

# Planning Committee (Smaller Applications)

Wednesday 18 October 2023

7.00 pm

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

## Membership

Councillor Cleo Soanes (Chair)  
Councillor Jane Salmon (Vice-Chair)  
Councillor Sabina Emmanuel  
Councillor Ketzia Harper  
Councillor Adam Hood  
Councillor Richard Leeming  
Councillor Richard Livingstone

## Reserves

Councillor Natasha Ennin  
Councillor Laura Johnson  
Councillor Sandra Rhule  
Councillor Charlie Smith  
Councillor Emily Tester

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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

The council is committed to making its meetings accessible. Further details on building access, translation, provision of signers etc for this meeting are on the council's web site: [www.southwark.gov.uk](http://www.southwark.gov.uk) or please contact the person below.

### Contact

Beverley Olamijulo on 020 7525 7234 or email: [Beverley.olamijulo@southwark.gov.uk](mailto:Beverley.olamijulo@southwark.gov.uk)

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Members of the committee are summoned to attend this meeting

**Althea Loderick**

Chief Executive

Date: 10 October 2023



# Planning Committee (Smaller Applications)

Wednesday 18 October 2023  
7.00 pm  
GO2 meeting rooms, 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>MINUTES</b>	1 - 4
	To approve as a correct record the minutes of the meeting held on 11 September 2023.	
6.	<b>DEVELOPMENT MANAGEMENT</b>	5 - 9

<b>Item No.</b>	<b>Title</b>	<b>Page No.</b>
6.1.	UNITS 6 AND 7, VIVO BUILDING, 30 STAMFORD STREET, LONDON SE1 9LQ	10 - 62
6.2.	BURGESS PARK TENNIS CENTRE, 44 ADDINGTON SQUARE, LONDON SOUTHWARK SE5 7LA	63 - 94

**ANY OTHER OPEN BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT**

## Planning Committee (Smaller Applications)

### 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. The role of members of the planning committee (smaller applications) 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.
6. Speakers should lead the committee to subjects on which they would welcome further questioning.
7. Those people nominated to speak on behalf of objectors, supporters or applicants, as well as ward members, should sit on the front row of the public seating area. This is for ease of communication between the committee and the speaker, in case any

issues need to be clarified later in the proceedings; it is **not** an opportunity to take part in the debate of the committee.

8. Each speaker should restrict their comments to the planning aspects of the proposal and should avoid repeating what is already in the report. The meeting is not a hearing where all participants present evidence to be examined by other participants.
9. This is a council committee meeting which is open to the public and there should be no interruptions from the audience.
10. No smoking is allowed at committee.
11. Members of the public are welcome to film, audio record, photograph, or tweet the public proceedings of the meeting; please be considerate towards other people in the room and take care not to disturb the proceedings.

**Please note:**

Those wishing to speak at the meeting should notify the constitutional team by email at [ConsTeam@southwark.gov.uk](mailto:ConsTeam@southwark.gov.uk) in advance of the meeting by **5pm** on the working day preceding the meeting.

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

**Contacts:**      General Enquiries  
                         Planning Section  
                         Environment, Neighbourhoods and Growth  
                         Tel: 020 7525 5403

                         Planning Committee Clerk, Constitutional Team  
                         Governance and Assurance  
                         Tel: 020 7525 7234



## Planning Committee (Smaller Applications)

MINUTES of the Planning Committee (Smaller Applications) held on Monday 11 September 2023 at 7.00 pm at G01 meeting rooms, 160 Tooley Street, London SE1 2QH

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**PRESENT:** Councillor Cleo Soanes (Chair)  
 Councillor Jane Salmon (Vice-chair)  
 Councillor Sabina Emmanuel  
 Councillor Ketzia Harper  
 Councillor Adam Hood  
 Councillor Richard Leeming  
 Councillor Richard Livingstone

**OTHER MEMBERS PRESENT:** Councillor Joseph Vambe (Ward Councillor)

**OFFICER SUPPORT:** Dennis Sangweme (Head of Development)  
 Andre Verster (Team Leader Team Major & New Homes Team)  
 Zaib Khan (Team Leader, Development Management)  
 Glenn Ruane (Planning Officer)  
 Alex Gillott (Legal Officer)  
 Beverley Olamijulo (Constitutional Officer)

### 1. APOLOGIES

None were received.

### 2. CONFIRMATION OF VOTING MEMBERS

Those members listed above were confirmed as voting members of the committee.

### 3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

The chair gave notice of the following additional papers circulated prior to the meeting:

- Addendum report relating to 6.1 – development management items
- Members pack.

### 4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

The following member made a declaration regarding the agenda item below:

#### **Agenda item 6.2 – Dulwich Park, College Road, London SE21 7EB**

Councillor Richard Leeming, non-pecuniary, as the planning application was in his ward. He said he would approach the application with an open mind.

### 5. MINUTES

#### **RESOLVED:**

That the minutes for the Planning Committee (Smaller Applications) meeting held on 5 July 2023 be approved as a correct record and signed by the chair.

### 6. DEVELOPMENT MANAGEMENT

Members noted the development management report.

#### **RESOLVED:**

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.

#### **6.1 ELIM ESTATE, ELIM STREET, LONDON SOUTHWARK**

**Planning application reference 22/AP/1887**

Report: See pages 10 to 131 of the agenda pack and addendum pages 1 – 6.

**PROPOSAL**

*The construction of 34 social rented homes across two separate buildings, along with the provision of external community / sports / play facilities and associated landscaping and car parking.*

The committee heard the officer's introduction to the report and members of the committee asked questions of the officers.

A spokesperson for the objectors addressed the committee and responded to questions from members.

The applicant and the applicant's agents addressed the meeting and responded to questions from members.

There were no supporters present who lived within 100 metres of the development site.

Councillor Joseph Vambe spoke in his capacity as a ward councillor and responded to questions from members.

A motion to grant the application was moved, seconded put to the vote and declared carried.

**RESOLVED:**

1. That planning permission be granted, subject to conditions and the applicant entering into an appropriate legal agreement by no later than 18 January 2024.
2. In the event that the requirements of (1) are not met by the 13 December 2023, that the director of planning and growth be authorised to refuse planning permission, if appropriate, for the reason set out at paragraph 252 of this report.

**ADJOURNMENT**

At 9.00 pm it was moved, seconded and agreed that meeting stand adjourned for seven minutes.

The meeting reconvened at 9.07 pm.



## 6.2 DULWICH PARK, COLLEGE ROAD, LONDON SE21 7EB

### Planning application reference 23/AP/1956

Report: See pages 132 to 151 of the agenda pack and addendum pages 6 – 8.

### PROPOSAL

*Changing place facility next to existing WC facilities within Dulwich park and relocation of existing bike and bin storage facilities.*

The committee heard the officer's introduction to the report and members of the committee asked questions of the officers.

There were no representatives present, who wished to address the meeting.

A motion to grant the application was moved, seconded put to the vote and declared carried.

### RESOLVED:

That planning permission be granted subject to conditions as set out in the report and addendum report.

The meeting ended at 9.23 pm.

**CHAIR:**

**DATED:**

<b>Item No.</b> 6.	<b>Classification:</b> Open	<b>Date:</b> 18 October 2023	<b>Meeting Name:</b> Planning Committee (Smaller Applications)
<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 committees. The matters reserved to the planning 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 Levelling Up, Housing and Communities 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 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**

#### **Assistant Chief Executive – Governance and Assurance**

12. A resolution to grant planning permission shall mean that the director of planning and growth 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 director of planning and growth 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 director of planning and growth 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 assistant chief executive – governance and assurance, and which is satisfactory to the director of planning and growth. 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 assistant chief executive – governance and assurance. 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.
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 the Southwark Plan which was adopted by the council in February 2022. The Southwark Plan 2022 was adopted after the London Plan in 2021. For the purpose of decision-making, the policies of the London Plan 2021 should not be considered out of date simply because they were adopted before the Southwark Plan 2022. London Plan policies should be given weight according to the degree of consistency with the Southwark Plan 2022.
16. The National Planning Policy Framework (NPPF), as amended in July 2021, is a relevant material consideration and should be taken into account in any decision-making.
17. Section 143 of the Localism Act 2011 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.
18. "Regulation 122 of the Community Infrastructure Levy regulations (CIL) 2010 as amended, 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."

19. 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.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Council assembly agenda 23 May 2012	Constitutional Team 160 Tooley Street London SE1 2QH	Virginia Wynn-Jones 020 7525 7055
Each planning committee item has a separate planning case file	Development Management 160 Tooley Street London SE1 2QH	Planning Department 020 7525 5403

## APPENDICES

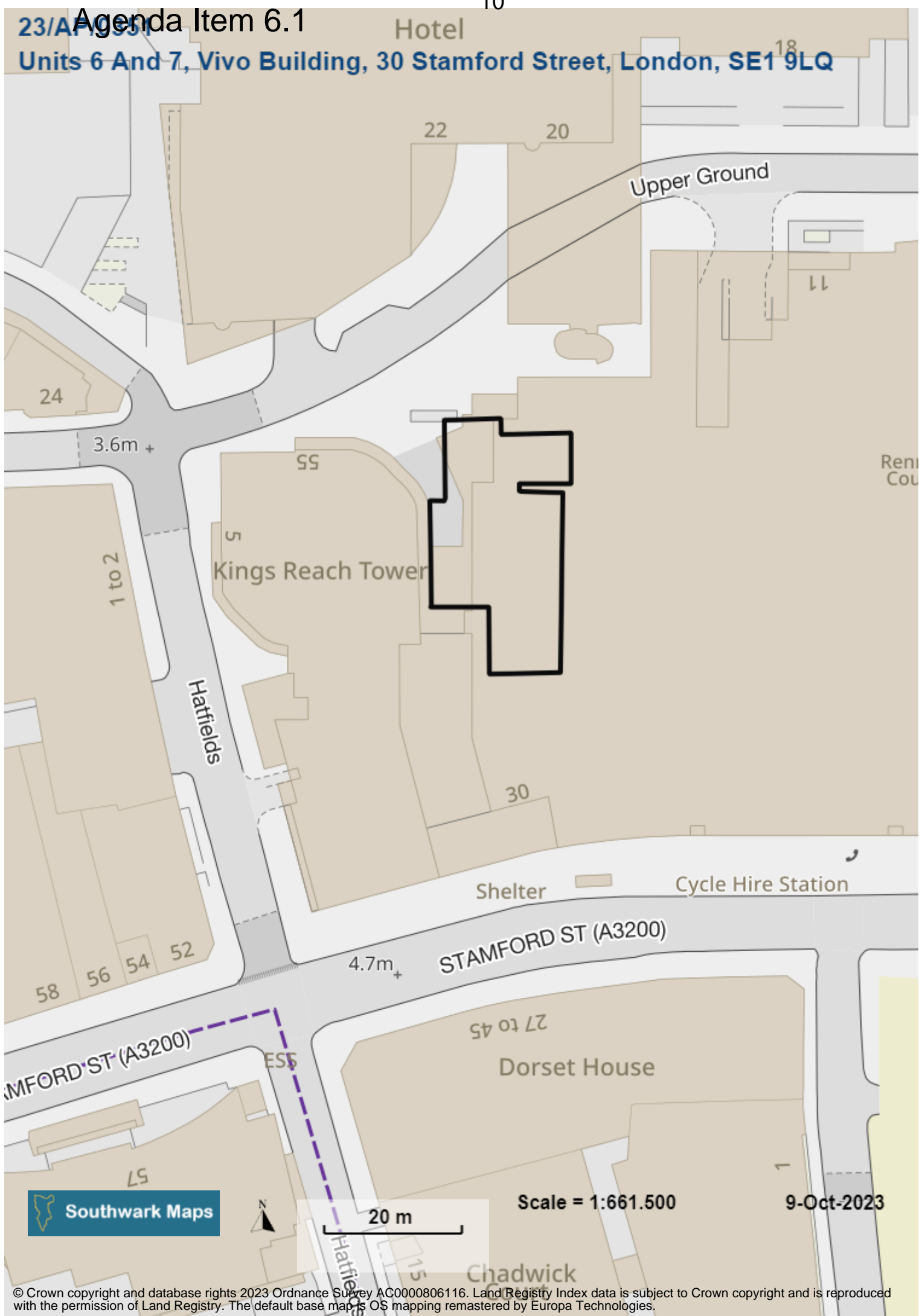
No.	Title
None	

**AUDIT TRAIL**

<b>Lead Officer</b>	Chidilim Agada, Head of Constitutional Services	
<b>Report Author</b>	Beverley Olamijulo, Constitutional Officer Nagla Stevens, Deputy Head of Law (Planning and Development)	
<b>Version</b>	Final	
<b>Dated</b>	9 October 2023	
<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>
Assistant Chief Executive – Governance and Assurance	Yes	Yes
Director of Planning and Growth	No	No
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>		9 October 2023

# Agenda Item 6.1

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



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<b>Item No.</b> 6.1	<b>Classification:</b> Open	<b>Date:</b> 18 October 2023	<b>Meeting Name:</b> Planning Committee (Smaller Applications)
<b>Report title:</b>	<b>Development Management planning application:</b> Application 23/AP/0351 for: Full Planning Application  <b>Address:</b> Units 6 And 7, Vivo Building, 30 Stamford Street, London SE1 9LQ  <b>Proposal:</b> 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.		
<b>Ward or groups affected:</b>	Borough and Bankside		
<b>From:</b>	Director of Planning and Growth		
<b>Application Start Date</b>	09.02.2023	<b>Application Expiry Date</b>	21.11.2023
<b>Earliest Decision Date</b>	13.09.2023		

## RECOMMENDATION

1. That planning permission be granted subject to conditions.

## EXECUTIVE SUMMARY

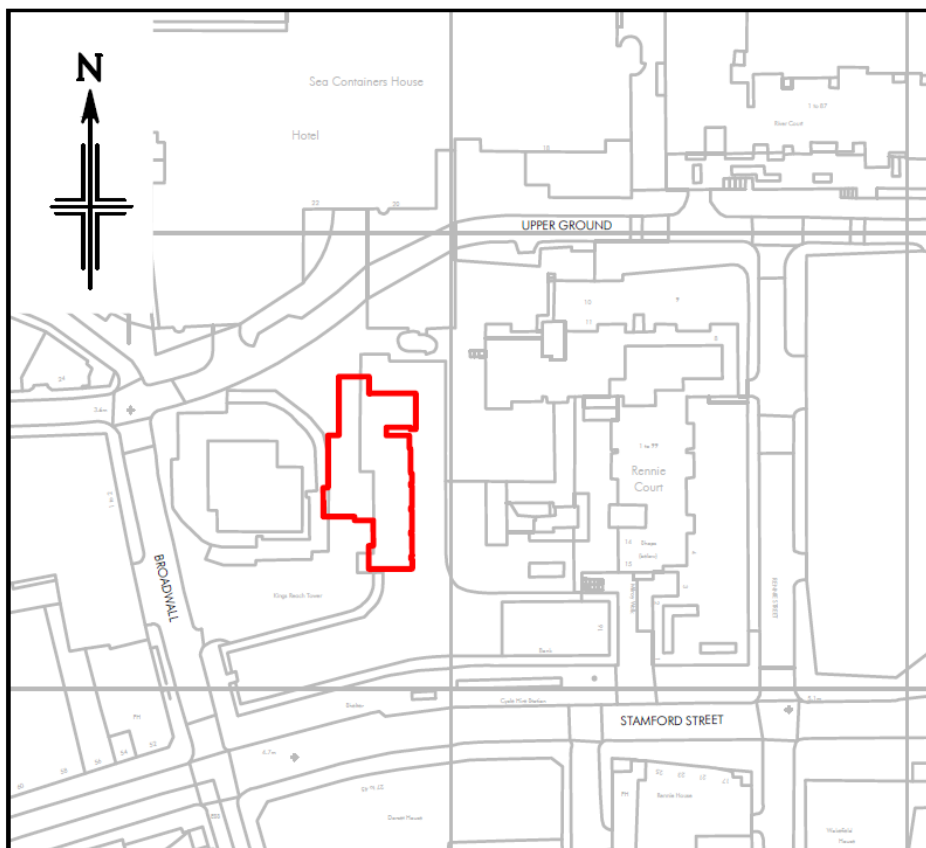
2. Permission is sought for the amalgamation and change of use of Units 6 & 7 which is part of the South Bank Central Development to form a Comedy Club (Sui Generis – Use Class). The proposal also includes the erection of a mezzanine and an extension to the existing operating hours.
3. Unit 6 is permitted as flexible Class E/Sui Generis (formerly A1, A2, A3, A4) and Unit 7 is permitted as flexible Class E/Sui Generis use (formerly A3 & A4). Unit 6 was previously 'Beer Hawk' and Unit 7 has been vacant since the development was complete.
4. This application is for decision by the Planning Committee (Smaller Applications) as the application has been called in by ward councillors.
5. The proposed development would create two main comedy rooms with ancillary cafe, bar and food hall for visitors. The comedy club will provide 395 internal seats. The proposed mezzanine area of 23.8 square metres will provide toilets and Back of House facilities. The proposed opening hours are as follows:

- Sunday to Thursday: 08.00 and 00.00
  - Fridays and Saturdays: 09.00 and 01.00
6. The application site is located within the Central Activities Zone, Bankside and Borough Town Centre, the South Bank Strategic Cultural Quarter, Blackfriars Road Vision Area, Southwark Business Improvement District, Flood Zone 3 and an Air Quality Management Area.
  7. The main concern raised by neighbours is in relation to noise and disturbance due to the proposed use as a comedy club and extended opening hours. The application is accompanied by an Environmental Noise Survey and an Acoustic Assessment. The Environmental Protection team have assessed the submitted reports and are satisfied that there would be negligible impact with no effect on the surrounding residential accommodation.
  8. Within the immediately surrounding vicinity there are similar premises, The Thirsty Bear and Fountain Ink. It is acknowledged that the hours of opening are considered agreeable and in line with these neighbouring existing licensed premises. As such, the extended hours as use are considered acceptable.
  9. The application is also accompanied by a Dispersal Plan which outlines that patrons will be directed north onto Stamford Street via the use of a partial barrier. This will reduce the number of patrons utilising Upper Ground at closing time. Further details on this matter will be provided in an Event Management Plan, which has been added as a pre commencement condition.
  10. The comedy club would provide an active use throughout the day and into the evening, activating the frontage and current ground floor units through the key pedestrian route within the South Bank development. The proposed development would not significantly impact the amenity of neighbouring occupiers and will contribute to ensuring a vibrant evening economy is maintained within the South Bank Strategic Cultural Quarter.
  11. Subject to conditions, the proposal is considered to be acceptable on balance. It is therefore recommended that planning permission be granted.

