

Planning Committee (Smaller Applications)

Wednesday 18 October 2023

7.00 pm

GO2 meeting rooms, 160 Tooley Street, London SE1 2QH

Supplemental Agenda No.1

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TABLED ITEMS:

Addendum report and members pack.

Item No: 6.1 & 6.2	Classification: Open	Date: 18 October 2023	Meeting Name: Planning Committee (Smaller Applications)
Report title:		Addendum report Late observations and further information	
Wards or groups affected:		Borough and Bankside & Faraday	
From:		Director of Planning and Growth	

PURPOSE

1. To advise members of a correction in the report that must be taken in to account in reaching the stated recommendation.

RECOMMENDATION

2. That members note and consider the correction in respect of each item in reaching their decision.

FACTORS FOR CONSIDERATION

3. Late observations, consultation responses, information and/or revisions have been received in respect of the following items on the main agenda:

ITEM 6.1: 23/AP/0351 for: Full Planning Application - Units 6 And 7, Vivo Building, 30 Stamford Street, London SE1 9LQ

Decision by sub-committee

4. Amendment to paragraph 28 to increase the letters of objections received from 79 to 81. Both residents live at 55 Upper Ground and raised the same concerns as other residents. The substance of their objections are covered within the Officer Report and the officer's response can be found in paragraphs 28 - 31 and 46 - 55
5. Amended wording of Condition 4 to include further detail on event management plan requirement:

Condition 4:

Before the use hereby approved commences, an event management plan shall be prepared in consultation with local residents and submitted for approval in writing by the Local Planning Authority.

Such an event management plan shall include, but not be limited to the

following details:

- Detailed overview of how the venue will operate
- Details on how the dispersal of patrons will be managed
- A scaled site plan indicating the positioning of the partial barrier
- Photographs of partial barrier to be used
- Timings of when partial barrier will be in position and where it will be stored
- Details on how the dispersal of patrons using the partial barrier will be managed by staff
- A scaled site plan indicating the proposed, standing only smoking area
- Details on smoking area capacity and how it will be managed by staff
- Details on which doors will be utilised for egress and ingress throughout the evening
- Details on compliance with 'Pedestrian Route and Maintenance' section as set out in the provisions of paragraph 9 of Schedule 2 of the Deed related to the Section 106 agreement for planning application 11/AP/1071 at Kings Reach Tower, Stamford Street, London SE1 9LS dated 4th October 2011
- Arrangement and storage of outdoor furniture
- Contact details for residents

Reason:

To safeguard the amenities of neighbouring residential properties in accordance with Chapter 8 (Promoting healthy and safe communities) of the National Planning Policy Framework (2023); Policy D4 (Delivering good design) of the London Plan (2021); Policies P56 (Protection of amenity) and Policy P66 (Reducing noise pollution and enhancing soundscapes) of the Southwark Plan (2022).

Conclusion of the Director of Planning and Growth

6. Having taken into account the information set out above. The recommendation remains that planning permission should be granted subject to appropriately worded conditions.

FACTORS FOR CONSIDERATION

7. Correction to the main report in respect of the following item on the main agenda, in response to a public comment received on 13 October 2023.

ITEM 6.2: 23/AP/0649 for: Full Planning Application – Burgess Park Tennis Centre, 44 Addington Square, London SE5 7LA

Decision by sub-committee

8. Update paragraph 45 that the proposal would be located 30m away from the nearest residential properties to the south east.
9. Introduce a new paragraph after paragraph 47 that reads as follows:
 - Opening hours
A public representation was received with regards to the proposed opening hours in summer (8am – 8pm) and the associated noise nuisance to the surrounding residents. Notwithstanding the applicant’s confirmation that the above operating hours are set out in the lease, the representation observes that in practice the current café operates though 6pm only in summer, and that the extended hours, together with the potential of wider food provision and alcohol licensing, may lead to undue noise disturbance in a residential area. In response, the applicant explains the retained café would operate within the park’s summer opening hours, during which it would provide positive uses for the adjoining tennis courts and wider park in terms of toilet access and refreshment offers. Overall, the café opening is considered to be within sociable hours and remain compatible within the setting of a public park. In the event of any alcohol offer, a permission is required from the licensing authority outside of planning.
10. Introduce a new paragraph after paragraph 52 that reads as follows:
 - Hours of refuse collection and servicing
A public comment has raised the issue of noise nuisance arising from refuse collection of the retained café use, for which a commercial waste truck currently arrives at the premise in the early morning (i.e. 5am) twice a week. In order to mitigate the potential nuisance associated with refuse and servicing, it is considered reasonable and relevant that a condition be in place for the retained café use to restrict deliveries and refuse collection to sociable hours only (8:00 - 20:00 on Monday to Fridays; 09:00 - 18:00; on Saturdays, and; 10:00 - 16:00 on Sundays and Bank Holidays).
11. Introduce a new condition after Condition 4 on the draft decision notice as below:

HOURS OF SERVICING AND REFUSE COLLECTION

Any deliveries and refuse collections to the approved café use shall only be between the following hours: 08:00 - 20:00 on Monday to Fridays; 09:00 - 18:00; on Saturdays, and; 10:00 - 16:00 on Sundays and Bank Holidays.

Reason:

To ensure that and occupiers of the development and occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance in accordance with Chapter 8 (Promoting healthy and safe communities) of the National Planning Policy Framework (2021); Policies D3 (Optimising site capacity through the design-led approach) and T7 (Deliveries, servicing and construction) of the London Plan (2021); and Policy P56 (Protection of amenity) of the Southwark Plan (2022).)

Conclusion of the Director of Planning and Growth

12. Having taken into account the information set out above. The recommendation remains that planning permission should be granted subject to appropriately worded conditions.

REASON FOR URGENCY

13. Applications are required by statute to be considered as speedily as possible. The application has been publicised as being on the agenda for consideration at this meeting of the Planning Committee and applicants and objectors have been invited to attend the meeting to make their views known. Deferral would delay the processing of the applications and would inconvenience all those who attend the meeting.

