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| Item No: 7.1 | Classification: Open | Date: 28 March 2023 | Meeting Name: Planning Sub-Committee B |
| Report title: | | Addendum report Late observations and further information | |
| Wards or groups affected: | | Faraday Ward | |
| From: | | Director of Planning and Growth | |

PURPOSE

1. To advise members of clarifications, corrections, consultation responses and further information received in respect of the following planning applications on the main agenda. These were received after the preparation of the report and the matters raised may not therefore have been taken in to account in reaching the stated recommendation.

RECOMMENDATION

2. That members note and consider the additional information and consultation responses in respect of each item in reaching their decision.

FACTORS FOR CONSIDERATION

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

ITEM 7.1: 22/AP/4303 - Burgess Park East, Albany Road, London, SE1

Additional consultation responses from members of the public and local groups

4. There have been an additional 5 objections received, resulting in a total of 49 objections to the application. The material planning considerations raised are the same as those set out within paragraph 27 of the committee report.
5. One objection has been received in response to the re-consultation carried out which raised the following material planning considerations:
 - Lack of clarity on the amount of the park closed at any one time
 - Lack of clarity on the frequency of events and periods of rest
 - How areas outside of the red line boundary would be controlled

- Whether access would be restricted on site set up / take down days
- Impact on heritage assets
- That the application should have been referred to the GLA
- Impact on parkrun
- Lack of clarity on Condition 11

Responses to additional objections received

6. At this stage, full details of every event and filming is not available, however the entirety of the park would not be closed at any one time. Condition 3 specifically requires events to only take place within the designated area in Burgess Park East. An individual event or filming activity typically takes up no more than approximately 10% to 12.5% of the available open space within the park (299,000 square metres) For example, in 2022 AppleTV filming used approximately 12.5% of the park and Radiate Windrush Festival used approximately 10.4% of the park. Condition 18 requires details of the scale and location of each filming and event to be submitted. This enables control over the extent of the park to be used for the changes of use. It is recommended that the condition is amended to ensure that 30% of the available open space (299,000 square metres) is the maximum to be used and restricted at any one time.
7. The objection raises concern that there is no certainty about periods of rest between events and filming. The fall-back position of permitted development rights for the change of use for a period of 28 days per annum can be considered here. The permitted development right itself does not seek to control the spacing of the change of use, only the total number of days. This flexibility is therefore built into the right. Notwithstanding this, it is acknowledged that the proposal is to increase the number of days used, and therefore the frequency. As set out in paragraph 55 of the committee report, Condition 5 requires events to be carried out in accordance with Southwark's Outdoor Events Policy (June 2019) or any replacement thereof. This is council published information and guidance in relation to putting on events and ensures that there is a maximum number of each scale of event per calendar year, and sets a minimum period of time between events. In terms of filming, most filming is usually around a 1 day shoot. Filming would only take place if it worked within the remainder of the 56 day combined allocation available after the proposed events use had been accounted for.
8. The objection raises concern that large areas of the park have been excluded from the red line boundary. This has been referenced in paragraph 13 of the committee report. It states that the red line boundary does not cover the entirety of the park because some areas are unsuitable for such activity due to their topography and planting, or have very specific uses such as the Sports Centre, BMX Track and Tennis Courts which are their own planning units within physical boundaries permanently in place to separate them from the park. These areas are included within the blue line boundary.