## **BACKGROUND INFORMATION**

### **Site location and description**

12. The application property comprises of two ground floor units (Unit 6 and 7) within the South Bank Central Development which was completed in 2016. The location plan is shown below, with the application site outlined in red:



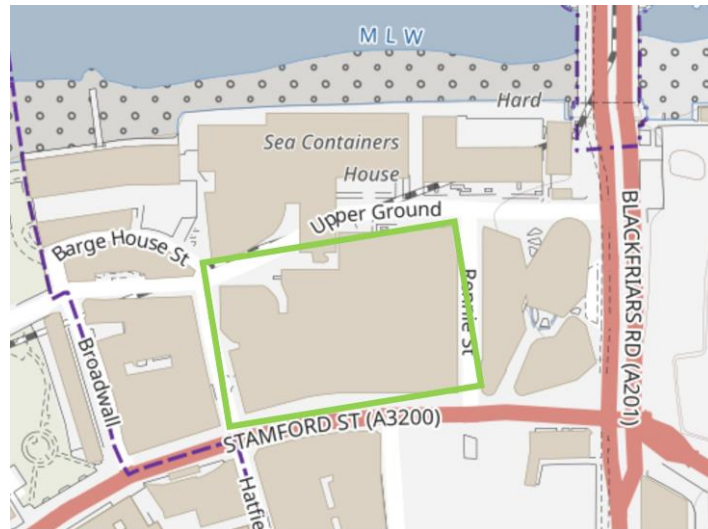
**Site location plan**

13. South Bank Central has 13 retail units in total at ground floor level, the majority of which are currently in retail use. Current occupiers include Little Waitrose, Superdrug and Black Sheep Coffee. Honi Poke, a Hawaiian Poke Bowl Restaurant is located within close proximity to the entrance of Units 6 & 7.
14. 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.
15. 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.
16. The units have a combined floor area of 500 square metres GIA.
17. Relevant planning designations for the application site are:
  - 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
- Article 4 – Class ZA - Demolition of commercial buildings and replacement with a single dwelling housing or block of flats is restricted
- Article 4 – Class MA - Change of use from Class E to residential is restricted
- Article 4 – Change of use from offices to dwellinghouses is restricted.

### The surrounding area

18. The application properties form part of the South Bank Central Development (ref:15/AP/2511). The map below includes the South Bank Central Development site and Rennie Court within the green rectangle.
19. The wider site as shown within the green rectangle comprises an urban block bounded by Upper Ground, Rennie Street, Stamford Street and Hatfields. To the north east corner of the site is Southbank Tower. The first 10 floors of the tower are in office use and floors 11 to 30 are in residential use. Adjacent to this is a 'T shaped' podium block which contains retail use on the ground floors and office use for all the floors above. There is no residential use within this block. To the north west of the block is Rennie Court, a T-shaped block, which comprises 99 residential flats. Rennie Court did not form part of the application site for South Bank Central Development however is contained within the urban block defined in green on the map below.



20. The three models below demonstrate the approved uses within the South Bank Central Development. The application site is located in the middle 'T' shaped blue section, where retail is permitted at ground floor level and office use is permitted on the floors above.



21. To the north of the application site, on the opposite site of Upper Ground is the Sea Containers Hotel. The hotel contains several dining and entertainment facilities. On the ground floor of the hotel there is the Sea Containers Restaurant and the Lyaness bar with an outdoor dining terrace to the rear. 12<sup>th</sup> Knot is a rooftop bar located on the 12<sup>th</sup> floor of the hotel. The hotel also provides spa, wellness, fitness and cinema facilities onsite.
22. Also within close proximity to the application site is the Fountain & Ink bar and The Thirsty Bear Public House. These are located on Stamford Street.

### Details of proposal

23. The proposal seeks to amalgamate and the change of use of Units 6 and 7 to provide two main comedy rooms with ancillary cafe, bar and food hall for visitors. The comedy club will provide 395 internal seats. The proposed mezzanine area of 23.8 square metres will provide toilets and Back of House facilities.
24. The opening hours proposed by this application are as follows:
- Sunday to Thursday: 08.00 and 00.00
  - Fridays and Saturdays: 09.00 and 01.00

The existing hours of use were conditioned under 15/AP/2511:

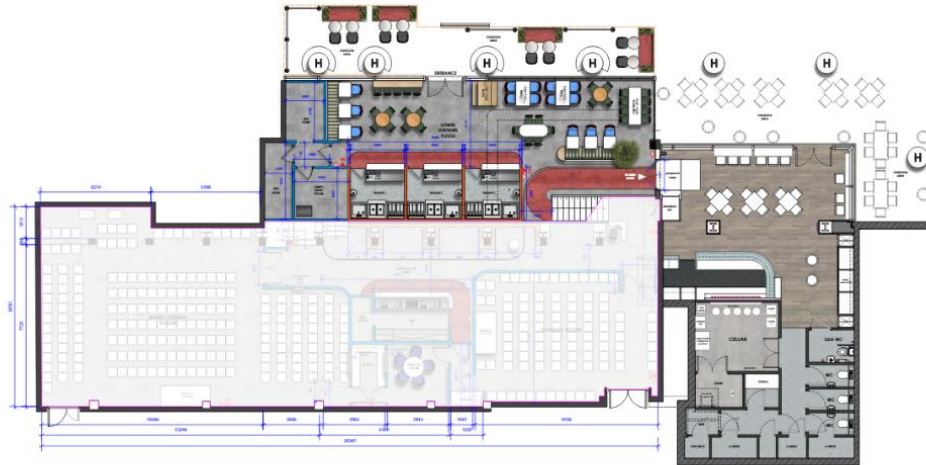
#### Condition 19: Hours of use

- i) The Class A3 and Class A4 uses hereby permitted shall not be carried on outside of the hours of 0800 hours to 2300 hours Monday to Saturdays, and between 0900 hours and 2230 hours on Sundays.
- ii) The Class A1 and A2 uses hereby permitted shall not be carried on outside of the hours 0600 hours to 2400 hours Monday to Saturdays, and between 0800 and 2300 hours on Sundays.

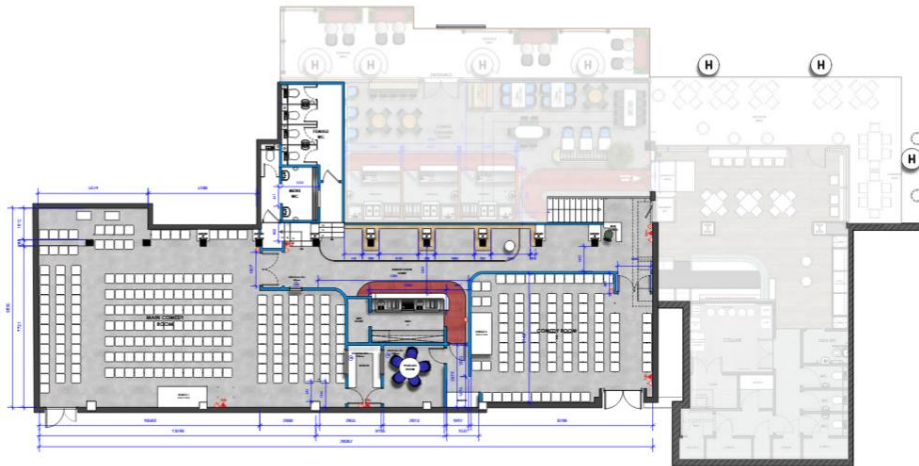
As such the hours of use are:

- Sunday: 09:00 and 22:30
- Monday to Saturday: 08:00 and 23:00

25. No external alterations and existing entrances will be utilised. The property has access to existing loading bays. The proposal is car free. The proposal utilises the existing dedicated servicing areas in accordance with the approved planning permission under 15/AP/2511.
26. There will be an external seating area to the front of both units which will be closed each day after 22:00 to ensure outdoor noise is kept to a minimum during the opening hours. The plans below show the internal proposed layout of the scheme.



### Ground Floor



### Raised Ground Floor and Mezzanine Plan

## Consultation responses from members of the public and local groups

27. In accordance with the Statement of Community Involvement (December):
- Neighbour letters were sent on 15 February 2023
  - A site notice was displayed on 2 May 2023
  - Additional neighbour letters were sent on 22 August 2023, until

12 September 2023.

28. 62 comments were received from members of the public when neighbour letters were sent out on 15 February 2023 raising objection to the proposed scheme. No letters of support were received during this consultation period.

Another round of neighbour letters were sent out on 22 August 2023 to ensure that all neighbours adjoining the redline were properly consulted on the application. An additional 17 objections were received during this time period. No letters of support were received during this consultation period. These comments are included below. There were no changes to the application during this time.

In total 79 letters of objections were received.

29. Noise & disturbance

- Proposed venue is within a residential area
- Concerns over use as a nightclub
- Condition 19 of the planning permission for Southbank Central restricts hours of use to between 08:00 to 23:00 hours Monday to Saturdays
- The area is typically inner city residential, hotel and office space and the amenity of the area is typically arts led – galleries and theatres with venues closing at 23:00
- Later opening hours will result in increased activity along Upper Ground in the early hours of the morning
- The proposed venue will be no different to a nightclub or rave venue which will attract large numbers of people
- Concerns over smoking area and smoke being drawn into Rennie Court residential flats
- Unwelcomed noise in the early hours of the morning
- Increased in anti-social behaviour
- Concerns over noise due to the architectural acoustics due to the design of surrounding buildings
- Already two hotels, two restaurants, one public house in close proximity providing ample bar entertainment and food facilities
- Increase in crime in the local area
- Further testing of noise and disturbance should be undertaken and a new noise report be undertaken as the current one is insufficient
- Capacity for outside area is too large for such a narrow alleyway
- Plan to allow people to leave via Stamford Street is unworkable
- Site is a tunnel which will make the noise reverberate even more

30. Traffic

- Stamford Street is double red lines
- Hatfields have parked cars all down one side (so effectively single lane only)
- Concerns that the dispersal policy will not work and people will use transport from Rennie Street, Upper Ground and Hatfields because it is more convenient

- Sea Containers have a taxi rank outside which people will use
- No car parking facilities are to be made available making it difficult for Rennie Court residents to access their basement parking facilities
- Concerns of additional delivery and waste disposal vehicles on Upper Ground
- Nowhere sensible for taxis and Ubers to wait and pick up
- The 381 Bus will have inadequate capacity to take everyone back after the comedy club closes

31. Other

- The applicants have not attempted to consult nearby residents in Rennie Court or River Court
- Fire hazard where smoking area is proposed
- Wooden bench seating is a fire hazard

32. These matters are discussed in detail in the 'Assessment' section of this report.

33. **Site visit**

A site visit was undertaken on 9 August 2023 with internal access gained into both Unit 6 and 7. A further external site visit was undertaken on 21 September 2023.

### Planning history

34. The relevant planning history of the site is as follows:

11/AP/1071 - Kings Reach Tower Stamford Street London Borough of Southwark SE1 9LS	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	GRANTED WITH LEGAL AGREEMENT: 04/10/2011
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	<p>a series of other extensions to the north, east and west of the podium building to accommodate plant and stair cores.</p> <p>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.</p>	
<p>11/AP/3797 - Kings Reach Tower Stamford Street London Borough of Southwark SE1 9LS</p>	<p>Variation of Condition 2 (approved plans) of planning permission 11-AP-1071 (for refurbishment and re-cladding of the tower and podium buildings, erection of six additional storeys to the tower for residential use and change of use of floors 11 to 30 of the tower from offices to residential, erection of a series of extensions and additions for office use and creation of retail space, pool and gym on the ground floor, and formation of a new pedestrian route linking Stamford Street to Upper Ground), in order to allow the following amendments to be made:</p> <p>i. correction of the site plan boundary to shift the boundary 800mm</p>	<p>GRANTED WITH LEGAL AGREEMENT: 13/03/2012</p>

	<p>away from Sea Containers House on Upper Ground;</p> <p>ii. reduction in the footprint of the ground floor residential cycle parking store;</p> <p>iii. subdivision of the retail unit on the corner of Rennie Street and Upper Ground;</p> <p>iv. shifting of the building line of the retail unit on the corner of Rennie Street and Upper Ground further to the south to allow for the retention of street trees.</p>	
<p>15/AP/2511 - Kings Reach Tower Stamford Street London Borough of Southwark SE1 9LS</p>	<p>Variation of condition 2 (approved plans) of planning permission 11/AP/3797 (granted on 13 March 2012) for the refurbishment and recladding of the tower and podium buildings, erection of six additional storeys to the tower for residential use and change of use of floors 11 to 30 of the tower from office to residential, erection of a series of extensions and additions for office use and creation of retail space, pool and gym on the ground floor, and formation of a new pedestrian route linking Stamford Street to Upper Ground.</p> <p>The amendments consist of:</p> <p>i. alteration and enlargement of the Stamford Street offices</p> <p>ii. alteration and enlargement of the tower office entrance on Hatfields</p>	<p>GRANTED: 05/11/2015</p>

	iii. introduction of new internal accommodation stair to tower iv. extension of retail units 4 (fronting Hatfields) and 7 (within new pedestrian route) v. subdivision of retail unit 5 (within new pedestrian route); vi. revised design and layout for the 7 <sup>th</sup> floor Stamford Street office roof terrace.	
18/AP/2480 - Unit 7 South Bank Central 30 Stamford Street London SE1 9LQ	Change of use from A3/A4 (restaurant and drinking establishment) use to A3 and D2 use (entertainment and leisure use with restaurant facilities).	GRANTED: 12/12/2018

## KEY ISSUES FOR CONSIDERATION

### Summary of main issues

35. The main issues to be considered in respect of this application are:
- Principle of the proposed development in terms of land use
  - Design quality
  - Impact of proposed development on amenity of adjoining occupiers and surrounding area
  - Transport and Highways
  - Energy and sustainability
  - Flood risk and drainage
  - Fire Safety Regulations
  - Mayoral and borough community infrastructure levy (CIL);
  - Community involvement and engagement.

These matters are discussed in detail in the 'Assessment' section of this report.

### Legal context

36. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. In this instance the development plan comprises the Southwark Plan 2022 and the London Plan 2021.
37. There are also specific statutory duties in respect of the Public Sector Equalities Duty which are highlighted in the relevant sections below and in the overall

assessment at the end of the report.

## Planning policy

38. The statutory development plans for the borough comprise the Southwark Plan 2022 and the London Plan 2021. The National Planning Policy Framework 2023 and emerging policies constitute material considerations but are not part of the statutory development plan. A list of policies which are relevant to this application is provided at Appendix 2. Any policies which are particularly relevant to the consideration of this application are highlighted in the report.

## Assessment

### Principle of development in terms of land use

39. The proposed development is located within the Central Activities Zone as defined by Policy SD4 of the London Plan 2021. Part E states the following:

*The unique concentration and diversity of cultural, arts, entertainment, night time economy and tourism functions should be promoted and enhanced.*

The supporting text of this policy reads:

*Arts, culture, tourism and entertainment activities are a defining feature of the vibrant and distinctive character of the CAZ with its varied mix of daytime, evening and night-time uses. Together they make a vital contribution to London's culture and heritage, ensuring the capital is an attractive place in which to live, work, visit and invest. The CAZ includes several areas that are rich in cultural activity including the West End, South Bank, Bankside, London Bridge, the Barbican, King's Cross and the South Kensington museum complex, along with more local clusters and cultural venues. It also contains the country's largest concentrations of night-time activity in Soho, Covent Garden and Shoreditch. These areas and functions should be recognised, nurtured and supported in line with CAZ policy and other policies related to culture and supporting the evening and night-time economy.*

40. Policy P46 (Leisure, arts and culture) of the Southwark Plan 2022 states the following:

*1. Development must:*

- 1. Retain or re-provide existing leisure, arts and cultural uses. Re-provision should be of the same, or be better than, the quantity and quality of existing uses; or*
- 2. In exceptional circumstances leisure, arts and cultural facilities can be replaced by another use where there are currently more facilities than needed. This must be demonstrated by a marketing exercise for two years, immediately prior to any planning application. This should be for both its existing condition and as an opportunity for an improved leisure, arts or cultural facility at market rates; and*

3. *An Equalities Impact Assessment will be required for any proposed loss of community facilities in predominant use by protected characteristic communities as defined by the Equality Act 2010; and*
4. *The registration or nomination of leisure, art and cultural uses as an Asset of Community Value will be treated as a significant material consideration.*

2. *Development will be permitted where:*

- *New leisure, arts and cultural uses are provided; and*
- *It delivers or supports the delivery of public art projects, independent museums and theatres; and*
- *New arts and cultural venues of strategic significance are proposed within the South Bank Cultural Quarter, Elephant and Castle Cultural Quarter, Old Kent Road and Canada Water Opportunity Area Cores and Peckham and Camberwell Creative Enterprise Zone.*

41. The application site is also located in Bankside and Borough District Town Centre, Policy P35 (Town and local centres) of the Southwark Plan 2022 states that:

*Development must:*

1. *Ensure main town centre uses including markets, community, civic, leisure and cultural uses are located in town centres and local centres; and*
  2. *Be of a scale and nature that is appropriate to the role and catchment of the centre; and*
  3. *Retain retail floorspace or replace retail floorspace with an alternative use that provides a service to the general public, and would not harm the vitality and viability of the centre; and*
  4. *Not harm the amenity of surrounding occupiers or result in a concentration of uses that harms the vitality, viability and economic growth of the centre; and*
  5. *Provide an active use at ground floor in locations with high footfall.*
42. The proposal will result in the amalgamation of Unit 6 & 7 to provide an appropriate leisure and entertainment use within a town centre location. Unit 7 is currently vacant and therefore it would further bring a currently non utilised space into use. The comedy club would provide an active use throughout the day and into the evening, activating the frontage and current ground floor units within the key pedestrian route through the South Bank development.
43. Overall, taking into account the location within the Central Activities Zone, Bankside and Borough District Town Centre and the South Bank Cultural Quarter, the proposed use as a comedy club in this location is considered acceptable and in accordance with the Southwark Plan (2022) and the London Plan (2021) policies which seek to promote leisure, art, cultural and entertainment facilities. It is noted that there are residential properties within the vicinity of the application site, this is assessed in subsequent sections of this report.