REASON FOR LATENESS

14. The new information and corrections to the main reports and recommendations have been noted and/or received since the committee agenda was printed. They all relate to items on the agenda and members should be aware of the comments made.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Individual files	Environment Neighbourhoods and Growth Department 160 Tooley Street London SE1 2QH	Planning enquiries Telephone: 020 7525 5403

Welcome to Southwark Smaller Planning Committee

18 October 2023

MAIN ITEMS OF BUSINESS

Item 6.1 - 23/AP/0351

Units 6 And 7, Vivo Building, 30 Stamford Street,
London SE1 9LQ

Item 6.2 - 23/AP/0649

Burgess Park Tennis Centre, 44 Addington Square
London, SE5 7LA



Councillor Cleo Soanes (Chair)



Councillor Jane Salmon
(Vice Chair)



Councillor Richard Livington



Councillor Sabina Emmanuel



Councillor Ketzia Harper



Councillor Adam Hood



Councillor Richard Leeming

The **PLANNING**
AWARDS 2019
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WINNER

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Item 7.1

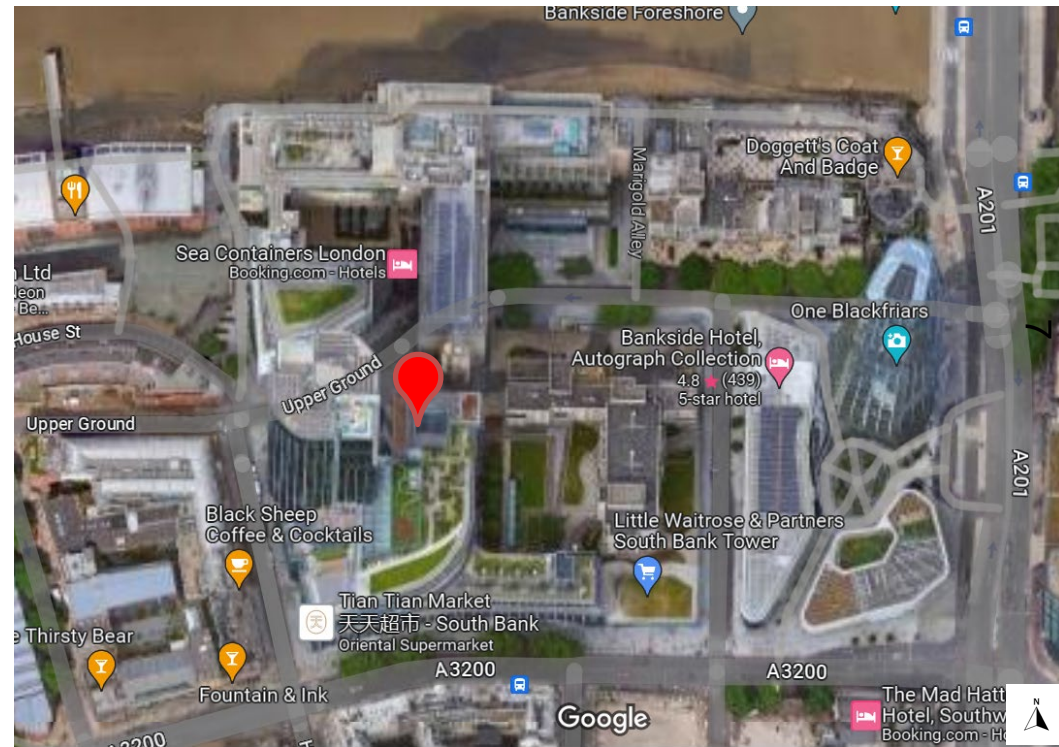
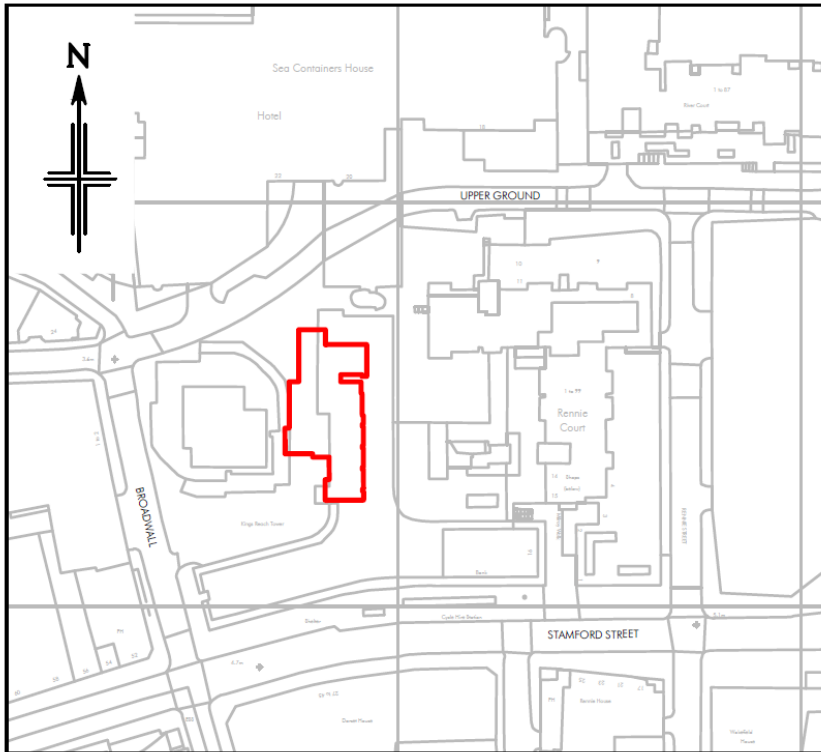
23/AP/0351

Units 6 And 7 Vivo Building 30 Stamford Street London Southwark SE1 9LQ

For the amalgamation and change of use of Units 6 and 7 to Sui Generis Use (comedy venue with ancillary bar and restaurant facilities), erection of a mezzanine, with hours of use from 0800 to 0000 hours Sundays to Thursdays and 0900 and 0100 hours Fridays and Saturdays.