9. Any activity, being filming or events and their associated site set up and take down, would be counted within the 56 days per annum that planning permission is sought for. The objection raises concern that there would be rest time between events that would also close the park so that grass can recover. The applicant has advised that this would be assessed on a case-by-case basis following each event and an assessment of recovery. If the park were to be closed to deal with the condition of the park this would not constitute a material change of use and is therefore outside the scope of the 56 days change of use that this application seeks permission for.
10. The impact on heritage assets is comprehensively addressed at paragraphs 90 to 108 of the committee report. The heritage assessment recognises a limited amount of less than substantial harm arising to the identified heritage assets. In these cases decision-makers are advised to avoid any harm arising and are guided by paragraph 202 of the NPPF to consider the harm in balance against any public benefits arising. In this case, conditions have been recommended in order to physically protect the listed buildings and structures within the park. Officers have concluded that the less than substantial harm is outweighed by the public benefits arising from the proposal. These include the provision of community events, the jobs that are created including in the creative industries, the subsequent economic benefits of the proposed uses and the expected enhancements to the setting of the affected heritage assets arising from ground restoration following the proposed uses.
11. The application is not deemed to be GLA referable as set out in paragraphs 18 to 21 of the committee report. The proposed development does not involve construction of a building with a floorspace of more than 1,000 square metres.
12. The impact on parkrun is addressed at paragraphs 65 to 67 of the committee report, as well as at paragraph 145 in regards to equalities. The objection requests that the following conditions suggested by parkrun organisers are applied:
 - Limit obstructions until after 10:30am on weekend day
 - A maximum number of weekend days on which large-scale events occur
 - Confine filming to grass areas of the park, leaving paths clear and unobstructed, and advanced date specifications if this is not possible

As set out in the committee report, wherever possible, event organisers and film production companies will be asked to suspend vehicle movement between 08:30 and 10:15 on Saturdays. There are four events proposed to take place within 2023, with the dates set out at paragraph 15 of the committee report. These would cover three weekends out of the 52 week year, though it is acknowledged there may be some filming at weekend. It would not be possible or reasonable to restrict filming to grass areas of the park, particularly due to the need for vehicular movement to access the locations. A condition has been recommended for an up-to-date register of

events to be kept on the council's website which would allow parkrun organisers to be aware of when events and filming are taking place.

13. Condition 11 relates specifically to the planning application. It requires an up-to-date register of filming and events that fall under the planning permission to be kept on the council's website. This would ensure that a record is kept of the number of days used under the permission, and to make residents aware of when activity is taking place and access to the park is restricted.

Amendments to committee report

14. There is an error at paragraph 19 of the committee report. It should read 'The proposal does not involve the construction of a building with a floorspace of more than 1,000 square metres or a material change in the use of such a building'.

15. The 'Positive and proactive engagement: summary table' is updated as follows:

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| Was the pre-application service used for this application? | NO |
| If the pre-application service was used for this application, was the advice given followed? | N/A |
| 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? | YES |
| To help secure a timely decision, did the case officer submit their recommendation in advance of the statutory determination date? | YES |

Amendments to conditions

16. Condition 18 is amended to read as follows:

The temporary uses hereby permitted shall not be carried out until the scale, location, duration and management of each filming and event, and details of any ancillary infrastructure, have been submitted to and approved in writing by the Local Planning Authority prior to each use taking place.

30% of the available open space within Burgess Park (299,000 square metres) is the maximum to be used and restricted under this planning permission at any one time.

Reason:

To ensure that the temporary use of the application site does unreasonably restrict access to the park, does not have an unacceptable impact on Metropolitan Open Land or the amenity of residents, and does not exceed the 56 days per annum hereby permitted, in accordance with the National Planning Policy Framework 2021, Policies G3 (Metropolitan Open Land), G4 (Open Space), G6 (Biodiversity and access to nature) and G6 (Trees and woodlands) of the London Plan 2021 and Policies P56 (Protection of amenity), P57 (Open space), P60 (Biodiversity) and P61 (Trees) of the Southwark Plan 2022.

Additional information provided

17. The following details of filming activity that have taken place in the park in the last 5 years:

| <u>Filming type</u> | <u>Production title</u> |
|---|--------------------------|
| Viral / Online | IRC Wash |
| TV Drama | Well Street |
| TV Drama | Well Street |
| TV Other (e.g. Light Entertainment / Comedy Sketch) | In The Long Run |
| TV Drama | Temple TV Production LTD |
| Commercial | EE KB |
| Commercial | Lloyds Bank |
| TV Drama | The Capture S2 |
| Feature | The Protector |
| TV Drama | Gameface Series 2 |
| TV Drama | Temple TV Production LTD |
| TV Drama | Kanji |
| TV Drama | Dracula |

Conclusion of the Director of Planning and Growth

18. Having taken into account the additional consultation responses, and other additional information, following consideration of the issues raised, the recommendation remains that planning permission should be granted, subject to conditions.

BACKGROUND DOCUMENTS

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