

# Welcome to Southwark Smaller Planning Committee

18 October 2023

## MAIN ITEMS OF BUSINESS

Item 6.1 - 23/AP/0351

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

Item 6.2 - 23/AP/0649

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



Councillor Cleo Soanes (Chair)



Councillor Jane Salmon  
(Vice Chair)



Councillor Richard Livington



Councillor Sabina Emmanuel



Councillor Ketzia Harper



Councillor Adam Hood



Councillor Richard Leeming

The **PLANNING**  
AWARDS 2019  
*Celebrating excellence in planning and placemaking*

**WINNER**

Southwark Free  
Wi-Fi Password  
**Fr33Wifi!**

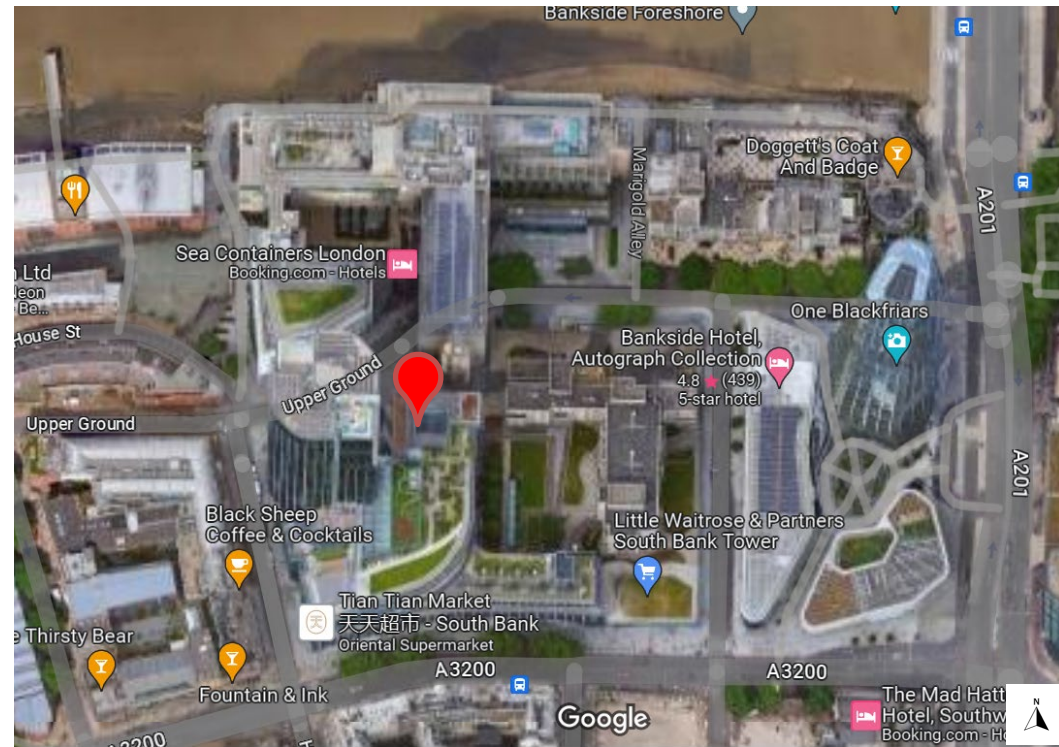
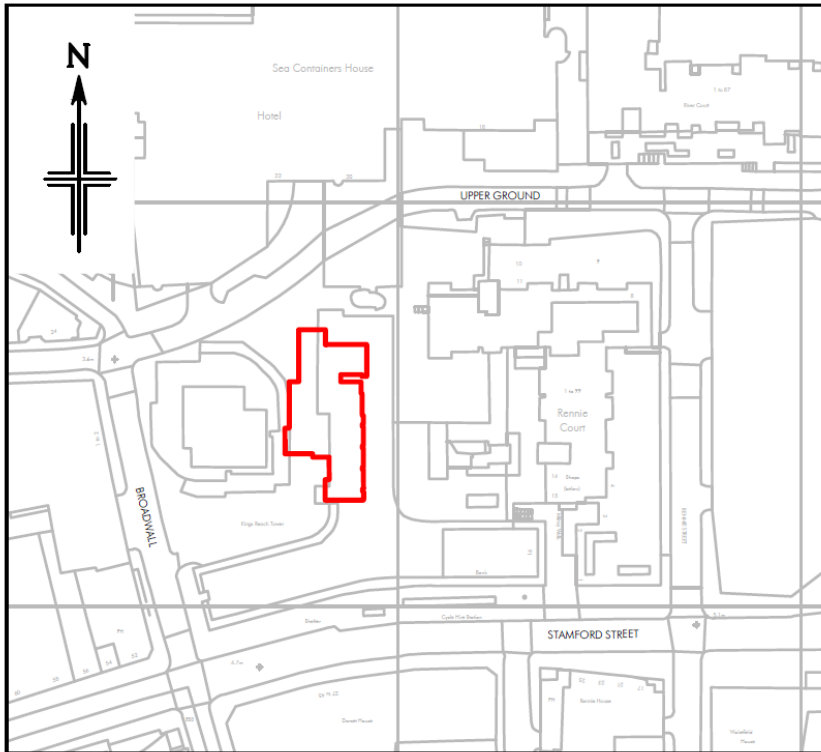
Item 7.1