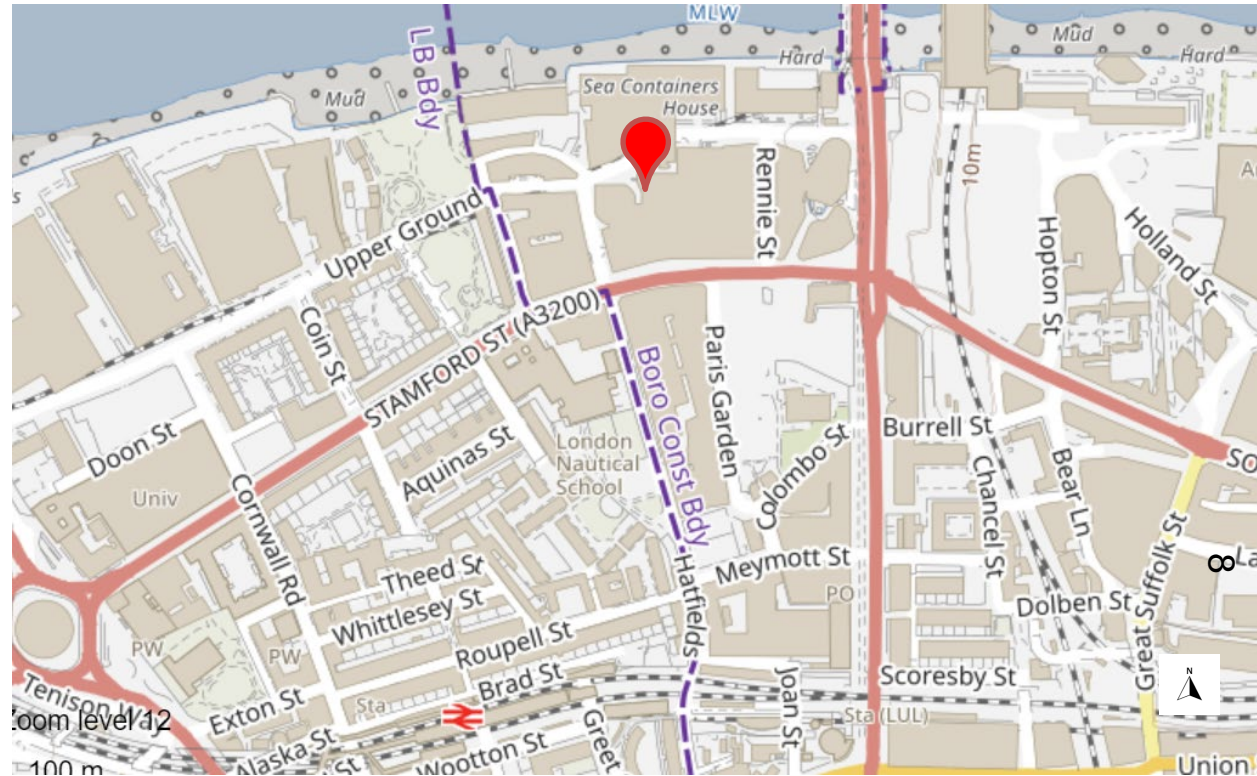
9

Site Location Plan and Aerial Image



Constraints and designations

- Central Activities Zone
- Bankside, Borough and London Bridge Opportunity Area
- Blackfriars Road Vision Area
- Southwark Business Improvement Area (BID)
- Bankside and Borough District Town Centre
- South Bank Strategic Cultural Quarter
- Bankside Neighbourhood Plan Area
- Air Quality Management Area
- Flood Zone 3
- PTAL 6b