## Design quality

44. No external alterations are proposed as a result of this change of use planning application. The proposal comprises the amalgamation of Units 6 and 7, with internal changes proposed to utilise the venue as a comedy club.
45. The proposed development does include the creation of a small area of outdoor seating to the front of the proposed units. No structure is proposed, this just includes the provision of outdoor furniture within the area to the front of the unit. Temporary café style railings would be used to cordon off this area from the main walkway. This includes 11 tables of varying sizes and the associated seating. This is not considered to be at odds with the immediately surrounding vicinity, with a similar offering provided in front of Black Sheep Coffee and Honi Poke. The proposed development is compliant with Policy P13 and P14 (Design of places) of the Southwark Plan (2022).

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

46. Policy P56 (Protection of Amenity) of the Southwark Plan 2022 states that:

1. *Development should not be permitted when it causes an unacceptable loss of amenity to present or future occupiers or users. Amenity considerations that will be taken into account include:*

- *The privacy and outlook of occupiers of both existing and proposed homes*
- *Actual or sense of overlooking or enclosure*
- *Impacts of smell, noise, vibration, lighting or other nuisances*
- *Daylight, sunlight, and impacts from wind and on microclimate*
- *Residential layout, context and design*

47. Policy D13 (Agent of Change) of the London Plan 2021 states that:

- a) *The Agent of Change principle places the responsibility for mitigating impacts from existing noise and other nuisance-generating activities or uses on the proposed new noise-sensitive development. Boroughs should ensure that Development Plans and planning decisions reflect the Agent of Change principle and take account of existing noise and other nuisance-generating uses in a sensitive manner when new development is proposed nearby.*
- b) *Development should be designed to ensure that established noise and other nuisance-generating uses remain viable and can continue or grow without unreasonable restrictions being placed on them.*
- c) *New noise and other nuisance-generating development proposed close to residential and other noise-sensitive uses should put in place measures to mitigate and manage any noise impacts for neighbouring residents and businesses.*

d) *Development proposals should manage noise and other potential nuisances*

by:

- *Ensuring good design mitigates and minimises existing and potential nuisances generated by existing uses and activities located in the area*
- *Exploring mitigation measures early in the design stage, with necessary and appropriate provisions including ongoing and future management of mitigation measures secured through planning obligations*
- *Separating new noise-sensitive development where possible from existing noise-generating businesses and uses through distance, screening, internal layout, sound-proofing, insulation and other acoustic design measures.*

e) *Boroughs should not normally permit development proposals that have not clearly demonstrated how noise and other nuisances will be mitigated and managed.*

48. The proposed development would introduce a use into two units that are currently underutilised within the South Bank development. As such, it is acknowledged that the opening of a comedy club within this space would result in an increase in overall activity resulting in more people transiting in and out of the area to use the proposed facility.
49. The proposal is for a change of use to Sui Generis, the South Bank Central development was designed to support commercial units on the ground floor and office and residential uses above to ensure no loss of amenity for residential occupiers. It is acknowledged however that 79 letters of objection have been received from neighbouring residents, mostly located within the Rennie Court and River Court developments along Upper Ground. A small number of comments have also been received from residents living within the South Bank Tower.
50. The majority of objections received by residents relate to the potential increase for anti-social behaviour, litter, crime, noise and disturbance after closing time due to the pedestrian route and the use of the smoking area. These are discussed in relevant sections below.

## **Rennie Court**

51. Rennie Court is located to the east of Units 6 & 7, accommodating 99 residential flats within a T-shaped block bounded by Upper Ground to the north and Rennie Court to the east. 49 letters of objection were received from the residents of Rennie Court. The western elevation of Rennie Court is visible when positioned to the end of pedestrianised walkway linking Upper Ground and Stamford Street. The proposal is contained to the ground floor units and the outdoor area to the front and side of the units. The terraced area at first floor level above Units 6 and 7 is not included in this application or proposed to be used as part of the comedy club. It is acknowledged that at present there is limited evening activity within the

South Bank Development due to the vacant units, however it was intended for these units to be utilised to open up the space and create an identifiable place.

52. An assessment of previous planning applications in Rennie Court for flats 1 and 4 indicates that the windows on the western elevation of Rennie Court serve a secondary window in a reception room (Flat 4) and a hallway (Flat 1). These windows face onto the back of Units 6 and 7 and are visible when exiting the walkway onto Upper Ground. There are no balconies on the western elevation of Rennie Court.

### **River Court**

53. River Court is located to the east of Sea Containers along Upper Ground with Blackfriars Road to the east of the site. River Court accommodates 87 residential units and 18 letters of objection were received from this residential block. River Court is positioned approximately 150-200m away from the entrance of Units 6 & 7 and is therefore a considerable distance away from the proposal. It is acknowledged that there may be an increase in people utilising Upper Ground during the evening to access the venue, however given the prime location between Blackfriars and Waterloo it is not expected to give rise to over and above what would be expected within this area of London during the evening.

### **South Bank Tower**

54. South Bank Tower is located opposite the application site to the west, with residential access to the units gained from Hatfields. The first 10 floors of the South Bank Tower are for office use, with floors 11 and above for residential use. There are 191 residential units contained within the South Bank Tower and 6 letters of objection were received. It is not considered that the provision of a comedy club on the ground floor units of the adjacent office blocks to give rise to a level of disturbance to the occupiers of the tower that would be considered unacceptable within this location.
55. The proposed development results in no external extensions or alterations and as such there would be no adverse impacts in terms of loss of light, loss of privacy or overbearing impact as a result of the proposed development. The main impact to be considered in terms of residential amenity relate to noise and disturbance, which is considered below.

### **Noise and vibration**

56. Policy D14 (Noise) of the London Plan 2021 states that:

A) In order to reduce, manage and mitigate noise to improve health and quality of life, residential and other non-aviation development proposals should manage noise by:

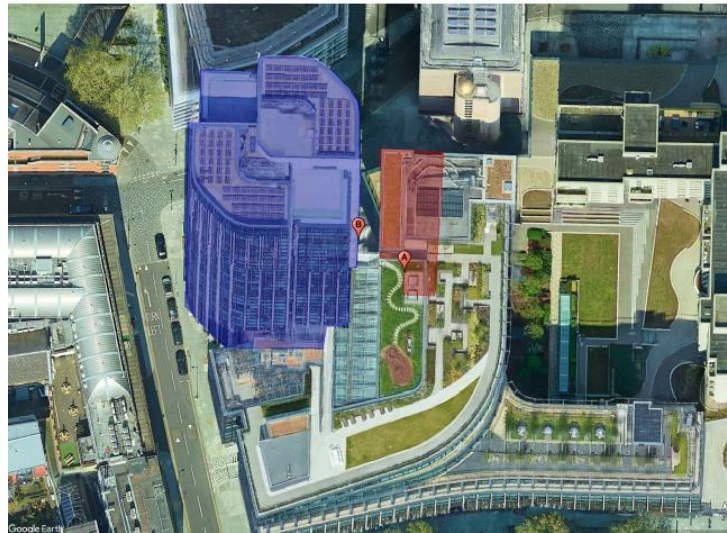
- Avoiding significant adverse noise impacts on health and quality of life
- Reflecting the Agent of Change principle as set out in Policy D13 Agent of change
- Mitigating and minimising the existing and potential adverse impacts of



noise on, from, within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on existing noise-generating uses

- Improving and enhancing the acoustic environment and promoting appropriate soundscapes (including Quiet Areas and spaces of relative tranquillity).

57. The applicant has submitted an Environmental Noise Survey report by SANDY BROWN Consultants in Acoustics, Noise & Vibration, dated 10 January 2023 (ref: 22517-R01-C) for Units 6 & 7, South Bank Central, London. This has been reviewed by the Council's Environmental Protection Team.
58. An Environmental noise survey was carried out to determine the existing sound levels in the area. The noise survey was carried out between 10:42 on 11 November and 10:34 on 16 November 2022. The measurement locations used during the survey are shown below and can be identified by 'A' and 'B'.



59. Location 'A' was within the Level 10 roof garden and Location 'B' was located on a balcony at second floor level overlooking Units 6 & 7. Images of these locations are provided within the noise survey report.
60. Measurements were taken at Location 'A' between 10:42 on 11 November 2022 and 07:27 on the 14 November 2022. The equipment was moved from the initial location on the rooftop garden (Location 'A') to a balcony on the 2<sup>nd</sup> floor (Location 'B') on between 07:49 on 14<sup>th</sup> November 2022 and 10:34 on 16 November 2022 to provide readings from two appropriate locations within close proximity to the proposed site.
61. The Environmental noise survey report concludes that at Location 'A', which is representative of the nearest noise sensitive façade to Units 6 & 7, the lowest background sound levels were  $LA_{90,5min}$  46 dB during the proposed hours of operation 08:00 – 01:00 hours Thursday to Saturday and 08:00 -00:00 hours Sunday to Wednesday. The data collected in this report is then used to assess entertainment noise break-out from future tenants within Units 6 & 7.

62. The applicant has also submitted an Acoustic Assessment report by SANDY BROWN Consultants in Acoustics, Noise & Vibration, dated 16 December 2022 (ref: 22517-R02-B) for Units 6 & 7, South Bank Central, London.
63. The report outlines that the proposed change of use of Unit 7 to accommodate a comedy venue has the potential to introduce new noise sources into the area, in the form of amplified music and noise from patron ingress/egress and the use of the outdoor seating area.
64. The report outlines that Unit 6 currently operates as a bar with occasional amplified music and an outdoor seating area, which is aligned to the proposed use of Unit 6.
65. Section 2 of the report provides further details of the site context, highlighting the nearest noise sensitive receptor is noted to be located on the east façade of the tower on Level 11, approximately 40m from Unit 7.
66. The Institute of Acoustics (IOA) Good Practice Guide on the Control of Noise from Pubs and Clubs contains criteria for noise from all aspects of entertainment venues, including patrons entering/leaving the venues, stating the following:

*If noise from rowdy behaviour regularly produces LAFmax levels in excess of 70 dB 1 metre outside windows of a noise-sensitive property between 23:00 and 07:00 hours, then this may be an indication that unacceptable disturbance could occur or is occurring.*
67. The report outlines the methods used in section 4.2 to ascertain the noise levels should the change of use be granted permission to allow the comedy club to function.
68. A loudspeaker was used to generate broadband noise at two locations within Unit 7, tests were undertaken with both the doors open and closed. Measurements were taken from the eastern façade balcony on Level 2 of South Bank Tower and the external walkway between Southbank Tower Level 10 and rooftop terrace. The source noise was audible in both locations with the doors open, with a notable reduction in level when doors were closed.
69. A further assessment was undertaken in regards to ingress into the unit, where a worst-case scenario has been undertaken where the typical maximum number of patrons outside the venue at any one time is 80, an average group size is 4 and therefore 20 people would be speaking simultaneously at one time.
70. The report states that the existing ambient noise level measured during the noise survey between 19:00 and 20:00 was LAeq,1h 51 dB. The overall resultant noise level (ambient noise + specific noise) at the nearest receptor would therefore be LAeq 53 dB, which is a 2 dBA increase above the existing background noise level. The overall increase in noise levels at the nearest receptor would be less than 2.9 dBA. Based on the IEMA guidelines set out in Section 3.4, the impact is expected to be negligible with no effect.
71. In regards to an individual noise event such as rowdy behaviour, the assessment

is based on 'loud voices' from Table 4 within the Acoustic Assessment report which outlines the assessed noise level at the window of the nearest noise sensitive receptor is LAFmax 50 dB. This is below the LAFmax 70 dB limit set out in the IOA guidance referenced in Section 3.3 of the above mentioned report.

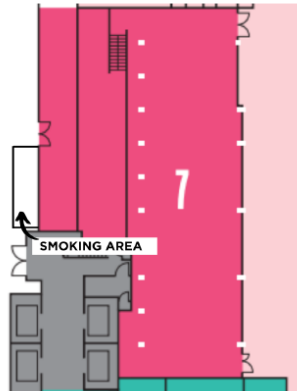
72. In summary the report identifies that the use of the units as a comedy venue would result in an increase in ambient noise level at the nearest reception of 2 dBA. This would result in negligible impact with no effect on the surrounding residential accommodation.
73. The Environmental Protection team at the Council have reviewed both Environmental Noise Survey report by SANDY BROWN Consultants in Acoustics, Noise & Vibration, dated 10 January 2023 (ref: 22517-R01-C) and Acoustic Assessment report by SANDY BROWN Consultants in Acoustics, Noise & Vibration, dated 16<sup>th</sup> December 2022 (ref: 22517-R02-B). They are satisfied that the submitted noise report states that the proposed use will meet the following criteria to ensure that the L<sub>Fmax</sub> sound from amplified and non-amplified music and speech shall not exceed the lowest L<sub>90,5min</sub> 1m from the facade of the nearby residential premises at all third octave bands between 63Hz and 8kHz. This will be secured by condition.
74. In addition to the Environmental Noise Survey report and Acoustic Assessment the applicant submitted a 'Dispersal Policy' which sets out the reasonable steps the premises will undertake to prevent disturbance to residents, services and other business operating in the vicinity of the premises. This was not requested by Officers and was submitted at the start of the application process. It outlines that dispersal shall take place out of the main doors onto the South Bank Central Gallery. Customers will be encouraged to exit south onto Stamford Street as opposed to north onto Upper Ground.
75. Further steps to ensure dispersal of customers does not result in undue noise and disturbance includes the following:
  - Announcements at the end of the evening to encourage patrons to disperse gradually and to leave the area quietly
  - Ensure adequate signage at each exit asking people to leave quietly and not congregate outside
  - Turn up the lower level house lights 30 minutes prior to closing time to indicate to patrons that the venue is in the process of closing

76. The below image taken from the submitted 'Dispersal Policy' document:



77. Officers are satisfied that the proposed managers of Units 6 & 7 are likely to take the above steps to manage the egress and exit of patrons during the evening. In combination with the results of the Acoustic Assessment report, the proposed scheme is considered to be acceptable.
78. Further details have been requested from the applicant in relation to the proposed barrier. These details were received on 27 September 2023. It has been clarified that the partial barrier would include café style railings or crowd barriers to guide exiting patrons to Stamford Street and away from Upper Ground. This would be put in place at approximately 10pm when the outdoor area is closed.
79. However, it is considered reasonable to request additional details in the form of an Event Management Plan, as a pre commencement condition. The plan is not limited to but should include the following details. A scaled site plan indicating the positioning of the partial barrier, photographs of partial barrier to be used and timing of when the barrier will be in position. A detailed, to scale plan of the proposed smoking area, which should not include any seating and should reflect the plan provided in the dispersal policy drawing below. Details on the capacity of this area and how it will be managed should be provided. Officers further consider it reasonable to request details on the use of the doors which will be utilised throughout the evening, particularly after 10pm. The applicant has indicated that the door serving Unit 6 would be used as an entrance and the one serving Unit 7 would be utilised as the exit. However, the applicant has requested that it is important to see how an event space works prior to confirming these details. As such, these details should also be included within the event management plan. The plan should include a detailed overview of how the venue

will operate, how the dispersal of patrons will be managed and the arrangement of the outdoor furniture and its storage after 10pm. Contact details should also be provided, which has been agreed as part of the licensing approval, to ensure residents have a point of contact to raise any concerns once the venue is operating. This has therefore been added as a pre commencement condition.



## Odour

80. The proposal includes the provision of food units within the proposed space, however there is no relevant information with regard to kitchen extraction and odour control submitted with the application. Officers consider that it would be reasonable to request this information by condition once the food vendors have been confirmed within the venue following the grant of planning permission.
81. As such, a pre-commencement condition is recommended to provide full particulars and details of a scheme for the extraction and ventilation of the commercial kitchen shall be submitted to and approved by the Local Planning Authority. The scheme shall include:
- Details of extraction rate and efflux velocity of extracted air
  - Full details of grease, particle and odour abatement plant
  - The location and orientation of the extraction ductwork and discharge terminal
  - A management / servicing plan for maintenance of the extraction system
  - To ensure that fumes and odours from the kitchen do not affect public health or residential amenity. Once approved the scheme shall be implemented in full and permanently maintained thereafter.
82. The proposed development will therefore not cause amenity impacts such as odour, fume or noise nuisance and will not detract from the appearance of the building in accordance with the Southwark Plan 2022 Policy P56 (Protection of amenity); Policy P65 (Improving air quality), and the National Planning Policy Framework 2023.

## Hours of use

83. The opening hours proposed by this application are as follows:
- Sunday to Thursday: 08.00 and 00.00
  - Fridays and Saturdays: 09.00 and 01.00

The existing hours of use were conditioned under 15/AP/2511:

**Condition 19: Hours of use**

- i. The Class A3 and Class A4 uses hereby permitted shall not be carried on outside of the hours of 0800 hours to 2300 hours Monday to Saturdays, and between 0900 hours and 2230 hours on Sundays.
- ii. The Class A1 and A2 uses hereby permitted shall not be carried on outside of the hours 0600 hours to 2400 hours Monday to Saturdays, and between 0800 and 2300 hours on Sundays.

As such the hours of use of the units are:

- Sunday: 09:00 and 22:30
- Monday to Saturday: 08:00 and 23:00

84. The application site is within the South Bank Strategic Cultural Quarter, occupying a prominent position on the pedestrianised thoroughway between Stamford Street and Upper Ground, where uses such as a comedy club are encouraged to ensure a vibrant evening economy is maintained.
85. Within the immediately surrounding vicinity there are similar premises, The Thirsty Bear and Fountain Ink. It is acknowledged that the hours of opening are considered agreeable and in line with these neighbouring existing licensed premises.
86. It is also important to note that Unit 6 operates as 'Beer Hawk' serving alcohol and as well as the Sea Containers Hotel which comprises two bars and a restaurant within the facility.
87. The Environmental Protection team has requested that the external area is to be closed for use by 10pm. It is acknowledged that this is confirmed by the planning statement however should also be conditioned. This is in line with other external areas and commercial terraces in the local area.
88. Officers have discussed with the applicant the potential for reducing the opening hours by one hour to 23:00 Sunday to Thursday and 00:00 Fridays and Saturdays.
89. The applicant has confirmed that the opening hours proposed have been carefully considered to ensure the future viability of the venue. The comedy venue would need to be able to run several events on Fridays and Saturdays to be viable. This would also allow for flexibility to accommodate smaller comedians, WIP shows, podcasts, tour shows and comedy sketch groups alongside the regular mixed bull events, enhancing the cultural offer and making the venue more commercially viable.
90. The applicant has further confirmed that the venue are looking to run 3 - 5 shows on the Saturday and 2 - 3 on the Friday as evening shows are the most popular. These shows would have start times ranging from around 6pm to 11.30pm on Friday and 4pm to 11.30pm on Saturday, with show lengths ranging between 1

– 2.5 hours.

