacts of the Southwark Plan 2007.

5 External tables and chairs

The arrangement and location of external tables and chairs, including hours of their use, shall be as approved by the Local Planning Authority.

Reason

In order that the Council may be satisfied as to the details of the development in the interest of the visual amenity of the area, the safety and security of persons using the area and in the interests of pedestrian movement in accordance with Strategic Policy 12 - Design and Conservation of The Core Strategy 2011 and Saved Policies 3.2 Protection of Amenity and 3.14 Designing out crime of the Southwark Plan 2007.

6 Cycle Storage- details to be submitted

The cycle parking facilities provided shall be retained and the space used for no other purpose and the development shall not be carried out otherwise in accordance with the approval given.

Reason

In order to ensure that satisfactory safe and secure cycle parking facilities are provided and retained in order to encourage the use of cycling as an alternative means of transport to the development and to reduce reliance on the use of the private car in accordance with Strategic Policy 2 - Strategic Transport of The Core Strategy 2011 and Saved Policy 5.3 Walking and Cycling of the Southwark Plan 2007.

7 Parking Management Plan

The car parking spaces shall be made available and offered to disabled users of the hotel in accordance with the approval given and shall remain for as long as the development is occupied.

Reason

To ensure compliance with Strategic Policy 2 - Sustainable Transport of The Core Strategy 2011 and Saved Policy 5.2 Transport Impacts of the Southwark Plan 2007.

8 Flood Risk

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) for Sea Containers House (dated 9 June 2011) and the outlined mitigation measures detailed within the FRA.

Reason:

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

9 Air Pollution

The control of air pollution scheme shall remain as approved and shall be permanently maintained thereafter.

Reason

To ensure River Court residents do not suffer a loss of amenity by reason of pollution in accordance Saved Policy 3.2 Protection of Amenity of the Southwark Plan 2007.

10 Roof terrace screening

The screening to the office and roof top bar shall be retained and maintained thereafter in accordance with the approval given.

Reason

In order that the privacy of the surrounding residents may be protected from overlooking from use of the roof area

in accordance with Saved Policy 3.2 Protection of Amenity of the Southwark Plan and Strategic Policy 13 High Environmental Standards of Core Strategy 2011.

- 11 Noise from machinery, plant or equipment  
The machinery, plant or equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that noise there from does not, at any time, increase the ambient equivalent noise level when the plant, etc., is in use as measured at any adjoining or nearby premises in separate occupation; or (in the case of any adjoining or nearby residential premises) as measured outside those premises; or (in the case of residential premises in the same building) as measured in the residential unit.
- Reason  
In order to protect neighbouring occupiers from noise nuisance thereby protecting the amenity of neighbouring occupiers in accordance with Saved Policy 3.2 Protection of Amenity of The Southwark Plan 2007 and Strategic Policy 13 High Environmental Standards.
- 12 Restrictions- no telecommunications equipment  
Other than as shown on the approved drawings, and notwithstanding the provisions of Parts 24 and 25 The Town & Country Planning [General Permitted Development] Order 1995 [as amended or re-enacted], no additional external telecommunications equipment or structures shall be placed on the roof or any other part of a building hereby permitted.
- Reason  
In order to ensure that no telecommunications plant or equipment which might be detrimental to the design and appearance of the building and visual amenity of the area is installed on the roof of the building in accordance with Strategic Policy 12 - Design and Conservation of The Core Strategy 2011 and Saved Policies 3.2 Protection of Amenity and 3.13 Urban Design of the Southwark Plan 2007.
- 13 Noise management plan  
The policies and procedures as outlined in the Noise Management and Dispersal Plan shall be implemented and remain in force during the hours of 0700 to 0100 hours Monday to Wednesday, 0700 to 0130 hours Thursday to Saturday, 0700 to 0030 hours on Sunday, unless otherwise agreed by the Local Planning Authority.
- Reason  
To safeguard the amenities of neighbouring residential properties in accordance with Saved Policy 3.2 Protection of Amenity of The Southwark Plan 2007 and Strategic Policy 13 - High Environmental Standards of the Core Strategy 2011 and Policy 7.15 Reducing noise and enhancing soundscapes of the London Plan July 2011 consolidated with revised minor early alterations October 2013..
- 14 Hours of use  
The retail uses [classes A1- A3 use] hereby permitted (excluding the hotel restaurant which falls within use Class C1) shall not be carried on outside of the hours 0700 hours to 2330 hours Mondays to Saturdays, and between 0800 hours and 2300 hours on Sundays and Bank Holidays.
- Reason:  
To safeguard the amenities of neighbouring residential properties in accordance with Saved Policy 3.2 Protection of Amenity of The Southwark Plan 2007 and Strategic Policy 13 - High Environmental Standards of the Core Strategy 2011.
- 15 Hours of use - hotel bar and restaurant  
The hotel bar and hotel restaurant hereby permitted shall not be open to any person who is not staying as a guest at the hotel outside of the hours of 07:00 to 01:00 Monday to Wednesday, 07:00 to 01:30 Thursday to Saturday and 07:00 to 00:30 on Sunday.
- Reason:  
To safeguard the amenities of neighbouring residential properties in accordance with Saved Policy 3.2 Protection of Amenity of The Southwark Plan 2007 and Strategic Policy 13 - High Environmental Standards of the Core Strategy 2011 and Policy 7.15 Reducing noise and enhancing soundscapes of the London Plan July 2011 consolidated with revised minor early alterations October 2013..
- 16 Hours of use (roof terrace)  
The roof top hotel bar terrace hereby permitted shall not be accessed or used for any other purpose including use as a roof terrace or balcony or for the purpose of sitting or standing outside of the hours 0900 hours to 2200 hours.
- Reason:  
To safeguard the amenities of neighbouring residential properties in accordance with Saved Policy 3.2 Protection of Amenity of The Southwark Plan 2007 and Strategic Policy 13 - High Environmental Standards of the Core

Strategy 2011.

**Statement of positive and proactive action in dealing with the application**

The Council has published its development plan and core strategy on its website together with advice about how applications are considered and the information that needs to be submitted to ensure timely consideration of an application. Applicants are advised that planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

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