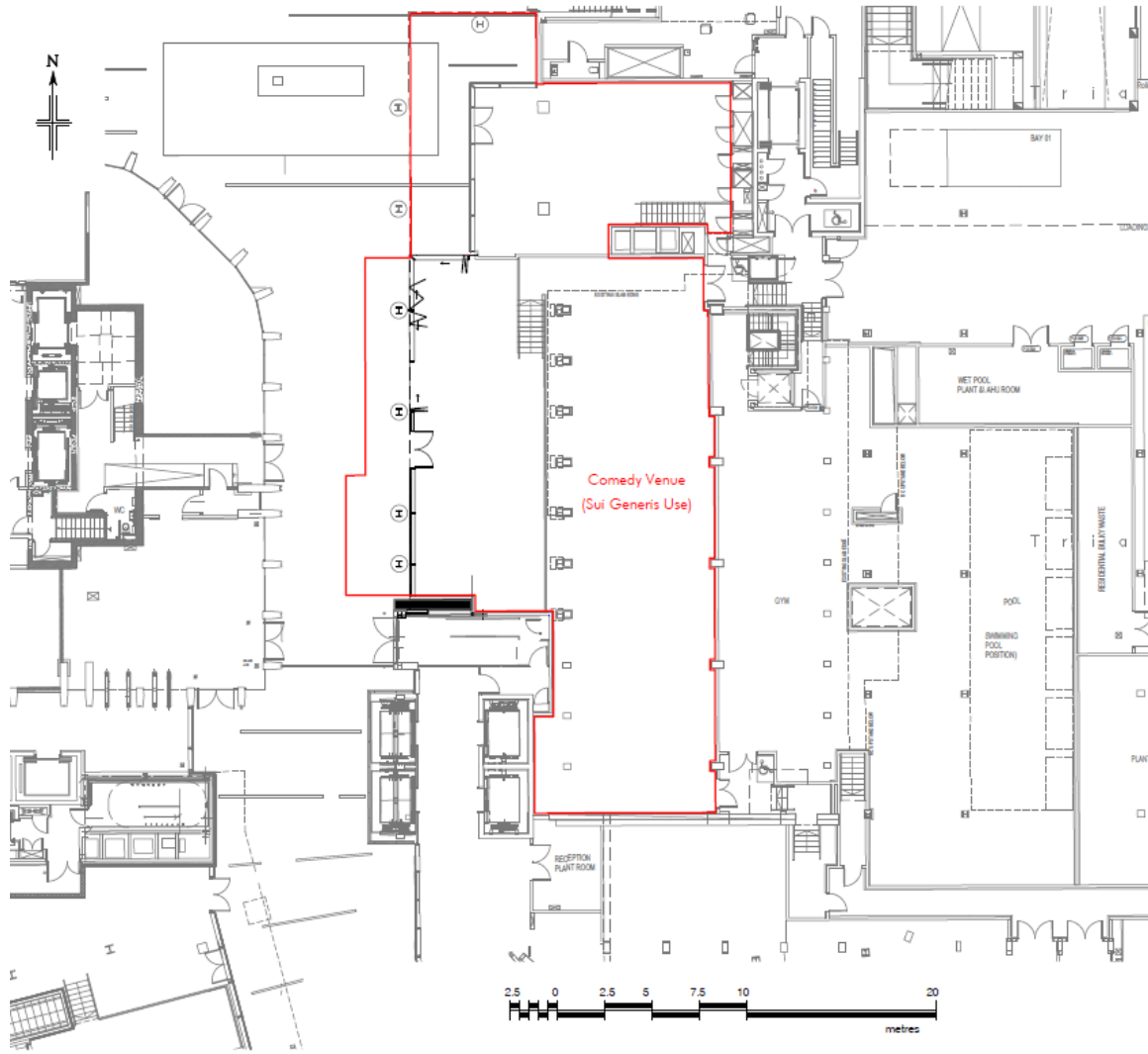


Existing Units

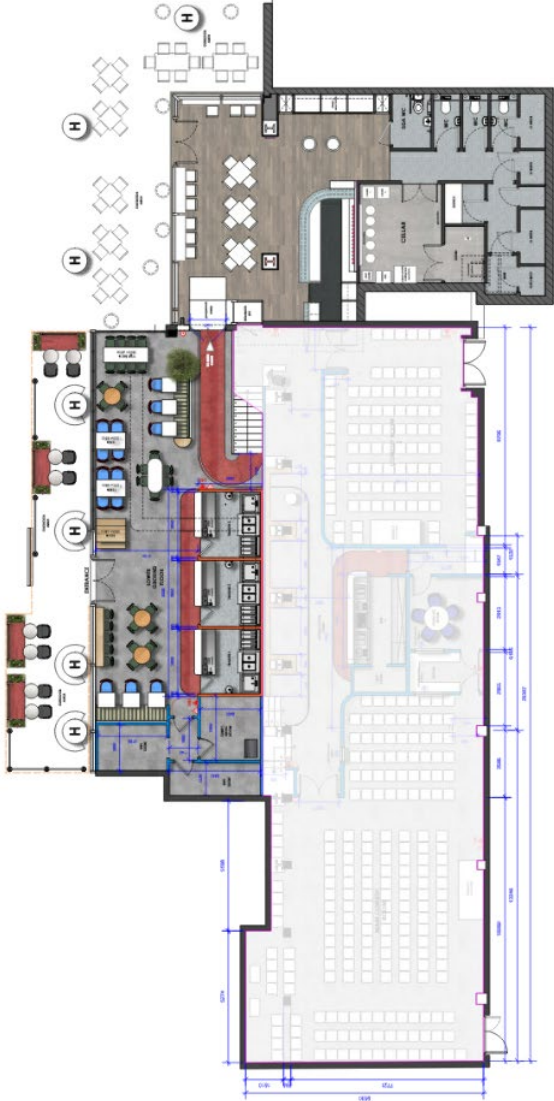


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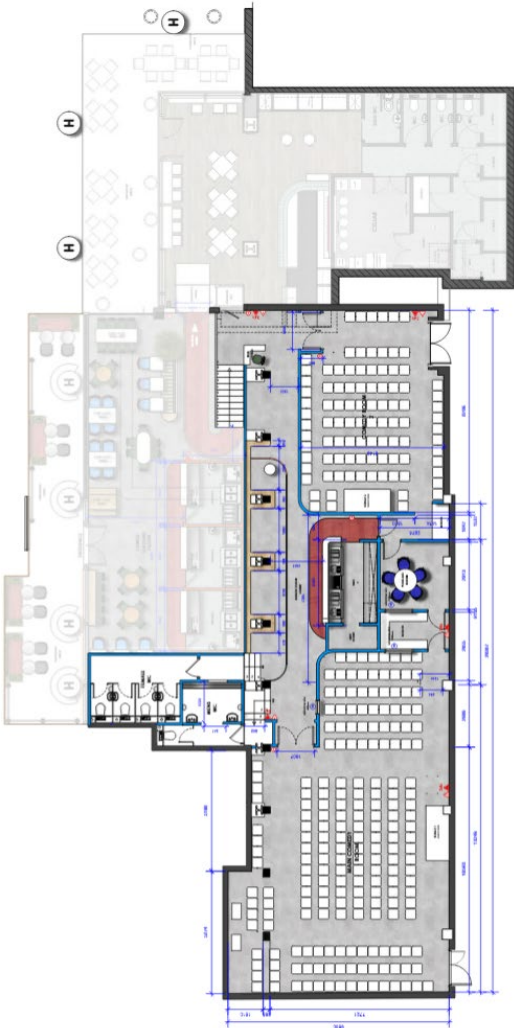
Proposed Site Plan



Proposed Ground Floor

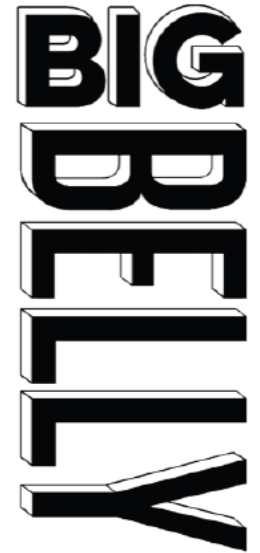
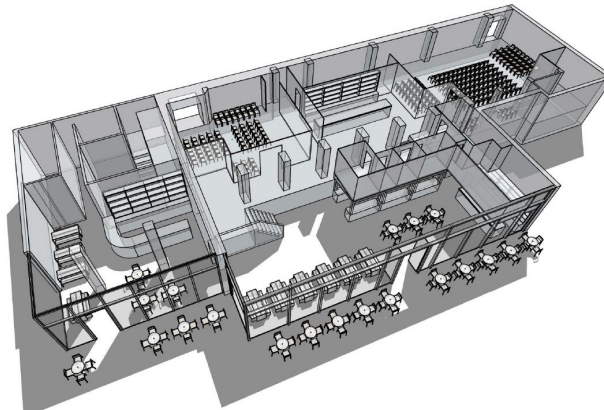
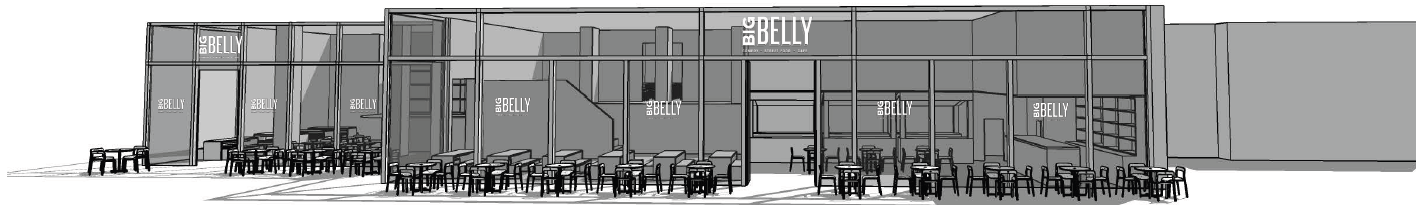