91. The opening hours also accommodate patrons being able to utilise the food offerings and have a drink post-performance which in turn will accommodate a staggered exit of patrons and allows a more gradual and relaxed dispersal.
92. The hours of use have been reviewed by the Environmental Protection team who are satisfied that these are reasonable given the location of the proposed development which are in line with the surrounding uses.

## **Conclusion**

93. It is acknowledged that the residents in the surrounding residential accommodation, mostly Rennie Court and River Court, are concerned over the potential for noise and disturbance due to the provision of a comedy club. However, Officers are satisfied that the proposed location of the comedy club is appropriate and are in agreement with the views of the environmental protection team that the proposed development would not give rise to substantial harm in terms of noise and disturbance to warrant the refusal of the scheme.
94. A review of the submitted noise reports and the surrounding licensed premises by the council's environmental protection team have recommended conditions to ensure the proposed development is appropriate in terms of noise and disturbance.
95. Subject to control of the hours of use, use of external areas after 10pm and noise not exceeding certain limits, the proposal is not considered to materially impact on the amenity of adjoining occupiers. As such, the proposed development is in accordance with Policy P56 (Protection of amenity) of the Southwark Plan (2022).

## **Transport and highways**

96. The applicant has submitted a Transport Statement by ARUP dated 18 January 2023 which reviews the Cycle Parking Provision, Proposed Activity and Delivery & Servicing Strategy.
97. The application site has a PTAL rating of 6b, the best possible access level to public transportation services. For example, the site location is in close proximity to Waterloo Station (0.6 miles – 12 minute walk), Southwark Station (0.4 miles – 8 minute walk), Waterloo East Station (0.4 miles – 9 minute walk) and Blackfriars Station (0.5 miles – 11 minutes). Bus stop 'Kings Reach Building' offers bus routes N343 and N381 and is located next to the pedestrianised walkway on Stamford Street.
98. The proposed development has been reviewed by Southwark's Transport Policy team who have reviewed the submitted Transport Statement by ARUP dated 18 January 2023.

### Trip generation

99. The Transport Statement concludes in Table 3 of the report that the majority of trips are made by public transport including underground, rail and bus. The site has an excellent public transport accessibility level (PTAL) of 6b with convenient access to the multiple routes and frequent services available from Southwark Station (Jubilee Line), Waterloo East Station (Rail) and Waterloo Station (Rail, Bakerloo Line, Jubilee Line, Northern Line, Waterloo and City Line). The forecast public transport trips are expected to be across a range of destinations and therefore would be distributed on all directions and routes. It is also noted that the above forecast does not account for a proportion of visitors being already in the area as local employees and therefore not a new trip on the network. When considered in this context, the additional trips attracted would not have a significant impact on any individual route or service.
100. The Transport Policy team have raised no objection to the proposed change of use when taking into account the increase in floor space which would result in an increase in number of trips to this unit.
101. It is acknowledged that surrounding residential occupiers have raised concerns over the use of the Ubers and taxis once the comedy club closes. It is noted that the Sea Containers Hotel is positioned to the north of the venue where taxis are utilised for the guests of the hotel and visitors to the establishment.
102. However, as assessed within the trip generation section of the submitted Transport Assessment there are numerous different modes of transport available to all users of the comedy club and the use of these Units as a comedy club would not have any significant impact on any individual route or service. Officers are therefore satisfied the proposed development is appropriate.

### Cycle parking

103. Policy P57 (Cycling) outlines the expected cycle parking requirements of certain developments. These are outlined below:

<b>Land Use</b>	<b>Cycle parking standards minimum: Long Stay</b>	<b>Cycle parking standards minimum: Visitor/ short stay</b>
Financial and professional services, restaurants, cafes, drinking establishment and hot food takeaways	1 space per 175 m <sup>2</sup> GEA. Minimum of 2 spaces.	1 space per 20 m <sup>2</sup> GEA. Minimum of 2 visitor spaces.

104. The combined units would have a of GEA of 513sq.m. The Transport Team have requested five Sheffield stands are to be provided for visitors to this property, within the private realm to the Upper Ground side of the Southbank Central site.
105. 446 Cycle parking spaces have been installed in accordance with the extant



planning permission. This provision includes 222 residential spaces, 164 spaces for staff and 60 spaces on-street for use by visitors.

106. The additional 5 Sheffield stands requested by the Transport Policy team would not be possible within the red line of the planning application and have further been proposed towards the Upper Ground side of the South Bank Central development, thus encouraging people exiting the venue to utilise this access route as opposed to north onto Stamford Street.
107. Taking into account the existing cycle parking within the public realm which was implemented on the overall South Bank Central development permission, that incorporated Units 6 and 7 into the assessment of cycle parking. It is considered that in this instance Officers will not be requesting the additional cycle parking via condition and are satisfied with the cycle parking provision within the public realm.

### Car parking

108. The proposed development is in PTAL 6b and therefore is a car free development. This is welcomed and in line with Policy P54 (Car Parking) of the Southwark Plan 2022.

### Servicing

109. The 2011 assessment (planning ref. 11/AP/1071) applied the following vehicle trip rates for delivery and servicing activity:
  - 0.2 vehicles per 100sqm GEA for office space
  - 0.59 vehicles per 100sqm GEA for retail space
  - 0.25 vehicles per 100sqm GEA for entertainment space; and
  - 0.07 vehicles per 100sqm for residential development.
110. The 2018 application (planning ref. 18/AP/2480) concluded that the change of use within Unit 7 would not affect the daily activity forecast (two vehicles per day).
111. The proposed change of use within Units 6 & 7 is not expected to alter the number, timing or duration of activity forecast compared to the use of the space for retail as originally envisaged under 11/AP/1071. A total of three vehicles per day is forecast across Units 6 & 7.
112. The South Bank Central site is serviced from area at ground floor level with access and egress via upper ground. An application to discharge Condition 16 of planning application 11/AP/1071 to provide a Delivery and Servicing Plan (DSMP) was granted consent in 2021 (ref: 12/AP/2353). This application outlines how the serving area would operate to maintain all servicing activities within the site.
113. As the proposed change in land-use will not affect the forecast activity, the layout of the servicing area or transfer routes to the units compared to the 2018

permission, the delivery and servicing facilities and access strategy remain unchanged. As such no conditions relating to delivery and servicing management plan is required as it has been discharged under the wider South Bank development scheme.

### **Energy and sustainability**

114. Policy P69 (Sustainability standards) of the Southwark Plan 2022 sets out a change of use of non-residential floorspace over 500sqm should achieve a BREEAM rating of “excellent” and should reduce the risk of overheating, taking into account climate change predictions over the life time of the building, in accordance with prioritised measures set out in the cooling hierarchy of the policy.
115. Given the internal floor space of this application of 500 sq.m, this would not apply for this application.

### **Flood risk and drainage**

116. The application site is located within Flood Zone 3, the applicant has submitted a Flood Risk assessment with the application which has been reviewed by the environment agency. They have raised no objection to the application. The proposed development would be a compatible ‘less vulnerable use’ therefore the proposal is in accordance with Policy P68 (Reducing Flood Risk) of the Southwark Plan (2022) and Policy S112 (Flood Risk Management) of the London Plan (2021).

### **Fire safety**

117. Policy D12 (A) of the London Plan (2021) requires that all development must submit a planning fire safety strategy. The fire safety strategy should address criteria outlined in Policy D12 (A).
118. A Fire Strategy Report has been provided by London Fire Associates dated 19 December 2022 (ref: TFC/19/10). The document has been prepared by Orrin Justin a member of the Institution of Fire Engineers and prepared for Big Belly Entertainment. The strategy includes means of giving warning and escape, internal fire spread, external fire spread, access and provision for firefighting and management.
119. A high level summary is provided on page 18 of the Fire Safety Strategy document which includes the following fire protection measures:
- Evacuation strategy
  - Fire alarm system
  - Sprinkler system
  - Portable fire appliances
  - Emergency lighting
  - Fire doors
  - Dry riser main
  - Internal fire spread

120. Paragraph 3.12.9 of Policy D12 explains that Fire Statements should be produced by someone who is “third-party independent and suitably-qualified”. The council considers this to be a qualified engineer with relevant experience in fire safety, such as a chartered engineer registered with the Engineering Council by the Institution of Fire Engineers, or a suitably qualified and competent professional with the demonstrable experience to address the complexity of the design being proposed. This should be evidenced in the fire statement. The council accepts Fire Statements in good faith on that basis. The duty to identify fire risks and hazards in premises and to take appropriate action lies solely with the developer.
121. A Fire Statement or Reasonable Exemption Statement has been provided for this proposal. The statement covers matters required by planning policy. This is in no way a professional technical assessment of the fire risks presented by the development.
122. It is noted that neighbours have raised concerns in regards to the outdoor smoking area and the surrounding foliage within the immediate vicinity. It is considered unlikely that this will give rise to a fire standard.

### **Community engagement**

123. The applicant has confirmed that Big Belly initially met with the local residents representative on 10 May 2023 to discuss the proposals following submission of the planning and licensing applications. Following this, on 25 May 2023, Big Belly met with Local Councillors and 13 local residents to discuss the proposed licence, Dispersal Policy and Acoustic Report, listen to concerns and answer questions about the proposed operations.

### **Consultation responses from internal and divisional consultees**

124. Summarised below are the material planning considerations raised by internal and divisional consultees.
125. Environmental Protection Team:
- No objection subject to compliance condition in regards to noise and details of fumes, which is to be conditioned as recommended.

Officer Comment: Agreed

126. Transport Team:
- No objection, on the basis that 5 Sheffield stands are provided for visitors to this property, within the private realm to the Upper Ground side of the Southbank Central site. This is to mitigate an increase in trips to this unit due to the increase in floorspace and change of use.

Officer Comment: Noted but not added as a condition. Explanation provided in

paragraph 98.

## **Consultation responses from external consultees**

127. Summarised below are the material planning considerations raised by external consultees, along with the officer's response.

128. Environment Agency:

- No objection

Officer Comment: Noted

129. These matters are addressed comprehensively in the relevant preceding parts of this report.

## **Community impact statement / Equalities assessment**

130. The council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights

131. The council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application.

132. The Public Sector Equality Duty (PSED) contained in Section 149 (1) of the Equality Act 2010 imposes a duty on public authorities to have, in the exercise of their functions, due regard to three "needs" which are central to the aims of the Act:

1. The need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
2. The need to advance equality of opportunity between persons sharing a relevant protected characteristic and persons who do not share it. This involves having due regard to the need to:
  - Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
  - Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
  - Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low
3. The need to foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to tackle prejudice and promote understanding.

133. The protected characteristics are: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership.

### **Human rights implications**

134. This planning application engages certain human rights under the Human Rights Act 1998 (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.
135. This application has the legitimate aim of providing a comedy club. 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.

### **Positive and proactive statement**

136. The council has published its development plan 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.
137. The council provides a pre-application advice service that is available to all applicants in order to assist applicants in formulating proposals that are in accordance with the development plan and core strategy and submissions that are in accordance with the application requirements.

### **Positive and proactive engagement: summary table**

138.	Was the pre-application service used for this application?	YES
	If the pre-application service was used for this application, was the advice given followed?	YES
	Was the application validated promptly?	YES
	If necessary/appropriate, did the case officer seek amendments to the scheme to improve its prospects of achieving approval?	NO
	To help secure a timely decision, did the case officer submit their recommendation in advance the statutory determination date?	YES

### **CONCLUSION**

139. The proposal is not considered to materially harm the amenity of adjoining occupiers, the mezzanine floor will not impact on the external appearance of the building. The proposal will result in a vacant unit being occupied and providing a tourist attraction and providing additional footfall which will benefit other commercial occupiers in the area.

140. 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 report which confirms there will be no effect on the surrounding residential accommodation.
141. Subject to conditions, the proposal is considered to be acceptable. It is therefore recommended that planning permission be granted.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP 1234-E2 Application file: 23/AP/0351 Southwark Local Development Framework and Development Plan Documents	Environment, Neighbourhoods & Growth Department 160 Tooley Street London SE1 2QH	Planning enquiries: 020 7525 0254 planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 0254 Council website: www.southwark.gov.uk

## APPENDICES

No.	Title
Appendix 1	Recommendation (draft decision notice)
Appendix 2	Relevant planning policy
Appendix 3	Planning history of the site and nearby sites
Appendix 4	Consultation undertaken
Appendix 5	Consultation responses received

**AUDIT TRAIL**

<b>Lead Officer</b>	Steve Platts, Director of Planning and Growth	
<b>Report Author</b>	Lara Davison, Senior Planning Officer	
<b>Version</b>	Final	
<b>Dated</b>	5 October 2023	
<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	No	No
Strategic Director of Environment, Neighbourhoods and Growth	No	No
Strategic Director of Housing	No	No
<b>Date final report sent to Constitutional Team</b>		6 October 2023

**APPENDIX 1****Recommendation**

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>	See Company Name SOF-11 SBC PropCo Sarl	<b>Reg. Number</b>	23/AP/0351
<b>Application Type</b>	Change of Use		
<b>Recommendation</b>	GRANT permission	<b>Case Number</b>	1234-E2

**Draft of Decision Notice**

**Planning permission is GRANTED for the following development:**

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

Units 6 And 7 Vivo Building 30 Stamford Street London

**In accordance with application received on 8 February 2023 and Applicant's Drawing Nos.:**

Location Plan 0168186-U6\_7-L - Site Location Plan rev A received 13/02/2023

**Existing Plans**

Plans - Existing 0168186-U6\_7 - Lease Plan - Existing rev A received 13/02/2023

**Proposed Plans**

Plans - Proposed 0168186-U6\_7-P - Proposed Plan rev A received 13/02/2023



Plans - Proposed OS22/BB002/02.1 - Ground Floor rev G received 08/02/2023

Plans - Proposed OS22/BB002/02.2 - Raised Ground Floor and Mezzanine Plan rev G received 08/02/2023

### **Other Documents**

Document Planning Statement for Units 6 & 7 by CBRE received 08/02/2023

Document Transport Statement by ARUP received 08/02/2023

Document Flood Risk Assessment by CBRE received 08/02/2023

Document Environmental Noise Survey report by SANDY BROWN Consultants in Acoustics, Noise & Vibration received 08/02/2023

Document Acoustic Assessment report by SANDY BROWN Consultants in Acoustics, Noise & Vibration received 08/02/2023

Document Big Belly Dispersal Policy received 08/02/2023

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

2. The development hereby permitted shall be begun before the end of three years from the date of this permission.

Reason:

As required by Section 91 of the Town and Country Planning Act 1990 as amended.

### **Permission is subject to the following Pre-Commencements Condition(s)**

3. Prior to the commencement of use, full particulars and details of a scheme for the extraction and ventilation of the commercial kitchen shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

-Details of extraction rate and efflux velocity of extracted air

-Full details of grease, particle and odour abatement plant

-The location and orientation of the extraction ductwork and discharge terminal

-A management servicing plan for maintenance of the extraction system

-Once approved the scheme shall be implemented in full and permanently maintained thereafter.

Reason:

In order to ensure that any installed ventilation, ducting and ancillary equipment in the interests of amenity will not cause amenity impacts such as odour, fume or noise nuisance and will not detract from the appearance of the building in accordance with the Southwark Plan 2022 Policy P56 (Protection of amenity); Policy P65 (Improving air quality), and the National Planning Policy Framework 2023.

4. Before the use commences, an event management plan, shall be submitted to and approved in writing by the Local Planning Authority.

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).

**Permission is subject to the following Compliance Condition(s)**

5. A scheme of sound insulation shall be installed to ensure that the LFmax sound from amplified and non-amplified music and speech shall not exceed the lowest L90,-5min -1m from the facade of the nearby residential premises at all third octave bands between 63Hz and 8kHz.

Reason:

To ensure that the occupiers and users of the proposed development do not suffer a loss of amenity by reason of noise nuisance and other excess noise from activities associated with non-residential premises in accordance with the Southwark Plan 2022 Policy P56 (Protection of amenity); Policy P66 (Reducing noise pollution and enhancing soundscapes), and the National Planning Policy Framework 2023.

6. The external seating area as shown on 'Proposed plan no. OS22/BB002/02.1 - Ground Floor rev G' shall be closed for use by 10pm.

Reason:

To ensure that nearby occupiers do not suffer a loss of amenity by reason of noise nuisance from the use of the external area from excess noise from activities associated with the area in accordance with the Southwark Plan 2022 Policy P56 (Protection of amenity); Policy P66 (Reducing noise pollution and enhancing soundscapes), and the National Planning Policy Framework 2023.

7. The use hereby permitted shall not be carried on outside of the hours of: 08.00 and 00.00 on Sundays to Thursdays and 09.00 and 01.00 Fridays to Saturdays.

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).

## **Informatives**

- 1 Paragraph 3.12.9 of Policy D12 explains that Fire Statements should be produced by someone who is:

"third-party independent and suitably-qualified" The Council considers this to be a qualified engineer with relevant experience in fire safety, such as a chartered engineer registered with the Engineering Council by the Institution of Fire Engineers, or a suitably qualified and competent professional with the demonstrable experience to address the complexity of the design being proposed. This should be evidenced in the fire statement. The Council accepts Fire Statements in good faith on that basis. The duty to identify fire risks and hazards in premises and to take appropriate action lies solely with the developer.

The fire risk assessment/statement covers matters required by planning policy. This is in no way a professional technical assessment of the fire risks presented by the development. The legal responsibility and liability lies with the 'responsible person'. The responsible person being the person who prepares the fire risk assessment/statement not planning officers who make planning decisions.

## APPENDIX 2

### Relevant Planning Policies

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

The revised National Planning Policy Framework ('NPPF') was published in September 2023 which sets out the national planning policy and how this needs to be applied. The NPPF focuses on sustainable development with three key objectives: economic, social and environmental.

Paragraph 218 states that the policies in the Framework are material considerations which should be taken into account in dealing with applications.