Proposed Mezzanine



Big Belly Comedy Club Images

ENTRANCE

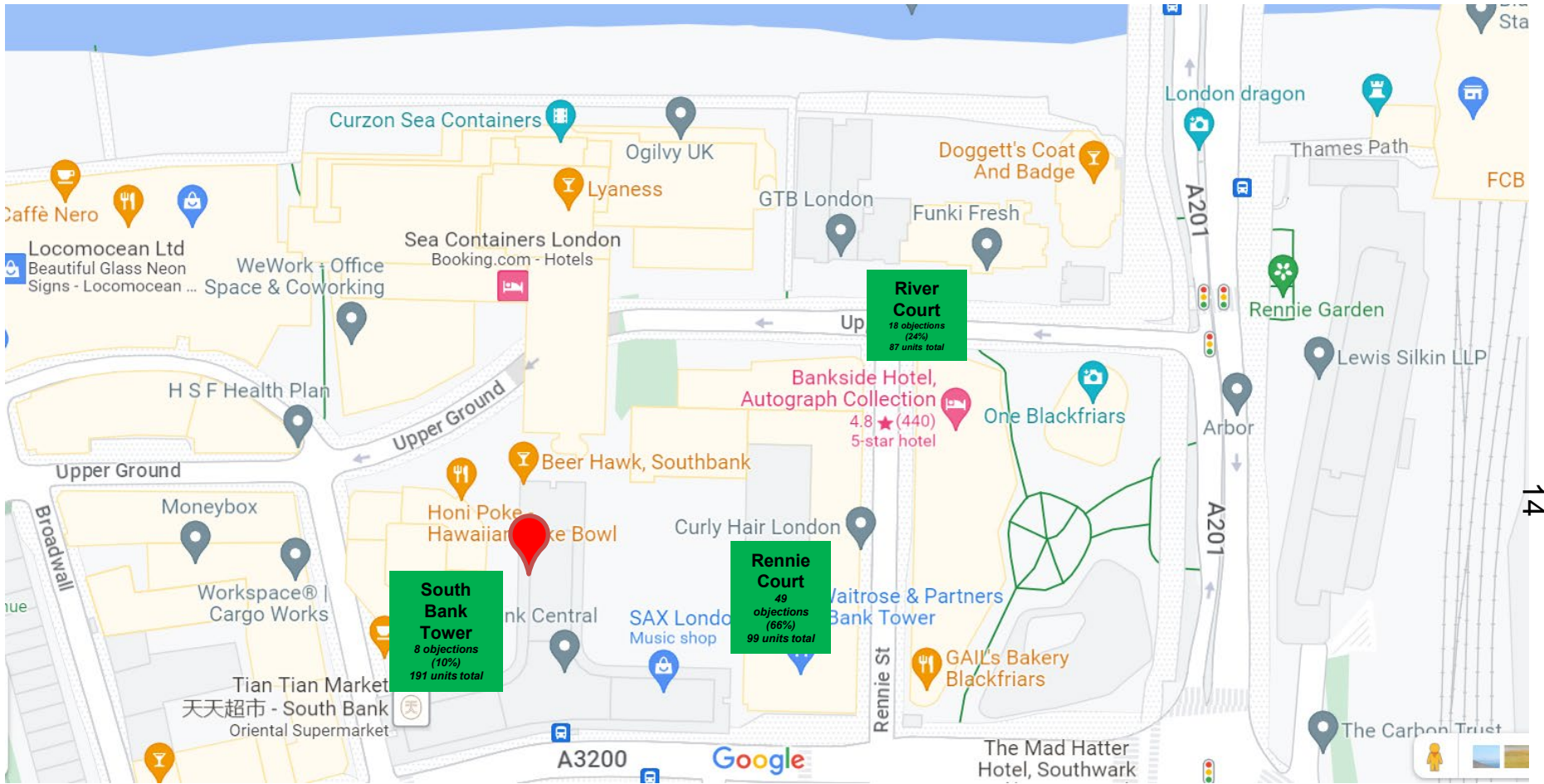


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COMEDY • STREET FOOD • CAFE

No external changes or signage proposed under this application

Surrounding Area



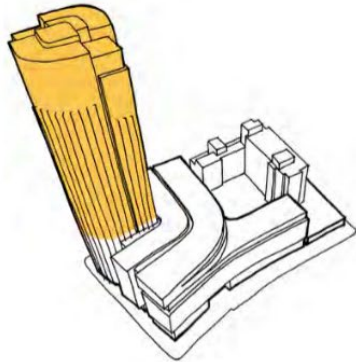
81 objections total

75 shown above

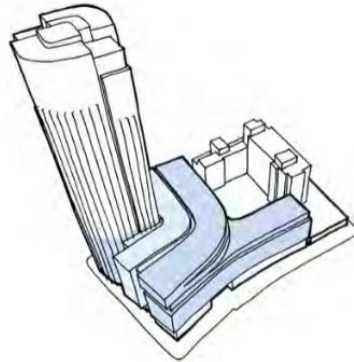
1 objection from property in north London

5 anonymous contributors

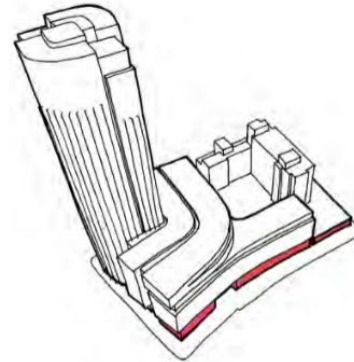
South Bank Development



Residential



Office



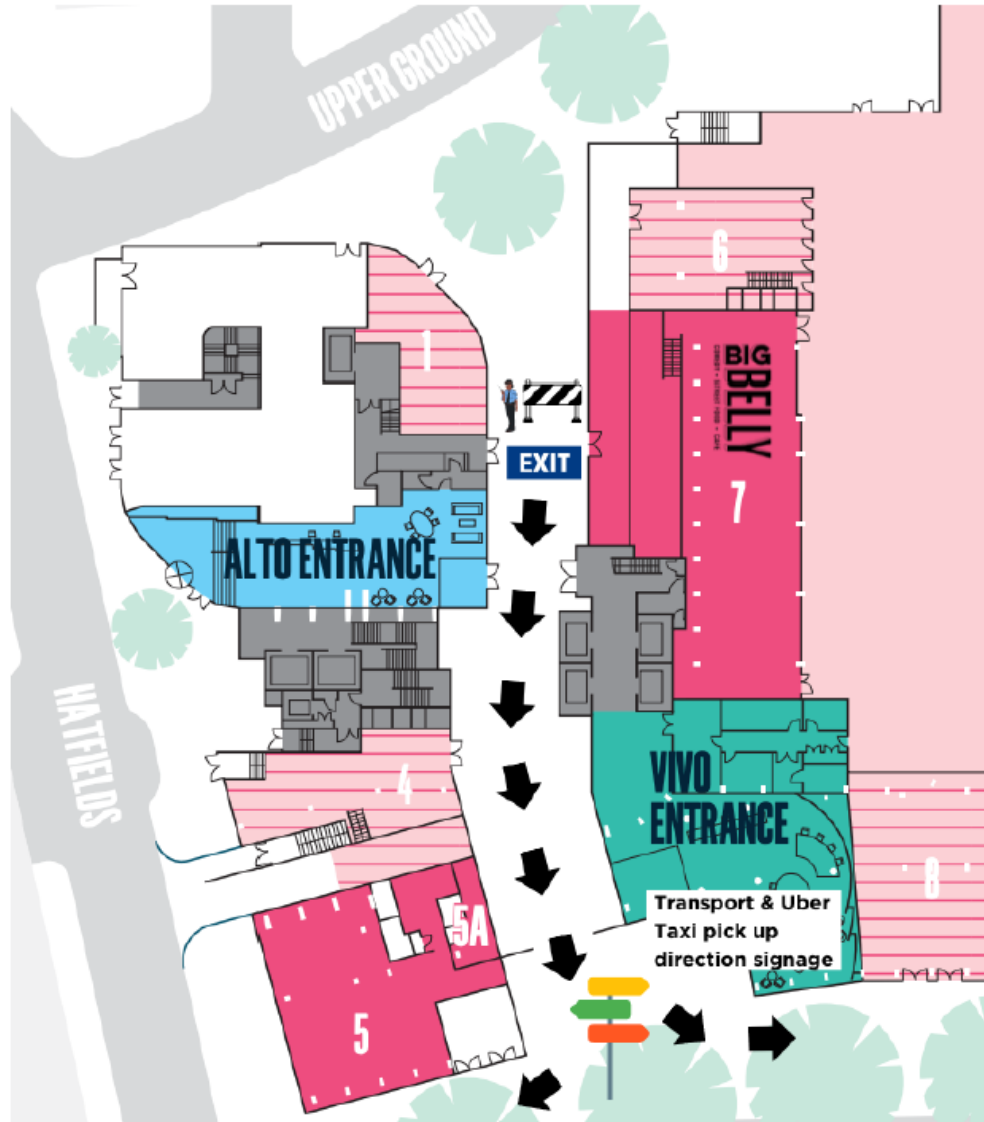
Retail

Consultation Responses

- 74 letters of objection raising the following concerns:
 - Increased in noise, disturbance and anti-social behaviour
 - Venue will be no different to a night club
 - Concerns over smoking area as a fire hazard
 - Area is typically inner city residential, hotel and office space
 - Concerns that dispersal policy will not work and people will use Rennie Street, Upper Ground and Hatfields because it is more convenient
 - Concerns of additional delivery and waste disposal vehicles on Upper Ground
 - No where sensible for taxis or Ubers to wait and pick up
 - Inadequate capacity on night bus to take everyone home
 - People will use taxi rank on Sea Containers
 - The site is a tunnel which will make the noise reverberate more

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Proposed Dispersal Policy



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Conclusion:

- The proposal includes the amalgamation and change of use of Units 6 & 7 which is part of the South Bank Central Development to form a Comedy Club (Sui Generis – Use Class). The proposal also includes the erection of a mezzanine and an extension to the existing operating hours.
- Unit 6 is permitted as flexible Class E/Sui Generis (formerly A1, A2, A3, A4). Unit 6 is currently in use as a bar but the current occupier, Beerhawk, are set to surrender their lease.
- Unit 7 is permitted as flexible Class E/Sui Generis use (formerly A3 & A4) however it is currently vacant. In 2018, (ref: 18/AP/2480) planning permission was granted to for the change of use of Unit 7 from A3/A4 to A3 and D2 to allow it to be used as an entertainment and leisure use with restaurant facilities. This permission was not implemented.
- The proposed comedy club is located in a vibrant area of Southwark and in the wider context of London, positioned within the South Bank Strategic Cultural Quarter. It is acknowledged that there are residential units within the vicinity of the proposed comedy club and the objections raised by residents relate mostly to the potential for noise and disturbance.
- The Environmental Protection team are satisfied with the submitted Environmental Noise Survey and Acoustic Assessment report which confirms there will be no effect on the surrounding residential accommodation. The proposed opening hours are consistent with the surrounding uses; The Thirsty Bear and Fountain Ink. The proposed comedy club is considered appropriate and acceptable in this location.
- **Officers are recommending the application for approval subject to conditions.**