The relevant chapters from the Framework are:

- Chapter 7 Ensuring the vitality of town centres
- Chapter 12 Achieving well-designed places
- Chapter 14 Meeting the challenge of climate change, flooding and coastal change

#### The London Plan 2021

On 2 March 2021, the Mayor of London published the London Plan 2021. The spatial development strategy sets a strategic framework for planning in Greater London and forms part of the statutory Development Plan for Greater London. The relevant policies are:

- Policy SD1 Opportunity Areas
- Policy SD4 The Central Activities Zone (CAZ)
- Policy SD6 Town centres and high streets
- Policy D12 Fire safety
- Policy D14 Noise
- Policy E9 Retail, markets and hot food takeaways
- Policy HC6 Supporting the night-time economy
- Policy T4 Assessing and mitigating transport impacts
- Policy T5 Cycling

#### Southwark Plan 2022

The Southwark Plan 2022 was adopted on 23 February 2022. The plan provides strategic policies, development management policies, area visions and site allocations which set out the strategy for managing growth and development across the borough from 2019 to 2036. The relevant policies are:

- P13 Design of places
- P14 Design Quality
- P35 Town and local centres
- P37 Protected shopping frontages
- P38 Shops outside protected shopping frontages, town and local centres
- P46 Leisure, arts and culture

- P50 Highways impacts
- P53 Cycling
- P56 Protection of amenity
- P70 Energy

**APPENDIX 3****Relevant planning history of the site and nearby sites**

<b>Reference and Proposal</b>	<b>Status</b>
18/AP/2480 Change of use from A3/A4 (restaurant and drinking establishment) use to A3 and D2 use (entertainment and leisure use with restaurant facilities) .	Granted 12/12/2018

**APPENDIX 4****Consultation undertaken****Site notice date:** 02/05/2023**Press notice date:** n/a.**Case officer site visit date:** 09/08/2022 & 21/09/2023**Neighbour consultation letters sent:** 22/08/2023**Internal services consulted**

Environmental Protection

Transport Policy

**Statutory and non-statutory organisations**

Transport for London

Environment Agency

**Neighbour and local groups consulted:**

Sixth Floor Vivo Building 30 Stamford Street

Unit 1 The Gallery Tower Stamford Street London

Fifth Floor Vivo Building 30 Stamford Street

Apartment 1109 55 Upper Ground London

Forth Floor Vivo Building 30 Stamford Street

Fifth Floor South Wing Sea Containers House 18 Upper Ground

Third Floor Vivo Building 30 Stamford Street

Flat 88 Rennie Court 11 Upper Ground

Flat 83 Rennie Court 11 Upper Ground

Second Floor Vivo Building 30 Stamford Street

Flat 80 Rennie Court 11 Upper Ground

First Floor Vivo Building 30 Stamford Street

Flat 65 Rennie Court 11 Upper Ground

Flat 48 Rennie Court 11 Upper Ground

Eighth Floor Vivo Building 30 Stamford Street

Flat 40 Rennie Court 11 Upper Ground

Flat 39 Rennie Court 11 Upper Ground

Flat 19 Rennie Court 11 Upper Ground	Flat 33 Rennie Court 11 Upper Ground
Apartment 1003 55 Upper Ground London	Flat 14 Rennie Court 11 Upper Ground
Apartment 4001 55 Upper Ground London	Apartment 2406 55 Upper Ground London
Apartment 3205 55 Upper Ground London	Flat 95 Rennie Court 11 Upper Ground
Apartment 3104 55 Upper Ground London	Flat 81 Rennie Court 11 Upper Ground
Apartment 3004 55 Upper Ground London	Flat 68 Rennie Court 11 Upper Ground
Apartment 2903 55 Upper Ground London	Flat 10 Rennie Court 11 Upper Ground
Apartment 2706 55 Upper Ground London	Ground Floor East Wing Sea Containers House 18 Upper Ground
Apartment 2701 55 Upper Ground London	Apartment 2603 55 Upper Ground London
Apartment 1910 55 Upper Ground London	Apartment 2204 55 Upper Ground London
Apartment 1804 55 Upper Ground London	Apartment 2201 55 Upper Ground London
Apartment 1703 55 Upper Ground London	Apartment 1310 55 Upper Ground London
Apartment 1610 55 Upper Ground London	Flat 72 Rennie Court 11 Upper Ground
Apartment 1601 55 Upper Ground London	Apartment 1207 55 Upper Ground London
Apartment 1504 55 Upper Ground London	Apartment 3405 55 Upper Ground London
Apartment 1501 55 Upper Ground London	Flat 96 Rennie Court 11 Upper Ground
Apartment 1406 55 Upper Ground London	Flat 46 Rennie Court 11 Upper Ground
20 Stamford Street London Southwark	Flat 36 Rennie Court 11 Upper Ground
Apartment 1401 55 Upper Ground London	Flat 29 Rennie Court 11 Upper Ground
Eleventh Floor South Wing Sea Containers House 18 Upper Ground	Flat 16 Rennie Court 11 Upper Ground
	Apartment 3901 55 Upper Ground London
	Apartment 3101 55 Upper Ground London
	Apartment 3002 55 Upper Ground London
	Apartment 2704 55 Upper Ground London



Apartment 2605 55 Upper Ground  
London

Apartment 2604 55 Upper Ground  
London

Apartment 2601 55 Upper Ground  
London

Apartment 2403 55 Upper Ground  
London

Apartment 2205 55 Upper Ground  
London

Apartment 2203 55 Upper Ground  
London

Apartment 1904 55 Upper Ground  
London

Apartment 1506 55 Upper Ground  
London

Apartment 1407 55 Upper Ground  
London

22 Stamford Street London Southwark

5 Reach Walk London Southwark

2 Reach Walk London Southwark

Apartment 3201 55 Upper Ground  
London

Apartment 3206 55 Upper Ground  
London

Flat 27 Rennie Court 11 Upper Ground

Flat 84 Rennie Court 11 Upper Ground

Flat 12 Rennie Court 11 Upper Ground

Apartment 2904 55 Upper Ground  
London

Apartment 2801 55 Upper Ground  
London

Apartment 2404 55 Upper Ground  
London

Apartment 2102 55 Upper Ground  
London

Apartment 1302 55 Upper Ground  
London

Apartment 3802 55 Upper Ground  
London

Apartment 1704 55 Upper Ground  
London

Eight Floor Sea Containers House 18  
Upper Ground

Flat 94 Rennie Court 11 Upper Ground

Flat 82 Rennie Court 11 Upper Ground

Flat 75 Rennie Court 11 Upper Ground

Flat 70 Rennie Court 11 Upper Ground

Flat 63 Rennie Court 11 Upper Ground

Flat 7 Rennie Court 11 Upper Ground

Flat 28 Rennie Court 11 Upper Ground

Flat 20 Rennie Court 11 Upper Ground

Apartment 3603 55 Upper Ground  
London

Apartment 3202 55 Upper Ground  
London

Apartment 3005 55 Upper Ground  
London

Apartment 2306 55 Upper Ground  
London

Apartment 2303 55 Upper Ground  
London

Ground Floor New Kings Beam House  
22 Upper Ground

Apartment 1908 55 Upper Ground  
London

Apartment 1807 55 Upper Ground  
London

Apartment 1803 55 Upper Ground  
London

Apartment 1708 55 Upper Ground  
London

Apartment 1509 55 Upper Ground  
London

Apartment 1203 55 Upper Ground  
London

Second Floor Left South Wing Sea  
Containers House 18 Upper Ground  
31 Rennie Street London Southwark

Apartment 1404 55 Upper Ground  
London

26 Stamford Street London Southwark

20 Upper Ground London Southwark

Unit 10A 22 Stamford Street London

Apartment 1809 55 Upper Ground  
London

Apartment 3102 55 Upper Ground  
London

Flat 74 Rennie Court 11 Upper Ground

Flat 58 Rennie Court 11 Upper Ground

Flat 41 Rennie Court 11 Upper Ground

Apartment 2405 55 Upper Ground  
London

Apartment 2103 55 Upper Ground  
London

Apartment 1602 55 Upper Ground  
London

Flat 44 Rennie Court 11 Upper Ground

Flat 87 Rennie Court 11 Upper Ground

Flat 25 Rennie Court 11 Upper Ground

Third Floor South Wing Sea Containers  
House 18 Upper Ground

Second Floor South Wing Sea  
Containers House 18 Upper Ground

Unit 5 New Kings Beam House 22 Upper  
Ground

Basement Third To Seventh And  
Eleventh Floors Floors New Kings Beam  
House 22 Upper Ground

Apartment 1408 55 Upper Ground  
London

Apartment 1405 55 Upper Ground  
London

Apartment 1204 55 Upper Ground  
London

Apartment 3403 55 Upper Ground  
London

South Wing Eleventh Floor Left Sea  
Containers House 18 Upper Ground

Flat 93 Rennie Court 11 Upper Ground

Flat 77 Rennie Court 11 Upper Ground

Flat 55 Rennie Court 11 Upper Ground

Apartment 3702 55 Upper Ground  
London

Apartment 3401 55 Upper Ground  
London

Apartment 1108 55 Upper Ground  
London

Apartment 1105 55 Upper Ground  
London

Apartment 2402 55 Upper Ground  
London

Apartment 2001 55 Upper Ground  
London

Apartment 1907 55 Upper Ground  
London

Apartment 1905 55 Upper Ground  
London

Twelfth To Fourteenth Floors West Wing  
Sea Containers House 18 Upper Ground

Apartment 1709 55 Upper Ground  
London

Apartment 1303 55 Upper Ground  
London

Apartment 1202 55 Upper Ground  
London

5 Hatfields London Southwark

6 Reach Walk London Southwark

Apartment 2602 55 Upper Ground  
London

Apartment 1507 55 Upper Ground  
London

Apartment 2803 55 Upper Ground  
London

Flat 91 Rennie Court 11 Upper Ground

Flat 62 Rennie Court 11 Upper Ground

Flat 37 Rennie Court 11 Upper Ground

Apartment 2304 55 Upper Ground  
London

Apartment 3106 55 Upper Ground  
London

Apartment 3103 55 Upper Ground  
London

Apartment 3001 55 Upper Ground  
London

Apartment 2703 55 Upper Ground  
London

Apartment 1603 55 Upper Ground  
London

Apartment 1511 55 Upper Ground  
London

Apartment 1505 55 Upper Ground  
London

Apartment 1307 55 Upper Ground  
London

Apartment 3701 55 Upper Ground  
London

Apartment 1903 55 Upper Ground  
London

Apartment 1802 55 Upper Ground  
London

Flat 97 Rennie Court 11 Upper Ground

Flat 85 Rennie Court 11 Upper Ground

Flat 9 Rennie Court 11 Upper Ground

Flat 52 Rennie Court 11 Upper Ground

Flat 31 Rennie Court 11 Upper Ground

Eighth Floor New Kings Beam House 22  
Upper Ground

Apartment 3604 55 Upper Ground  
London

Apartment 2906 55 Upper Ground  
London

Apartment 2802 55 Upper Ground  
London

55 Upper Ground London Southwark

Mondrian Sea Containers House 18  
Upper Ground

Apartment 1106 55 Upper Ground  
London

Apartment 2702 55 Upper Ground  
London

Apartment 2101 55 Upper Ground  
London

Apartment 2004 55 Upper Ground  
London

First Floor New Kings Beam House 22  
Upper Ground

Apartment 1705 55 Upper Ground  
London

Apartment 1609 55 Upper Ground  
London

Apartment 1605 55 Upper Ground  
London

Apartment 1409 55 Upper Ground  
London

Apartment 1311 55 Upper Ground  
London

Apartment 1211 55 Upper Ground  
London

Twelfth And Thirteeneth Floors South  
Wing Sea Containers House 18 Upper  
Ground

Ninth Floor South Wing Sea Containers  
House 18 Upper Ground

Main Office Floors 1 To 3 And 6 To 11  
Sea Containers House 18 Upper Ground  
4 Reach Walk London Southwark

28 Stamford Street London Southwark  
7 Upper Ground London Southwark

Apartment 2806 55 Upper Ground  
London

Flat 66 Rennie Court 11 Upper Ground

Apartment 1901 55 Upper Ground  
London

Apartment 1801 55 Upper Ground  
London

Flat 4 Rennie Court 11 Upper Ground

Apartment 1002 55 Upper Ground  
London

Flat 98 Rennie Court 11 Upper Ground

Flat 64 Rennie Court 11 Upper Ground

Fifth Floor New Kings Beam House 22  
Upper Ground

West Wing Twelfth And Thirteenth Floor  
Sea Containers House 18 Upper Ground

Flat 32 Rennie Court 11 Upper Ground

Apartment 2804 55 Upper Ground  
London

Apartment 2506 55 Upper Ground  
London

Apartment 1606 55 Upper Ground  
London

Apartment 1304 55 Upper Ground  
London

Apartment 1201 55 Upper Ground  
London

Apartment 1107 55 Upper Ground  
London

Apartment 3602 55 Upper Ground  
London

Apartment 1909 55 Upper Ground  
London

Apartment 1810 55 Upper Ground  
London

Apartment 1707 55 Upper Ground  
London

Flat 69 Rennie Court 11 Upper Ground

Flat 67 Rennie Court 11 Upper Ground

Flat 45 Rennie Court 11 Upper Ground

Flat 43 Rennie Court 11 Upper Ground

Flat 26 Rennie Court 11 Upper Ground

Flat 13 Rennie Court 11 Upper Ground

Apartment 1001 55 Upper Ground  
London

Sixth Floor New Kings Beam House 22  
Upper Ground

Apartment 3801 55 Upper Ground  
London

Apartment 3402 55 Upper Ground  
London

Apartment 1103 55 Upper Ground  
London

Apartment 1102 55 Upper Ground  
London

Apartment 2504 55 Upper Ground  
London

Apartment 2501 55 Upper Ground  
London

Apartment 2206 55 Upper Ground  
London

Apartment 1902 55 Upper Ground  
London

Apartment 1607 55 Upper Ground  
London

Apartment 1205 55 Upper Ground  
London

Apartment 1111 55 Upper Ground  
London

Pavement New Kings Beam House 22  
Upper Ground

3 Reach Walk London Southwark

Riskiq New Kings Beam House 22 Upper  
Ground

Apartment 3803 55 Upper Ground  
London

Flat 3 Rennie Court 11 Upper Ground

Flat 99 Rennie Court 11 Upper Ground

Flat 78 Rennie Court 11 Upper Ground

Flat 50 Rennie Court 11 Upper Ground

Apartment 2705 55 Upper Ground  
London

Flat 57 Rennie Court 11 Upper Ground

Apartment 1906 55 Upper Ground  
London

Flat 90 Rennie Court 11 Upper Ground

Apartment 1508 55 Upper Ground  
London

Flat 59 Rennie Court 11 Upper Ground

Flat 79 Rennie Court 11 Upper Ground

Flat 35 Rennie Court 11 Upper Ground

Flat 1 Rennie Court 11 Upper Ground

Fourteenth Floor South Wing Sea  
Containers House 18 Upper Ground

Apartment 1710 55 Upper Ground  
London

Apartment 3003 55 Upper Ground  
London

Apartment 1402 55 Upper Ground  
London

Apartment 1104 55 Upper Ground  
London

Second Floor Right South Wing Sea  
Containers House 18 Upper Ground

Flat 89 Rennie Court 11 Upper Ground

Flat 61 Rennie Court 11 Upper Ground

Flat 56 Rennie Court 11 Upper Ground

Flat 53 Rennie Court 11 Upper Ground

Flat 49 Rennie Court 11 Upper Ground

Flat 38 Rennie Court 11 Upper Ground

Flat 34 Rennie Court 11 Upper Ground

Flat 30 Rennie Court 11 Upper Ground

Second Floor New Kings Beam House  
22 Upper Ground

Apartment 3404 55 Upper Ground  
London

Apartment 2905 55 Upper Ground  
London

Apartment 2902 55 Upper Ground  
London

Apartment 2805 55 Upper Ground  
London

Apartment 2502 55 Upper Ground  
London

Apartment 2302 55 Upper Ground  
London

Apartment 2202 55 Upper Ground  
London

Apartment 2106 55 Upper Ground  
London

Apartment 2105 55 Upper Ground  
London

Apartment 2003 55 Upper Ground  
London

Apartment 1806 55 Upper Ground  
London

Apartment 1706 55 Upper Ground  
London

Apartment 1604 55 Upper Ground  
London

Apartment 1510 55 Upper Ground  
London

Apartment 1308 55 Upper Ground  
London

Apartment 1306 55 Upper Ground  
London

Apartment 1305 55 Upper Ground  
London

Apartment 1301 55 Upper Ground  
London

Apartment 1209 55 Upper Ground  
London

Seventh Floor Sea Containers House 18  
Upper Ground

Ogilvyone And Mather Group Holdings  
Ltd Sea Containers House 18 Upper  
Ground

32 Stamford Street London Southwark

Apartment 1702 55 Upper Ground  
London

Apartment 1206 55 Upper Ground  
London

Sixth Floor Sea Containers House 18  
Upper Ground

Flat 24 Rennie Court 11 Upper Ground

Apartment 2401 55 Upper Ground  
London

Apartment 2606 55 Upper Ground  
London

Apartment 1608 55 Upper Ground  
London

Apartment 2002 55 Upper Ground  
London

Apartment 1210 55 Upper Ground  
London

9 Upper Ground London Southwark

Apartment 3902 55 Upper Ground  
London

Apartment 2006 55 Upper Ground  
London

Flat 60 Rennie Court 11 Upper Ground

Flat 5 Rennie Court 11 Upper Ground

Flat 47 Rennie Court 11 Upper Ground

Flat 42 Rennie Court 11 Upper Ground

Flat 76 Rennie Court 11 Upper Ground

Flat 22 Rennie Court 11 Upper Ground

Flat 2 Rennie Court 11 Upper Ground

Apartment 3006 55 Upper Ground  
London

Apartment 2503 55 Upper Ground  
London

Apartment 2301 55 Upper Ground  
London

Apartment 2104 55 Upper Ground  
London

Apartment 2005 55 Upper Ground  
London

Apartment 1411 55 Upper Ground  
London

Apartment 1110 55 Upper Ground  
London

Apartment 1808 55 Upper Ground  
London

Apartment 1805 55 Upper Ground  
London

Apartment 1701 55 Upper Ground  
London

Flat 86 Rennie Court 11 Upper Ground

Flat 21 Rennie Court 11 Upper Ground

Flat 11 Rennie Court 11 Upper Ground

Third Floor To Seventh Floor And  
Eleventh Floor New Kings Beam House  
22 Upper Ground

Apartment 3406 55 Upper Ground  
London

Apartment 3204 55 Upper Ground  
London

Apartment 3105 55 Upper Ground  
London

Apartment 2505 55 Upper Ground  
London

Apartment 1503 55 Upper Ground  
London

Apartment 1410 55 Upper Ground  
London

Apartment 1403 55 Upper Ground  
London

Apartment 1309 55 Upper Ground  
London

Apartment 2305 55 Upper Ground  
London

Apartment 3601 55 Upper Ground  
London

Flat 92 Rennie Court 11 Upper Ground

Apartment 1502 55 Upper Ground  
London

Apartment 1208 55 Upper Ground  
London

Flat 51 Rennie Court 11 Upper Ground

Apartment 3203 55 Upper Ground  
London

Tenth Floor South Wing Sea Containers  
House 18 Upper Ground

Flat 54 Rennie Court 11 Upper Ground

Flat 71 Rennie Court 11 Upper Ground

Flat 18 Rennie Court 11 Upper Ground

Apartment 2901 55 Upper Ground  
London

Part Basement South Wing Sea  
Containers House 18 Upper Ground

Apartment 1101 55 Upper Ground  
London

## Re-consultation:

**APPENDIX 5****Consultation responses received****Internal services**

Environmental Protection

Transport Policy

**Statutory and non-statutory organisations**

Environment Agency

**Neighbour and local groups consulted:**



32 Rennie Court 11 Upper Ground London  
84 Rennie Court 11 Upper Ground London  
11 Upper Ground Flat 77 Rennie Court London

5 Rennie Court 11 Upper Ground London  
92 Rennie Court 11 Upper Ground London  
Flat 3, Rennie Court, 11 Upper Ground Rennie Court London  
65 River Court East, Upper Ground Upper Ground London  
Flat 9, Rennie Court 11, Upper Ground London

28 River Court Upper Ground London  
Flat 55 River Court Upper Ground London  
55 River Court, Upper Ground Southwark SE1 9PE

57 River Court Upper Ground London  
94 Rennie Court 11 Upper Ground London  
Flat 80 River Court Upper Ground London  
Flat 86 Rennie Court 11 Upper Ground London  
Flat 8 Rennie Court 11 Upper Ground London  
84 Rennie Court 11 Upper Ground London  
1 River Court Upper Ground SE1 9PE  
65 Rennie Ct 11 Upper Ground London  
91 Rennie Ct 11 Upper Ground Minneapolis  
Rennie Court Rennie Court Reception London  
60 Rennie Court 11 Upper Ground London  
26 River Court London SE1 9PE  
78 Rennie Court London  
72 Rennie Court London SE1 9NZ  
60 Rennie Court London SE1 9NZ  
30.02 Southbank Tower 55 Upper Ground London  
1502 South Bank Tower 55 Upper Ground London

Flat 57 Rennie Court 11 Upper Ground London  
Flat 4, Rennie Court, 11 Upper Ground London SE1 9LP  
5 River Court Upper Ground London  
Upperground 55 London SE19EY  
Flat 15 Rennie Court 11 Upper Ground London  
Flat 1, Rennie Court 11 Upper Ground London  
Managers office Rennie Court 11 Upper ground London  
7 Rennie Court 11 Upper Ground London  
Flat 66 River Court Upper Ground London  
Rennie Court, Flat 30 11 Upper Ground London  
63 Rennie Court London London  
Flat 26 Rennie Court London SE1 9LP  
Flat 88, Rennie Court 11 Upper Ground LONDON  
Flat 9 Rennie Court 11 Upper Ground London  
55 UpperGround London SE1 9RB  
Flat 90 Rennie Court 11 Upper Ground London  
26 River Court Upper Ground London  
Flat 73 Rennie Court 11 Upper Ground London  
69 River Court Upper Bank London  
16 River Court West Upper Ground London  
Flat 93, Rennie Court 11 Upper Ground London  
44 Rennie Court Upper Ground London  
23 River Court Upper Ground London  
18 Rennie Court 11 Upper Ground London  
Flat 1, Rennie Court 11 Upper Ground London  
72 Rennie Court London SE1 9NZ  
Flat 77, River Court, Upper Ground Upper Ground London  
55 Upper Ground Apt 1310 London  
  
12 River Court Upper Ground London  
12 Rennie Court 11 Upper ground Street London

Flat 88 Rennie Court 11 Upper Ground London

Flat 55 River Court Upper Ground

Flat 48, River Court Upper Ground London

37 Rennie Court 11 Upper Ground London

65 Rennie Court 11 Upper Ground London

Flat 6 Rennie Court 11 Upper Ground London

34 Rennie Court 11 Upper Ground London

1901 South Bank Tower 55 Upper Ground LONDON

59 cornwall road london se19pu

Rennie Court 11 Upper Ground London

Property service manager at Kings Reach Flats Rennie court, 11 Upper Ground London

73 Rennie Court 11 Upper Ground London

Flat 78, Rennie Court London SE1 9NZ

Flat 23 Rennie Court 11 Upper Ground London

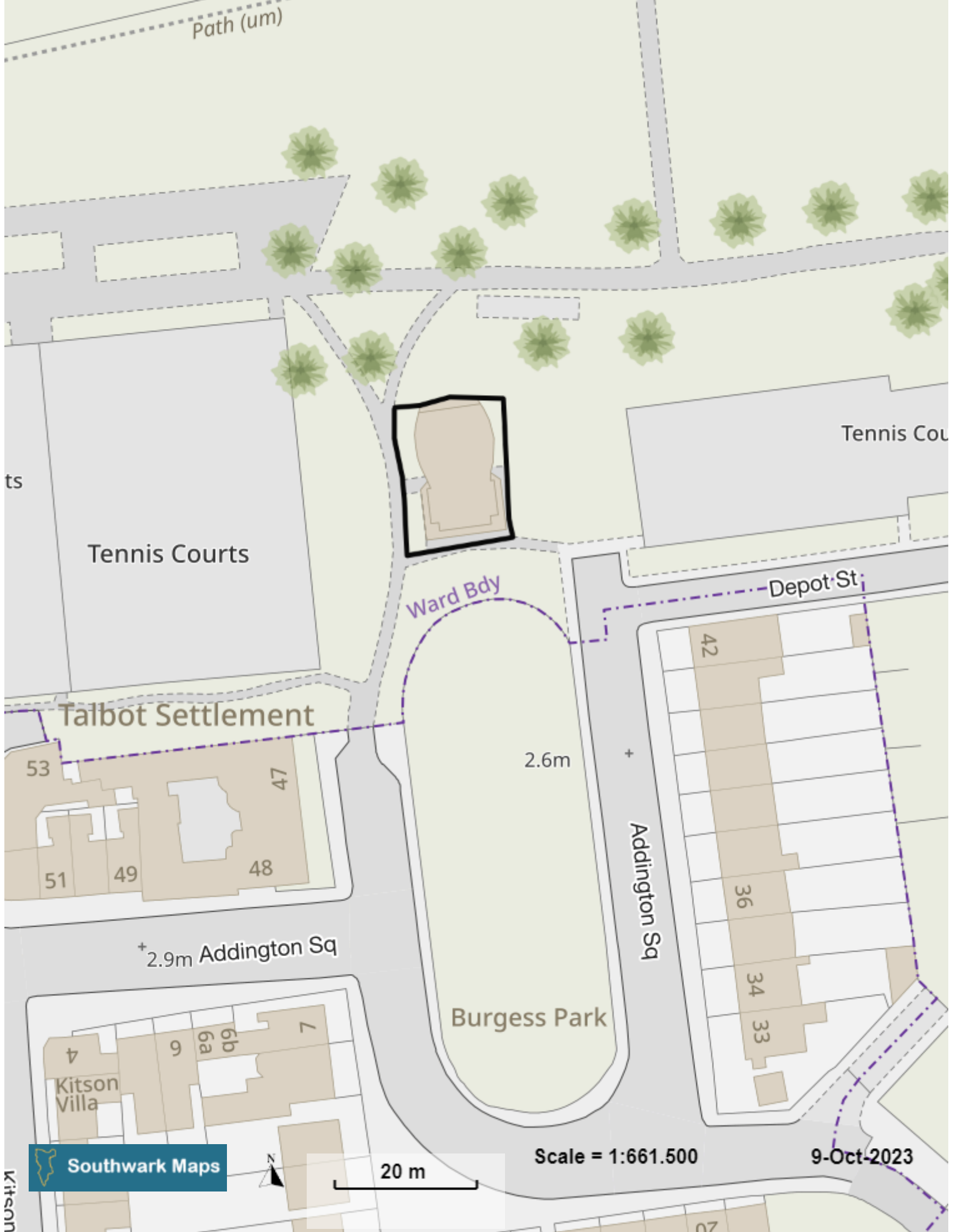
Flat 76 Rennie Court 11 Upper Ground London

Flat 34 Rennie Court 11 Upper Ground

23/AP/0649

Agenda Item 6.2

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



Southwark Maps

Scale = 1:661.500

9-Oct-2023

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<b>Item No.</b> 6.2	<b>Classification:</b> OPEN	<b>Date:</b> 18 October 2023	<b>Meeting Name:</b> Planning Committee (Smaller Applications)
<b>Report title:</b>	<b>Development Management planning application:</b> Application 23/AP/0649 for: Planning Permission  <b>Address:</b> Burgess Park Tennis Centre, 44 Addington Square, London Southwark SE5 7LA  <b>Proposal:</b> 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.		
<b>Ward(s) or groups affected:</b>	Faraday		
<b>From:</b>	Director of Planning and Growth		
<b>Application Start Date</b>	08/03/2023	<b>Application Expiry Date</b>	02/11/2023
<b>Earliest Decision Date</b>	02/11/2023		

## RECOMMENDATION

1. That the Planning Committee (Smaller Applications) which is located on Metropolitan Open Land (MOL) be granted subject to conditions.

## EXECUTIVE SUMMARY

2. The proposal relates to retention of café use, with the same operating times, within the southern end of the pavilion building, effectively a retrospective change of use from community ancillary use (previously referred to Class F2) to the current café use only (Class E(b)). It would only relate to the southern end of the pavilion building, whereas the toilets and changing facilities to the northern end of the building would be unchanged.
3. The proposal originally sought 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. Following public consultation, amendments have been made and resulted in the final proposal.
4. Following negotiations, it is proposed that Permitted Development Rights would be removed via a condition whereby the use of the café is restricted. Another condition would be in place requiring submission of operational plan by future operators to ensure the operations and associated internal layout

arrangement would maintain a safe and managed access to the toilets and showering/changing facilities essential to the function of tennis activities. A compliance condition will also be imposed to ensure no primary cooking will take place on site to prevent disturbance by way of noise and air pollution that would be at odds with the character of the open space.

5. Public comments have been raised over the lawfulness of the refuse store and hardstanding, 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 as permitted development and would not require planning permission
6. In conclusion, the principle of the retrospective change of use is considered acceptable as it would reasonably preserve the community function of the Tennis pavilion that maintains the changing and toilet facilities. It would also respect the quality, accessibility and setting of the MOL. Additionally, it would ensure public safety for use of toilets, changing/showering facilities by internal design through the operational plan required by condition. The proposal is therefore recommended for approval subject to conditions.

## **BACKGROUND INFORMATION**

### **Site location and description**

7. The application site refers to the tennis pavilion, named as Burgess Park Tennis Centre associated with the tennis courts in the park. It is situated in the south west of Burgess Park. To the south east of the application site is the junction of Addington Square and Depot Street. It is a modern single-storey building, partly of concrete finned construction on the south elevation facing Addington Square and partly rendered with a bright orange finish on the northern elevation.

Figure 1: Site location plan

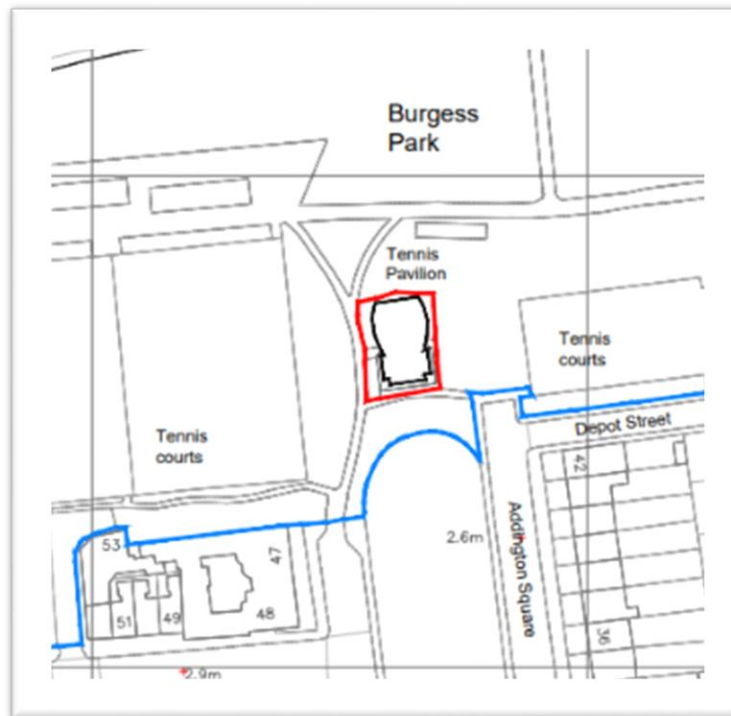


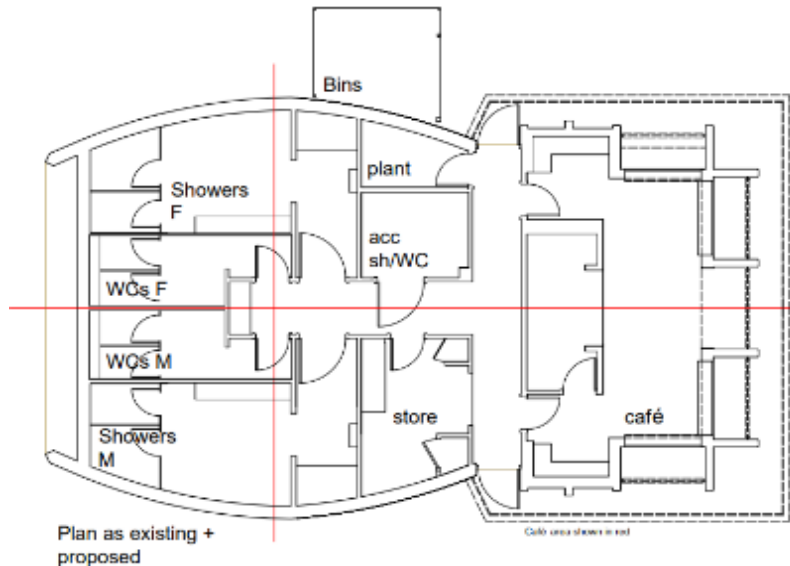
Figure 2: View from the south-west



8. The subject building is comprised of two main elements. The northern section is associated with the adjoining tennis courts, by way of providing changing and shower facilities for tennis players and WC facilities that are also available to the general public. All these facilities are accessed from either side of the building via a T-shaped internal corridor.
9. The southern section is currently used as a café comprising a counter and preparation area, with seating area provided outdoors. This was formerly used to provide court booking services and serve refreshments in form of kiosks, which was subsequently changed to the current use during the COVID period in 2020. The café area has internal access to the central corridor that leads to the toilet and changing facilities in the northern end of the pavilion.



Figure 3: internal layout of Burgess Park Tennis Pavilion



10. The current operating times of the café are 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.
11. The application site is bounded by:
  - To the north: Burgess Community Playground
  - To the east and west: Tennis Courts
  - To the south: Addington Square (terraced residential properties)
12. The application site does not consist of a listed building nor does it fall within a conservation area, although it immediately adjoins the Addington Square Conservation Area to the south, which has a number of listed buildings in close proximity to the application site. It is subject to the following policy designations and spatial constraints:
  - 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

### Details of proposal

13. 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.
14. 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.

15. Following public consultation, the proposal has been amended in response to public representations received. The changes relate to removing the element of constructing x4 external doors on the western elevation and the associated internal reconfiguration for the provision of 3no. externally accessed WC compartments and 1no. tennis storage. Following public consultation, it has been confirmed by the applicant that these changes are no longer required. As raised by public comments, the proposal has also now included the external refuse facilities and the handstanding to the south of the pavilion, which had been built prior to this application.
16. The applicant confirms that the toilets and changing facilities will remain open and 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. These facilities would 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 to enter the building with a key to access the internal storage space for essential equipment.
17. The applicant also confirms that the café operator would assume the responsibility for waste management and cleaning of the building to ensure it remains clean and safe for use. The proposed café operating hours would remain the same as existing, being 8:00am – 8:00pm Monday to Sunday during the periods of June and September; 8:00am – 4:00pm Monday to Sunday from October to May.

### **Consultation responses from members of the public and local groups**

18. Site notices were displayed outside the pavilion on 14 March 2023. A total of 12 notification letters were sent to residential properties on Addington Square.
19. A total of nine representations have been received, however they are in effect equivalent to six responses as one of which were divided into four entries, due to the word limit and a separate document submitted on the register. In total, these break down as 1 in support and 5 objections.
20. The material considerations raised by the members of the public in the objections letters are summarised as below:
  - 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.

Officer response: these issues have been resolved following the revision of the proposal.

- Concern about the increased opening hours of the café
- Proposed use as a café/retail are not a use appropriate on MOL
- Introduction of a main town centre use in an out of town centre location.

Officer response: This is addressed in the 'assessment' section of the report.

## **Planning history of the site, and adjoining or nearby sites**

21. See Appendix 2 for the full planning history relevant to the site. Of particular reference to this application are the previous permissions as follows:

### 02/AP/0944

Replacement of single storey tennis court centre pavilion, court reconstruction with two lighted courts CCTV and pedestrian path lighting.