Item 7.2

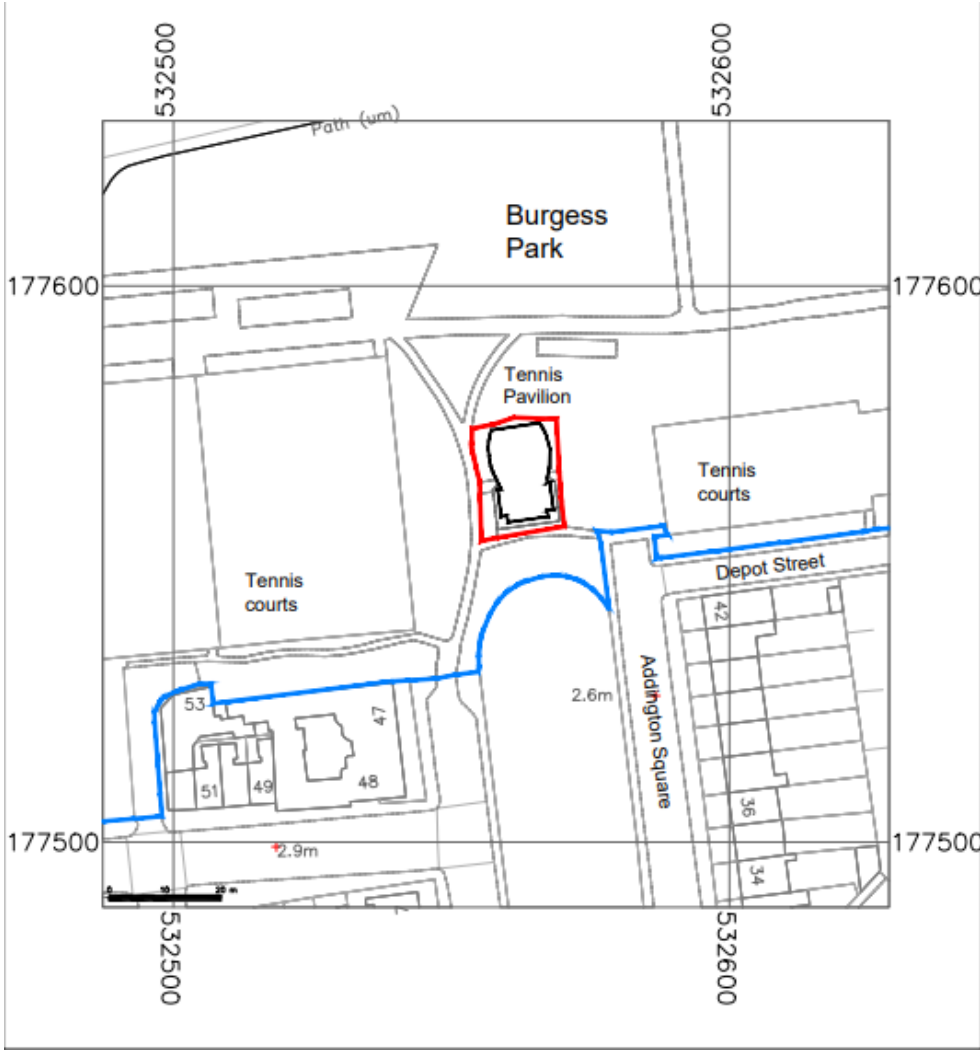
23/AP/0649

**Burgess Park Tennis Centre 44 Addington Square, London, SE5
7LA**

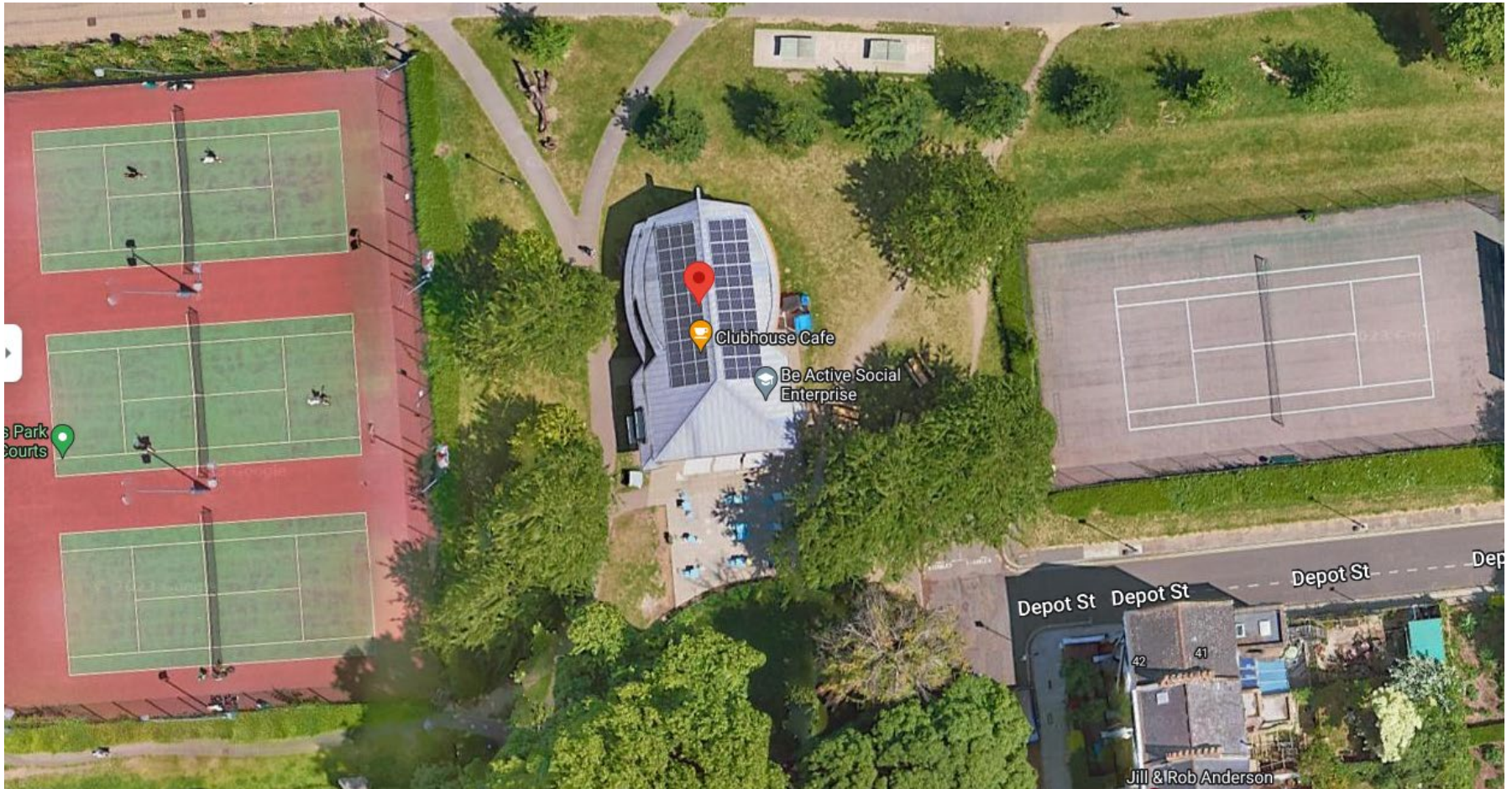
Retention of the café (Class E (b)) in the southern end of the pavilion building, associated with a refuse store and hardstanding to the south of the pavilion.

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SITE LOCATION PLAN



AERIAL VIEW

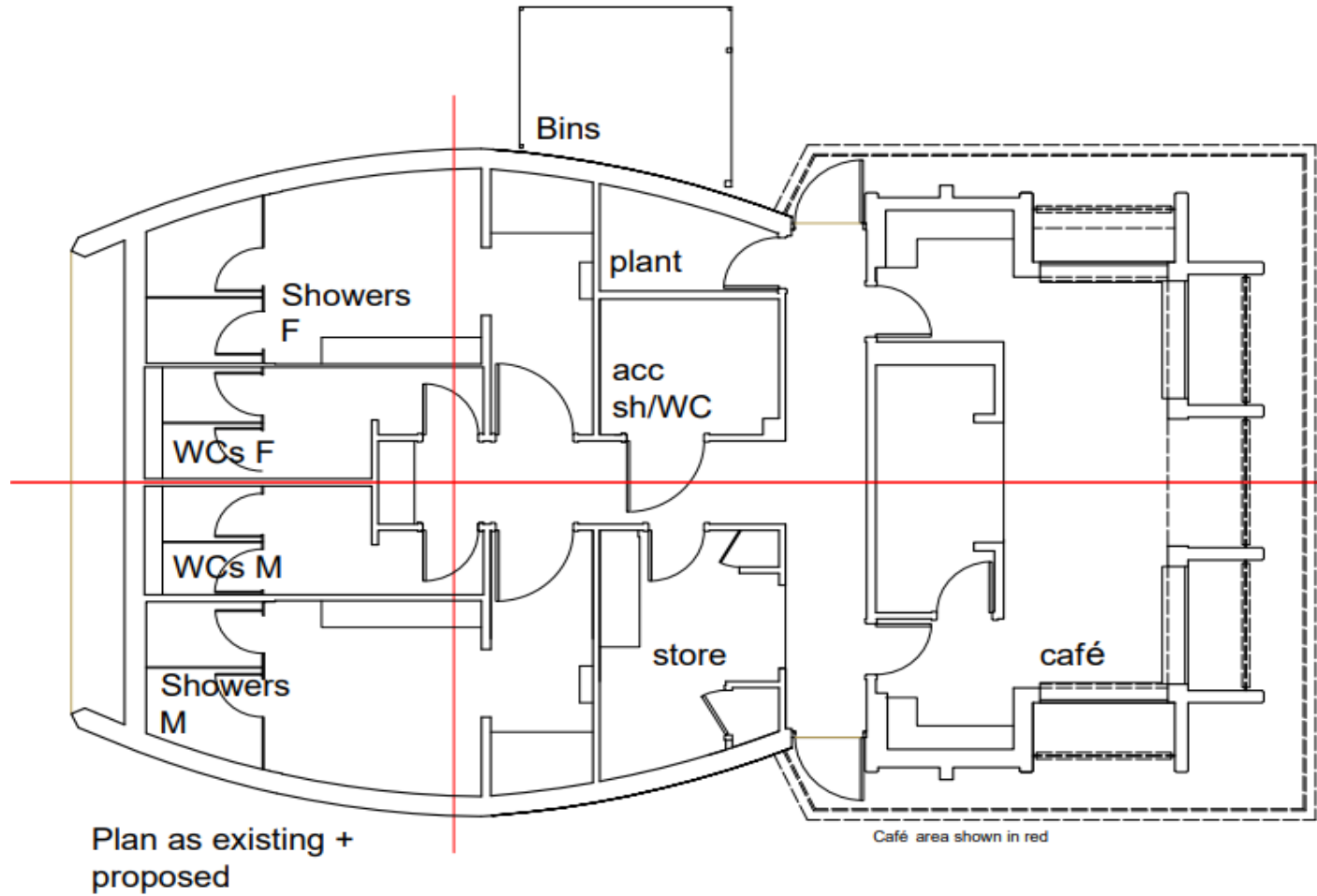


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Photos



Existing and Proposed Layout (unchanged)