### 03/AP/1720

Details of multi-sport court and rebound wall as required by condition 3 of Planning Permission 25/07/2002 (LBS Reg. 02/AP/0944) for replacement of single tennis court with two floodlight courts, construction of a centre pavilion, provision of CCTV and pedestrian path lighting

## **KEY ISSUES FOR CONSIDERATION**

### **Summary of main issues**

22. The main issues to be considered in respect of this application are:
- Principle of development in terms of land use, specifically the designation of the development site as Metropolitan Open Land
  - Impact on the amenity of neighbouring occupiers
  - Good design and heritage
  - Transport
  - Flood Risk
  - Ecology
  - Trees
  - Fire safety regulations
  - Energy
  - Mayoral and borough community infrastructure levy (CIL)
  - Any other planning material considerations
  - Carbon Concurrent
  - Community impact and equalities assessment
  - Human rights implications, and
  - Positive and proactive statement.
23. These matters are discussed in detail in the 'Assessment' section of this report.

## Legal context

24. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. In this instance the development plan comprises the London Plan 2021 and Southwark Plan 2022. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision-makers determining planning applications for development within Conservation Areas to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Section 66 of the Act also requires the Authority to pay special regard to the desirability of preserving listed buildings and their setting or any features of special architectural or historic interest which they possess.
25. There are also specific statutory duties in respect of the Public Sector Equalities Duty which are highlighted in the relevant sections below and in the overall assessment at the end of the report.

## Planning policy

### National Planning Policy Framework (NPPF)

26. The revised National Planning Policy Framework ('NPPF') was published in September 2023 which sets out the national planning policy and how this needs to be applied. The NPPF focuses on sustainable development with three key objectives: economic, social and environmental.
27. Paragraph 218 states that the policies in the Framework are material considerations which should be taken into account in dealing with applications.
28.
  - Chapter 8 Promoting Healthy and Safe Communities - note paragraph 103 states that policies for managing development within a Local Green Space (such as MOL) should be consistent with those for Green Belts.
  - Chapter 9 Promoting Sustainable Transport
  - Chapter 11 Making Effective Use of Land
  - Chapter 12 Achieving well-designed places
  - Chapter 13 Protecting Green Belt Land
  - Chapter 14 Meeting the challenge of climate change, flooding and coastal change
  - Chapter 15 Conservation and Enhancement of the Natural Environment
  - Chapter 16 Conserving and Enhancing the Historic Environment

### The London Plan 2021

29. On 2 March 2021, the Mayor of London published the London Plan 2021. The spatial development strategy sets a strategic framework for planning in Greater London and forms part of the statutory Development Plan for Greater London. The relevant policies are:

- D4 - Delivering good design
- D12 - Fire safety
- G1 - Green Infrastructure
- G3 - Metropolitan Open Land
- G6 - Biodiversity and access to nature
- G7 - Trees and Woodland
- HC1 – Heritage Conservation and Growth
- S1 12 - Flood risk management

## **Southwark Plan 2022**

30. The Southwark Plan 2022 was adopted on 23 February 2022. The plan provides strategic policies, development management policies, area visions and site allocations which set out the strategy for managing growth and development across the borough from 2019 to 2036. The relevant policies are:
- P13 – Design of places
  - P14 - Design quality
  - P16 – Designing out crime
  - P18 - Efficient use of land
  - P20 – Conservation Areas
  - P21 – Conservation of the historic environment and natural heritage
  - P56 - Protection of amenity
  - P47 – Community Uses
  - P57 - Open Space
  - P60 - Biodiversity
  - P61 - Trees

## **ASSESSMENT**

### **Principle of the proposed development in terms of land use**

#### P57 Open Space

31. MOL is given the highest protection from inappropriate development in the NPPF, the London Plan 2021 and the Southwark Plan 2022. The NPPF makes it clear that MOL should be treated in the same way as designated Green Belt Land.
32. Policy P57 of Southwark Plan 2022 states that development may be permitted on Metropolitan open Land in exceptional circumstances when:
- i. It consists of ancillary facilities that positively contribute to the setting, accessibility and quality of the open space and if it does not affect its openness or detract from its character. Ancillary facilities on MOL must be essential for outdoor sport or recreation, cemeteries or for other uses of land which preserve the openness of MOL and do not conflict with its MOL function; or
  - ii. It consists of the extension or alteration of an existing building providing

that it does not result in disproportionate additions over and above the size of the original building; or

- iii. It consists of the replacement of an existing building, provided that the new building is no larger than the building it replaces.

#### Retrospective Change of use

- 33. The proposed change of use does not involve extension, alteration or replacement of the existing building, therefore criteria (ii) and (iii) do not apply to this proposed element.
- 34. The part change of use is in retrospective nature, where the southern end of the pavilion is sought to change from ancillary community use (Class F2) to its current operations as a café (Class E(b)). 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.
- 35. The applicant submitted an addendum to the planning statement on 18 September 2023, stating that 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, the leaseholder was unable to allow access to the building, alongside the suspension of tennis court activities due to Government social distancing guidelines. Subsequently, a servery was created in the doorway to the southern end of the building to provide a kiosk-type facility. This allowed a local café provider to serve an enhanced refreshment offer, reflecting more of a café menu, outside of the building. The statement goes on to explain that since early 2021, a new operator has taken over the space to present, with a menu of beverages, toasties and baked goods, etc.
- 36. 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. This has resulted in the requirement for a third party to take on running of the cafe and management of the toilets/changing facilities within the building. The current operator is subject to a tenancy at will, which will be terminated on the conclusion of the new letting process (starting in Autumn 2023).
- 37. By way of this retrospective application, the applicant seeks to regularise the current café operation and secure its independence from the community use in planning terms. Notwithstanding, it is anticipated that future café operators would maintain and manage access to the toilets and changing facilities for tennis users and the general public.
- 38. Public concerns were raised over the original proposal of 4no. doors on the western elevation for public safety reasons and its potential obstruction to the adjoining pedestrian pavement, as well as change of use to an overarching Class E for a wide range of commercial activities that are inappropriate on MOL. However, it is acknowledged the current café operation is generally supported.

39. In response, the applicant has agreed to withdraw the element of external and internal alterations for 3no. externally accessed toilets and 1no. tennis storage, and specify the proposed use as café only subject to a compliance condition. Additionally, the applicant has accepted a condition requiring submission of an operational plan by café operators upon every start of new lease to ensure the future operations and the associated internal layout arrangement would maintain safe and inclusive access to the internal toilet and showering/changing facilities.
40. Accordingly, it is considered that the retrospective change of use would reasonably maintain the building's community function for the tennis activities as it would not prejudice access to and safety of the toilet and showering/changing facilities essential to the outdoor sports activities. It is also observed that the continued café operation, as the only use of this part of the pavilion, would positively contribute to the setting, accessibility and quality of the open space, given cafes are a common offer in public parks which enhances and complements the enjoyment of green space and related activities. As such, the proposal would satisfy criteria (i) of Policy 57 Open Space of Southwark Plan 2022.

### P47 Community Uses

41. Protection of the community facilities are safeguarded in Policy 47 of Southwark Plan 2022, which requires that development must retain community facilities. Given the reasoning above, the retrospective part of change is considered to reasonably preserve the function of the pavilion building for the tennis club. Consequentially, this is found sufficient to meet the policy objective.

#### *Lawfulness of the existing refuse facility and hardstanding*

42. Regards are had to the refuse facilities and the hardstanding to the south of the pavilion. Officers are aware of the public comments suggesting that these two facilities were erected prior to this application, albeit without planning permission. In response, the proposal has now included these two elements.
43. At officers' enquiry, the applicant confirmed the bin store was installed by the council's facilities management team with the consent of the Parks department, in order to prevent unauthorised use of the bins by the general public and anti-social movement of the bins or contents. Despite no records available, it was likely to be installed in early 2020. In terms of the extended paving, the Parks Department consented to the works in 2022 to improve the ground conditions for public use that had become worn, uneven and muddy.
44. Class A, Part 12, Schedule 2 of General Permitted Development (England) Order 2015 (as amended) allows development by local authorities, including:
- a) Any works on land belonging to or maintained by them required for the purposes of any function exercised by them on that land otherwise than as statutory undertakers;

- b) Refuse bins required in connection with the operation of any public services administered by them

Effectively, the two structures in question would meet the definitions of the relevant legislation and therefore constitute permitted developments without the need of planning permission.

### **Impact on the amenity of neighbouring occupiers**

45. The proposal would be located 230m away from the nearest residential properties to the southeast. Due to the considerable distance and the minor scale of the proposal which does not involve any extension or external alteration to the building, it is not considered to create adverse impacts on the daylight, sunlight, privacy or openness afforded to neighbouring properties. The proposed development is considered to comply with Policy P56 Protection of Amenity of the Southwark Plan 2022.
46. The submitted addendum dated 16 September 2023 states that there is minimal cooking on site due to the limited kitchen space, where items are prepared by secondary cooking equipment such as grill plate and microwave. The applicant confirms there are no plans for the installation of primary cooking equipment such as oven. As such, the proposed café use is not considered to create any nuisance by way of noise, vibration, fumes air pollution, subject to a condition that no primary cooking is allowed on the premises.
47. The proposed operating times of the café would be the same as existing, being 8:00am – 8pm Monday to Sunday during the periods of June and September; 08:00am – 4pm Monday to Sunday from October to May. This is considered consistent with the opening hours of the park and would be secured by a compliance condition.

### **Good design and heritage**

*Impact on the character of the open space and setting of the adjoining conservation area*

48. The tennis centre sits on the western end of Burgess Park. The building itself is modern, single-storey and not listed but immediately adjoins the Addington Square conservation area in the south, which has a number of listed buildings in close proximity to the application site. Since no external change is resulted from the final proposal, it is not considered to create any impacts on the surrounding context.

*Designing out crime*

49. Policy P16 Designing out Crime of Southwark Plan 2022 requires that developments demonstrate high quality of design to reduce the likelihood of crimes. It is acknowledged that anti-social behaviour and serious crimes were previously reported as a result of the unsupervised access to the toilets within the pavilion. The applicant confirms that the toilets and changing facilities would remain accessible from an internal corridor that requires



management by the café staff on site. These facilities would remain open and 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. Outside of the café operating hours, only the contracted tennis coaches are allowed to enter the building with a key to access the internal storage space for essential equipment.

50. Whilst this proposal is a retrospective change of use and does not involve any design changes internally and externally, officers are of view the outstanding safety issues may be mitigated by a condition requiring 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.

## **Transport**

### Car Parking

51. The application site is located in a Public Transport Accessibility Level (PTAL) are rated 4, as such, has good levels of access to public transport. The proposed development would be car-free, which is acceptable. The retrospective change of use would not be dissimilar to what is already existing, as such it is not envisaged to result in car parking intensification in the surrounding area or on site.

### Cycle Parking

52. Since this application involves retrospective change of use to continue the café operation, it is not considered to create a significant uplift in demand for cycle parking following the grant of permission. The applicant has demonstrated that there are currently 3 and 4 cycle racks respectively in the north and south, as such Officers are satisfied that there are sufficient existing cycle parking space within a walking distance that can provide for the proposed cafe use.

Figure 4: existing cycle parking in the park



### **Flood Risk**

53. The site is located in Flood Zone 3. Since the proposed development is retrospective change of use and involves a less vulnerable use, it refers to internal changes associated with the proposed use of a minor nature and is therefore not considered to increase risks of flooding to the area.

### **Ecology and trees**

54. With the retrospective change of use inside the pavilion, it is not considered to create any ecological concerns or impacts on the surrounding trees.

### **Policy D12 (A) of the London Plan (2021) - Fire Safety**

55. Paragraph 3.12.9 of Policy D12 explains that Fire Statements should be produced by someone who is “third-party independent and suitably-qualified”. The council considers this to be a qualified engineer with relevant experience in fire safety, such as a chartered engineer registered with the Engineering Council by the Institution of Fire Engineers, or a suitably qualified and competent professional with the demonstrable experience to address the complexity of the design being proposed.
56. This should be evidenced in the fire statement. The council accepts Fire Statements in good faith on that basis. The duty to identify fire risks and hazards in premises and to take appropriate action lies solely with the developer.
57. A reasonable exemption statement has been submitted as the application does not alter the external wall materials and the internal layout. The existing

fire safety measures including the evacuation strategy would not be affected accordingly.

58. In any case, a full technical assessment of the requirements of fire safety in the new building will be dealt with comprehensively at the building regulations stage. Officers considered that the information provided satisfies the requirements of planning policy.

### **Mayoral and borough community infrastructure levy (CIL)**

59. Section 143 of the Localism Act states that any financial contribution received as community infrastructure levy (CIL) is a material 'local financial consideration' in planning decisions. The requirement for payment of the Mayoral or Southwark CIL is therefore a material consideration. However, the weight attached is determined by the decision maker. The Mayoral CIL is required to contribute towards strategic transport invests in London as a whole, primarily Crossrail. Southwark's CIL will provide for infrastructure that supports growth in Southwark.
60. Most new development which creates net additional floor space of 100 square metres or more, or creates a new dwelling, is potentially liable for the levy.
61. The application is for the change of use as such the proposal is not liable for the levy.

## Summary of consultation responses from external, internal and divisional consultees

Urban Forester (Tree Officer):

- No objection to the application as the proposed works only affect hard surfaced areas, i.e. the adjacent highway.

Officer response: noted.

Transport policy:

- No parking is proposed. Due to PTAL 4 a car-free development is acceptable
- The proposal does not include details of long-stay or short-stay/visitor cycle parking. The applicant should provide details on the existing/proposed cycle parking spaces, plus gross external area (GEA) of the building. The minimum amount of long-stay cycle parking for a café is 1 space per sqm GEA (minimum of 2 spaces). Visitor cycle parking should be provided within the public realm of the scheme
- The applicant should provide details of refuse and recycle bins, which currently is not shown on plans

Officer response: These issues will be assessed in the relevant sections of the report.

Local Highways Authority:

- No comment.

Officer response: noted.

#### Design and Conservation:

- The proposed dimensions of the doors are appropriate to the host building as they match the height of the adjacent existing door and are consistent across the 4 new doors
- The proposed doors would be flush steel-faced, finished in an anti-vandal manner, and to match the adjacent existing doors, which is encouraged. A condition should be attached to ensure the materials/finish would match the existing

Officer response: the above comments are no longer relevant as a result of the proposal revisions.

- The small scale of change is not considered to pose harm to the setting of the nearby listed buildings nor the character of the Addington Square Conservation Area.

Officer response: Noted.

#### Ecology:

- No ecological concerns

Officer response: Noted.

#### Arboricultural Services Team:

- No comments received.

### **Any other matters**

62. The council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights.
63. The council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application.
64. The Public Sector Equality Duty (PSED) contained in Section 149 (1) of the Equality Act 2010 imposes a duty on public authorities to have, in the exercise of their functions, due regard to three "needs" which are central to the aims of the Act:
  - a) The need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
  - b) The need to advance equality of opportunity between persons sharing a relevant protected characteristic and persons who do not share it. This involves having due regard to the need to:

- Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
  - Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it, and
  - Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
65. The need to foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to tackle prejudice and promote understanding.
66. The protected characteristics are: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership. The positive impacts have been identified throughout this report.

In general, the proposal would promote:

- Public safety: the condition requirement of an operational plan by future café operator would ensure safe and managed access to the internal toilets and changing/showering facilities. This would particularly enhance the safety of vulnerable residents including young/old age, female users in particular.
- Specified café use in the pavilion: it would complement and enhance the enjoyment of the green space and the related activities, as cafes are a common offer in public parks that are well received by the general public. It would benefit people from all protected characteristics and help to foster positive relationship among the groups through participation in public life.

By way of maintaining the safe provision of changing/toilet facilities, the proposal would specifically benefit users of following protected characteristics:

- Age – changing facilities for all ages
- Disability – the disabled toilet is maintained
- Gender reassignment – still providing facilities which can be used and private facilities for changing as well

- Pregnancy and maternity – changing facilities would still be provided which would be able to be used by mothers etc
- Sex – separate toilets and facilities are provided
- Sexual orientation – toilets and facilities are still provided.

## **Carbon concurrent**

### Achieving net carbon zero development in Southwark

67. All development is required to take measures to reduce carbon emissions on site with the aim of contributing to net carbon zero by 2050 in accordance with the adopted development plan.
68. The measures identified for this minor development are summarised in the table below:

<b>Net carbon zero: summary table</b>	
Be Lean measures (energy efficient design and construction)	Not applicable due to the minor scale and change of use.
Be Clean measures (low carbon energy supply)	
Be Green measures (on site renewable energy generation and storage)	
Any other comments	

### Meeting Southwark's Climate Change Strategy and Action Plan

69. In July 2021, the council adopted its Climate Change Strategy and Action Plan for tackling the climate emergency. The plan sets out how emissions in the borough can be reduced from buildings, transport and waste disposal.
70. The Strategy sets out 148 Action Points that the council will undertake to achieve its ambition to do all it can to achieve a net zero carbon borough by 2030 across five key priority areas:
- Greener Buildings: these actions relate to Southwark's built environment and new developments e.g., emissions from privately rented homes, commercial offices and private property development. They cover scope one and two emissions

- **Active and Sustainable Travel:** these actions relate to surface transport across the borough, e.g., emissions from private car travel. They cover scope one, two and three emissions
- **A Thriving Natural Environment:** these actions relate to the maintenance and security of the borough's natural environment e.g., increasing tree canopy coverage
- **A Circular Economy with Green Jobs:** these actions relate to waste within the borough e.g., emissions from non-recyclable waste disposal. They cover scope one and two emissions
- **Renewable Energy:** these actions relate to the provision of more renewable energy within the borough i.e., local installation of technologies such as solar PV.

71. The following Action Point/s have identified as relevant to this planning application:

Priority Area:	<b>Active and Sustainable Travel</b>
Theme	Make cycling and walking easier
Officer commentary	The proposal is a car-free development.

### **Positive and proactive statement**

72. The council has published its Plan 2022 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.
73. The council provides a pre-application advice service that is available to all applicants in order to assist applicants in formulating proposals that are in accordance with the development plan and core strategy and submissions that are in accordance with the application requirements.

### **Conclusion**

74. The proposal demonstrates conformity with the principles of sustainable development. The proposed retrospective change of use would preserve the community function of the tennis pavilion by way of maintaining safe access to the changing and toilet facilities. The continued café operation would also complement the character of the MOL designation by enhancing the enjoyment of the green space and the associated activities. Additionally it would respect the amenity of neighbouring properties and does not involve changes in the external appearance. Accordingly, it is recommended that planning permission be granted subject to conditions.



## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file:TP 2032 - M2022 Application file: 23/AP/0649 Southwark Local Development Framework and Development Plan Documents	Environment, Neighbourhoods & Growth Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: <a href="mailto:planning.enquiries@southwark.gov.uk">planning.enquiries@southwark.gov.uk</a> Case officer telephone: 0207 525 0254 Council website: <a href="http://www.southwark.gov.uk">www.southwark.gov.uk</a>

## APPENDICES

No.	Title
Appendix 1	Recommendation
Appendix 2	Relevant planning policy
Appendix 3	Relevant planning history
Appendix 4	Consultation undertaken
Appendix 5	Consultation responses received

## AUDIT TRAIL

<b>Lead Officer</b>	Stephen Platts, Director of Planning and Growth	
<b>Report Author</b>	Winnie Wing Lam Tse, Planning Officer	
<b>Version</b>	Final	
<b>Dated</b>	21 September 2023	
<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	No	No
Strategic Director of Environment, Neighbourhoods and Growth	No	No
Strategic Director of Housing	No	No
<b>Date final report sent to constitutional team</b>		6 October 2023

## RECOMMENDATION

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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Southwark Council	Jardine Finn Southwark Council	<b>Reg. Number</b>	23/AP/0649
<b>Application Type</b>	Minor application		
<b>Recommendation</b>	GRANT permission	<b>Case Number</b>	2032 - M2022

## Draft of Decision Notice

**Planning permission is GRANTED for the following development:**

Retrospective application for part change of use from ancillary community use to cafe (Class Eb), associated with a refuse store and hardstanding to the south of the pavillion.

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

**In accordance with application received on 8 March 2023 and Applicant's Drawing Nos.:**

Existing Plans

Proposed Plans

320/11 Rev PLAN + ELEVATIONS AS EXISTING + PROPOSED

Other Documents

Planning Statement Addendum dated 18 September 2023

**Time limit condition**

1. The development hereby permitted shall be begun before the end of three years from the date of this permission.

Reason:

As required by Section 91 of the Town and Country Planning Act 1990 as amended.

**Compliance conditions**

2. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and any associated provisions of the Town and Country Planning

General Permitted Development Order (including any future amendment of enactment of those Orders), the Class E floorspace hereby approved shall be used for use class E (b) purposes only unless otherwise agreed by way of a formal application for planning permission.

Reason:

In order to ensure that the site continues to operate in cafe use and prevent wider Class E uses inappropriate to the MOL designation, in accordance with Policy P57 Open Space of Southwark Plan 2022, Policy G3 Metropolitan Open Land of London Plan 2021, and Chapter 8 Promoting Healthy and Safe Communities of NPPF 2021.

3. No primary cooking shall place in the development hereby approved.

Reason:

In order to ensure that that the café operation will not result in an odour, fume or noise nuisance and will not detract from the appearance of the building in the interests of amenity in accordance with Chapter 12 (Achieving well-designed places) of the National Planning Policy Framework (2021); Policy D13 (Agent of Change) of the London Plan (2021); Policy SI 1 (Air quality) of the London Plan (2021); P64 (Contaminated land and hazardous substances) P65 (Improving air quality) and P56 (Protection of Amenity) of the Southwark Plan (2022).

4. 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.

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 (2021); Policy D4 (Delivering good design) of the London Plan (2021); and Policy P56 (Protection of amenity) of the Southwark Plan (2022).

### **Special condition**

5. Prior to the commencement of third-party lease for the cafe operation, an operational plan, detailing the cafe operations in relation to managed access and surveillance to the toilets, changing/showering facilities in the northern end of the pavilion building, shall be submitted to and approved in writing by the Local Planning Authority, and the scheme shall therefore be carried out in accordance with the approved details.

Reason:

To ensure the approved development would remain to preserve the ancillary community use of the pavilion building for the adjacent tennis courts), in accordance with Policy P16 Designing out Crime, P47 Community Uses and P57 Open Space of Southwark Plan 2022; G3 Metropolitan Open Land of London Plan 2021; Chapter 8 Promoting Healthy and Safe Communities of NPPF 2021.

## Relevant planning policy

### National Planning Policy Framework (2021)

The revised National Planning Policy Framework ('NPPF') was published in July 2021 which sets out the national planning policy and how this needs to be applied. The NPPF focuses on sustainable development with three key objectives: economic, social and environmental. Paragraph 212 states that the policies in the Framework are material considerations which should be taken into account in dealing with applications.

The relevant chapters from the Framework are:

- Chapter 8 Promoting Healthy and Safe Communities
- Chapter 9 Promoting Sustainable Transport
- Chapter 11 Making Effective Use of Land
- Chapter 12 Achieving well-designed places
- Chapter 13 Protecting Green Belt Land
- Chapter 14 Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 Conservation and Enhancement of the Natural Environment
- Chapter 16 Conserving and Enhancing the Historic Environment

### The London Plan (2021)

On 2 March 2021, the Mayor of London published the London Plan 2021. The spatial development strategy sets a strategic framework for planning in Greater London and forms part of the statutory Development Plan for Greater London.

The relevant chapters from the Plan are:

- Policy D4 Delivering good design
- Policy D12 Fire safety
- Policy G1 Green Infrastructure
- Policy G3 Metropolitan Open Land
- Policy G6 Biodiversity and access to nature
- Policy G7 Trees and Woodland
- Policy HC1 Heritage Conservation and Growth
- Policy S1 12 Flood Risk Management

### Southwark Plan 2022

The Southwark Plan 2022 was adopted on 23 February 2022. The plan provides strategic policies, development management policies, area visions and site allocations which set out the strategy for managing growth and development across the borough from 2019 to 2036. The relevant policies are:

- P13 – Design of places
- P14 - Design quality

- P16 – Designing out crime
- P18 - Efficient use of land
- P20 – Conservation Areas
- P21 – Conservation of the historic environment and natural heritage
- P56 - Protection of amenity
- P47 – Community Uses
- P57 - Open Space
- P60 - Biodiversity
- P61 - Trees

**APPENDIX 3****Relevant planning history**18/AP/0924 – Approval of details granted on 28 September 2018

Details of Condition 8 - Drawings of a hard and soft landscaping scheme as required by planning permission datd 30/11/16 [LBS Ref 16AP3165] for re-landscaping the South-West region of Burgess Park including a new play area, new access pathways, new lighting fixtures, new surfaces, trees, shrubs, meadow and to include new park furniture.

17/AP/4452 – approval of details granted on 5 January 2018

Details of Condition 6, a landscape management plan, pursuant to planning permission 16-AP-3165 for: Re-landscaping the South-West region of Burgess Park including a new play area, new access pathways, new lighting fixtures, new surfaces, trees, shrubs, meadow and to include new park furniture.

17/AP/4441 – approval of details granted on 5 January 2018

Details of Condition 4, a programme of archaeological evaluation works, pursuant to planning permission 16-AP-3165 for: Re-landscaping the South-West region of Burgess Park including a new play area, new access pathways, new lighting fixtures, new surfaces, trees, shrubs, meadow and to include new park furniture.

15/AP/5098 – approval of details granted on 23 February 2016

Details of Condition 5 - Hard and Soft Landscaping as requested by LBS Listed Building Consent 15/AP/0516 (Replacement and reconfiguration of existing external ramp; amendments to paving to facilitate new external ramp; reduction of length of the freestanding wall at its western end; installation of x2 new entrances to toilets in north elevation; installation of replacement staircase; installation of new lift; reconfiguration of public toilets; and all associated amendments to the internal layout to accommodate these changes. REVISED DESCRIPTION)

15/AP/5097 – approval of details granted on 29 January 2016

Details of Condition 3 - Detailed Drawing of New Door and proposed ramp and handrail as requested by LBS Listed Building Consent 15AP0516 (Replacement and reconfiguration of existing external ramp; amendments to paving to facilitate new external ramp; reduction of length of the freestanding wall at its western end; installation of x2 new entrances to toilets in north elevation; installation of replacement staircase; installation of new lift; reconfiguration of public toilets; and all associated amendments to the internal layout to accommodate these changes. REVISED DESCRIPTION)

14/AP/4396 – TPO granted on 15 January 2015

Fell and remove stumps of 4 x Ailanthus Altissima (dead) and replace with 5 x Quercus SPP.

13/AP/1068 – Local Authority Development granted on 7 August 2013

The installation of five new containers including doors, windows and green roof incorporated into the BMX track layout.

11/AP/2941 – withdrawn on 11 April 2012

Details of a scheme to deal with the risks associated with contamination of the site pursuant to condition 13 of planning permission dated 03.02.2011(LBS Reg No:10-AP-3246) for alterations to Burgess Park including: Alterations to the entrances and boundaries at Old Kent Road and Camberwell Road; general alterations to accessibility and footpaths; repair and enlargement of Burgess Park lake including habitat enhancements/alterations, conversion of an area of amenity grassland east of canal bridge to meadow; works in relation to biodiversity across the park; felling and planting of trees; installation of new street furniture; maintenance of a fitness circuit and provision of outdoor gym equipment; structure landscaping relating to the great lawn and the plateau adjacent to Albany Road; creation of a new play area; conversion of existing internal roads to parkland and reorganisation and reduction of car parking spaces within the park.

11/AP/2940 – granted on 12 April 2012

Details of a remediation verification report pursuant to condition 12 of planning permission dated 03.02.2011 (LBS Reg No:10-AP-3246) for alterations to Burgess Park including: Alterations to the entrances and boundaries at Old Kent Road and Camberwell Road; general alterations to accessibility and footpaths; repair and enlargement of Burgess Park lake including habitat enhancements/alterations, conversion of an area of amenity grassland east of canal bridge to meadow; works in relation to biodiversity across the park; felling and planting of trees; installation of new street furniture; maintenance of a fitness circuit and provision of outdoor gym equipment; structure landscaping relating to the great lawn and the plateau adjacent to Albany Road; creation of a new play area; conversion of existing internal roads to parkland and reorganisation and reduction of car parking spaces within the park.

11/AP/2932 – granted on 12 April 2012

Details of a scheme to deal with the risks associated with contamination of the site pursuant to condition 11 of planning permission dated 03.02.2011(LBS Reg No:10-AP-3246) for alterations to Burgess Park including: Alterations to the entrances and boundaries at Old Kent Road and Camberwell Road; general alterations to accessibility and footpaths; repair and enlargement of Burgess Park lake including habitat enhancements/alterations, conversion of an area of amenity grassland east of canal bridge to meadow; works in relation to biodiversity across the park; felling and planting of trees; installation of new street furniture; maintenance of a fitness circuit and provision of outdoor gym equipment; structure landscaping relating to the great lawn and the plateau adjacent to Albany Road; creation of a new play area; conversion of existing internal roads to parkland and reorganisation and reduction of car parking spaces within the park.

11/AP/1835 – approval of details granted on 12 August 2011

Details of works in connection with new paths, or alterations or extension to the lake and a surface water drainage scheme for the site as required by Condition 14 of planning application 10AP3246 dated 03.02.2011 for the Alterations to Burgess Park including: Alterations to the entrances and boundaries at Old Kent Road and Camberwell Road;

general alterations to accessibility and footpaths; repair and enlargement of Burgess Park lake including habitat enhancements/alterations, conversion of an area of amenity grassland east of canal bridge to meadow; works in relation to biodiversity across the park; felling and planting of trees; installation of new street furniture; maintenance of a fitness circuit and provision of outdoor gym equipment; structure landscaping relating to the great lawn and the plateau adjacent to Albany Road; creation of a new play area; conversion of existing internal roads to parkland and reorganisation and reduction of car parking spaces within the park

11/AP/1834 – granted on 12 August 2011

Details of a hard and soft landscaping scheme as required by Condition 7 of planning application 10AP3246 dated 03.02.2011 for the Alterations to Burgess Park including: Alterations to the entrances and boundaries at Old Kent Road and Camberwell Road; general alterations to accessibility and footpaths; repair and enlargement of Burgess Park lake including habitat enhancements/alterations, conversion of an area of amenity grassland east of canal bridge to meadow; works in relation to biodiversity across the park; felling and planting of trees; installation of new street furniture; maintenance of a fitness circuit and provision of outdoor gym equipment; structure landscaping relating to the great lawn and the plateau adjacent to Albany Road; creation of a new play area; conversion of existing internal roads to parkland and reorganisation and reduction of car parking spaces within the park.

11/AP/1832 – granted on 12 August 2011

Details of trenches, pipe runs or foundations for roads or pathways dug or excavated within 0.5 metres of base of any tree on the site as required by Condition 6 of planning application 10AP3246 dated 03.02.2011 (for the Alterations to Burgess Park including: Alterations to the entrances and boundaries at Old Kent Road and Camberwell Road; general alterations to accessibility and footpaths; repair and enlargement of Burgess Park lake including habitat enhancements/alterations, conversion of an area of amenity grassland east of canal bridge to meadow; works in relation to biodiversity across the park; felling and planting of trees; installation of new street furniture; maintenance of a fitness circuit and provision of outdoor gym equipment; structure landscaping relating to the great lawn and the plateau adjacent to Albany Road; creation of a new play area; conversion of existing internal roads to parkland and reorganisation and reduction of car parking spaces within the park.)

11/AP/1831 – granted on 2 August 2011

Details of tree protection measures as required by Condition 5 of planning application 10AP3246 dated 06/02/2011 (for the Alterations to Burgess Park including: Alterations to the entrances and boundaries at Old Kent Road and Camberwell Road; general alterations to accessibility and footpaths; repair and enlargement of Burgess Park lake including habitat enhancements/alterations, conversion of an area of amenity grassland east of canal bridge to meadow; works in relation to biodiversity across the park; felling and planting of trees; installation of new street furniture; maintenance of a fitness circuit and provision of outdoor gym equipment; structure landscaping relating to the great lawn and the plateau adjacent to Albany Road; creation of a new play area; conversion of existing internal roads to parkland and reorganisation and reduction of car parking spaces within the park.)



11/AP/1830 – granted on 26 July 2011

Details of precautions to secure and protect the existing listed buildings against accidental and structural damage during the earth moving works as required by Condition 2 of application 10AP3246 dated 03.02.2011 (for the Alterations to Burgess Park including: Alterations to the entrances and boundaries at Old Kent Road and Camberwell Road; general alterations to accessibility and footpaths; repair and enlargement of Burgess Park lake including habitat enhancements/alterations, conversion of an area of amenity grassland east of canal bridge to meadow; works in relation to biodiversity across the park; felling and planting of trees; installation of new street furniture; maintenance of a fitness circuit and provision of outdoor gym equipment; structure landscaping relating to the great lawn and the plateau adjacent to Albany Road; creation of a new play area; conversion of existing internal roads to parkland and reorganisation and reduction of car parking spaces within the park)

10/AP/3246 – local authority development granted on 3 February 2011

Alterations to Burgess Park including: Alterations to the entrances and boundaries at Old Kent Road and Camberwell Road; general alterations to accessibility and footpaths; repair and enlargement of Burgess Park lake including habitat enhancements/alterations, conversion of an area of amenity grassland east of canal bridge to meadow; works in relation to biodiversity across the park; felling and planting of trees; installation of new street furniture; maintenance of a fitness circuit and provision of outdoor gym equipment; structure landscaping relating to the great lawn and the plateau adjacent to Albany Road; creation of a new play area; conversion of existing internal roads to parkland and reorganisation and reduction of car parking spaces within the park.

## Consultation undertaken

**Site notice date:** 14/03/2023

**Press notice date:** n/a.

**Case officer site visit date:** 14.03.2023

**Neighbour consultation letters sent:** 13/03/2023

### Internal services consulted

Environmental Protection  
 Urban Forester  
 Transport Policy  
 Highways Development and Management  
 Design and Conservation Team [Formal]  
 Ecology

### Statutory and non-statutory organisations

#### Neighbour and local groups consulted:

42 Addington Square London Southwark  
 39 Addington Square London Southwark  
 53 Addington Square London Southwark  
 48 Addington Square London Southwark  
 Ground Floor And Part First Floor 47-48 Addington Square London  
 41 Addington Square London Southwark  
 40 Addington Square London Southwark  
 38 Addington Square London Southwark

34 Addington Square London SE5 7LB  
 39 Addington Sq Camberwell  
 42 Addington Square London SE5 7LB  
 39 Addington Square London SE57IB  
 30 Coleman Road London SE5 7TG

2a addington Square London se5 7jz  
 2a addington Square London se5 7jz  
 1 Hambling Court 42 Southampton Way London

Friends of Burgess Park  
 Burgess Park Run

### Re-consultation

## Consultation responses received

### Internal services

Urban Forester

Transport Policy

Highways Development and Management

Design and Conservation Team [Formal]

Ecology

### Statutory and non-statutory organisations

#### Neighbour and local groups consulted:

34 Addington Square London SE5 7LB

39 Addington Sq Camberwell

42 Addington Square London SE5 7LB

39 Addington Square London SE57IB

30 Coleman Road London SE5 7TG

1 Hambling Court 42 Southampton Way London

2a addington Square London se5 7jz

2a addington Square London se5 7jz

**OPEN**

**MUNICIPAL YEAR 2023-24**

**COMMITTEE: PLANNING COMMITTEE (SMALLER APPLICATIONS)**

**NOTE:** Original held in Constitutional Team; all amendments/queries to Beverley Olamijulo, Constitutional Team, Tel: 020 7525 7234

**OPEN**

<b>COPIES</b>		<b>COPIES</b>	
<b>MEMBERS</b>		<b>PLANNING TEAM</b>	
Councillor Cleo Soanes (Chair)	1	Dennis Sangweme / Stephen Platts	1
Councillor Jane Salmon (Vice-Chair)	1		
Councillor Sabina Emmanuel	1		
Councillor Ketzia Harper	1		
Councillor Adam Hood	1		
Councillor Richard Livingstone	1	<b>COMMUNICATIONS TEAM (Electronic)</b>	
<b>Electronic Copies (No paper)</b>		Louise Neilan	
Councillor Richard Leeming			
		<b>LEGAL TEAM</b>	
Councillor Natasha Ennin (reserve)		Alex Gillott	1
Councillor Laura Johnson (reserve)			
Councillor Sandra Rhule (reserve)			
Councillor Charlie Smith (reserve)		<b>CONSTITUTIONAL TEAM</b>	
Councillor Emily Tester (reserve)		Beverley Olamijulo	3
<b>MEMBER OF PARLIAMENT (Electronic)</b>		<b>TOTAL PRINT RUN</b>	11
Helen Hayes MP, House of Commons, London, SW1A 0AA			

List Updated: 10 October 2023