Policy Designations

- Flood Zone 3
- Aylesbury Action Area
- Smoke Control Zone
- Air Quality Management Area
- Hot food takeaway exclusion zone
- Site of Importance for Nature
- Metropolitan Open Land

PROPOSAL

Current proposal:

Planning permission is sought for the retention of the café (Class E (b)) in the southern end of the pavilion building, associated with a refuse store and hardstanding to the south of the pavilion.

Effectively, it is a retrospective part change of use from community use (Class F) to café only (Class E(b)) in the southern end of the pavilion building. The toilets and changing facilities in the northern end of the building would remain unchanged. The operating times would remain consistent with the current operations (8am – 8pm between June and September; 8am – 4pm from October to May).

Original proposal:

To construct 4no. external doors to the western elevation of the pavilion building, in order to provide 3no. externally accessed toilets and 1no. tennis storage. Additionally, the southern end of the pavilion was sought to change of use from ancillary community use (Class F2) to Class E.

Lawfulness of Existing Refuse Facility and Hardstanding

Public comments have been raised over the lawfulness of the refuse store and hardstanding, which appear to have been built without planning permission. Both structures would meet the definitions of Class A, Part 12, Schedule 2 of General Permitted Development (England) Order 2015 (as amended) and as such constitute permitted developments.



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Public Consultation Responses

Consultation Responses received by 4 Apr 2023

(17 addresses consulted and site notices around the park)

No of comments: 10 (effectively 6no. as one of which was divided into four entries due to the word limit and a separate document submitted on the register)

Objection: 5

Neutral: 1

Support: 1

Objections

- Proposed toilets will compromise the original community use
 - Position of the external toilet doors would impinge on a busy pathway for pedestrians and bikes
 - Loss of green space arising from potential additional hard landscaping for access to the proposed toilets
 - Safety issues with the access to toilet
 - Proposed retail use/expanded café are not appropriate on MOL
 - Introduction of a main town centre use in an out of town centre location
- *Officer response: these issues have been resolved following the revision of the proposal.*
- Potential noise disturbance from late opening hours in summer (8am – 8pm)
 - Potential noise disturbance from refuse collections in early mornings
- *Officer response: these issues will be addressed in the subsequent sections.*

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Assessment (Principle of development)

- Whilst retrospective developments are generally not encouraged on MOL, it is acknowledged that the change was not an intentional breach of planning control but rather an organic adaptation of the pavilion use during the COVID period.
- Historically a third party lease was in place to cover the management of the pavilion building, where refreshments were served as an ancillary function of the tennis club
- During the COVID period, social distancing rules resulted in the closure of the building and the tennis court. A servery was created in the doorway to the southern end of the building to provide a kiosk-type facility outside of the building.

Assessment (Principle of development)

- The Council terminated the full lease agreement of the whole pavilion building on 31 March 2023 in order to resume its control over the tennis activities in Burgess Park
- Now requires a third party to take on running of the cafe and management of the toilets/changing facilities within the building
- The toilets and changing facilities:
 - the access would be in line with the operating hours of the proposed café, which has been part of the original lease since the building was erected
 - remain accessible from an internal corridor that requires management by the café staff on site
 - Outside of the café operating hours, only the contracted tennis coaches are allowed in to access essential equipment
- It would reasonably preserve the ancillary function of the community use by way of maintaining safe and public access to the toilets and changing facilities associated with the tennis courts

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Assessment (Principle of Development)

- As café use is a common offer in a public park, it would continue to respect the quality, accessibility and setting of the MOL
- It would also ensure public safety for use of toilets, changing/showering facilities through management by café staff members. An operational plan will be required by condition
- The principle of the proposal would comply with both Policy P57 Open Space and P47 Community Uses of Southwark Plan 2022
- The proposal is therefore recommended for approval subject to conditions.

Assessment (Continued)

Planning considerations	
Design and heritage	No proposed changes to the external appearance
Designing out crime	A condition will be in place to require submission of an operational plan by future café operators. This would ensure the future café must be operated in appropriate ways to secure effective surveillance of use and access of the internal facilities
Amenity	<ul style="list-style-type: none">- Considerable distance from nearest residential premises (30m away)- Conditioned to prohibit primary cooking on the premises- Same operating times (8am – 8pm between June and September; 8am – 4pm from October to May) as existing: provide for the adjoining tennis courts and wider park within the sociable hours, align with Park’s summer opening times

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Assessment (Continued)

Planning considerations

Car Parking	Car-free development in an area of PTAL 4
Cycle Parking	Existing cycle racks of 4nos. and 6nos. to the north and south
Hours of refuse collection and servicing	<p>A public representation has addressed the current refuse collection takes place in early mornings</p> <p>- Condition will be imposed to restrict hours of servicing and refuse collection to 08:00 - 20:00 on Monday to Fridays; 09:00 - 18:00; on Saturdays, and; 10:00 - 16:00 on Sundays and Bank Holidays.</p>
Flood risks	Flood zone 3. Not applicable due to minor change of use
Trees/ecology	No significant impacts identified

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Summary of Conditions

Conditions

1. restricted to Class E(b) café only
2. submission of operational plan by future operators to ensure a safe and managed access to the toilets and showering/changing facilities will be maintained as part of the café function
3. no primary cooking will take place on site
4. Any deliveries and refuse collections to the approved café use shall only be between the following hours: 08:00 - 20:00 on Monday to Fridays; 09:00 - 18:00; on Saturdays, and; 10:00 - 16:00 on Sundays and Bank Holidays.
5. The operating times of the café approved hereby shall be 8:00am - 8:00pm Monday to Sunday during the periods of June and September; 08:00am - 4:00pm Monday to Sunday from October to May. It shall not be carried on outside of the specified hours.

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Recommendation

It is recommended that planning permission is granted, subject to conditions.