23/AP/0351

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

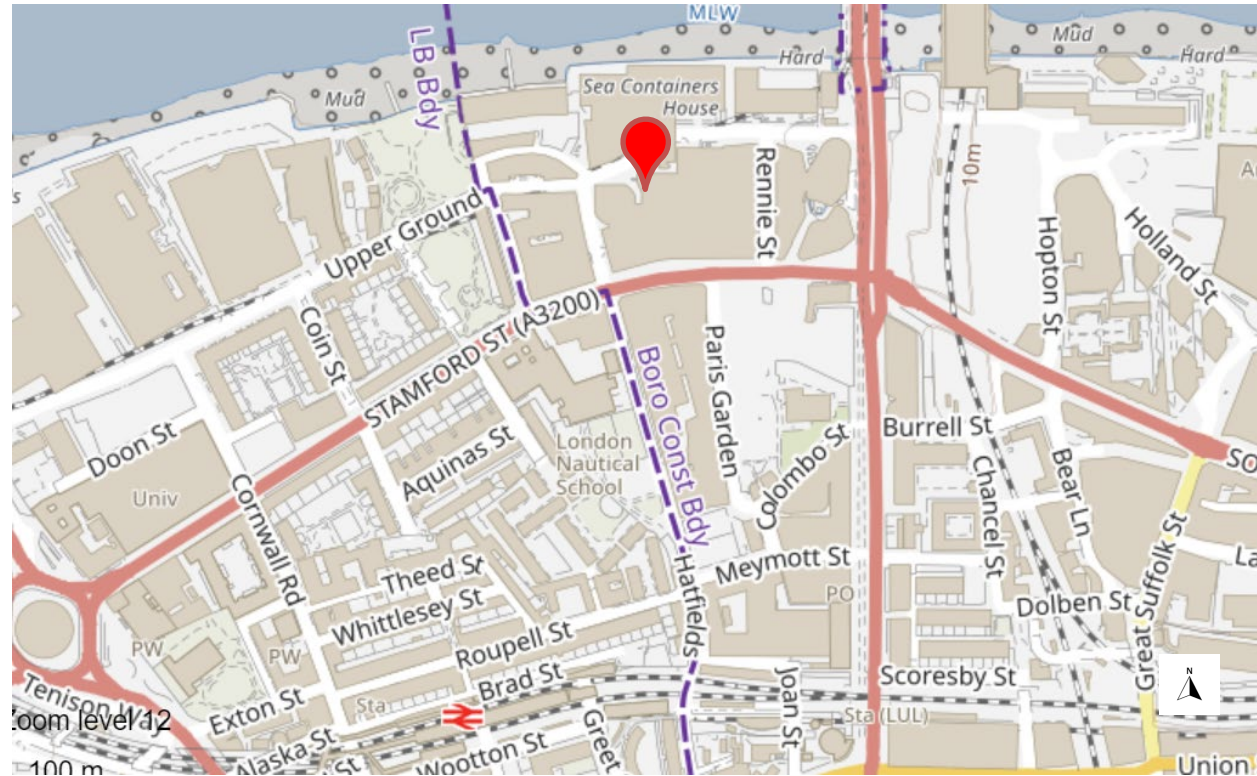
For the amalgamation and change of use of Units 6 and 7 to Sui Generis Use (comedy venue with ancillary bar and restaurant facilities), erection of a mezzanine, with hours of use from 0800 to 0000 hours Sundays to Thursdays and 0900 and 0100 hours Fridays and Saturdays.

# Site Location Plan and Aerial Image

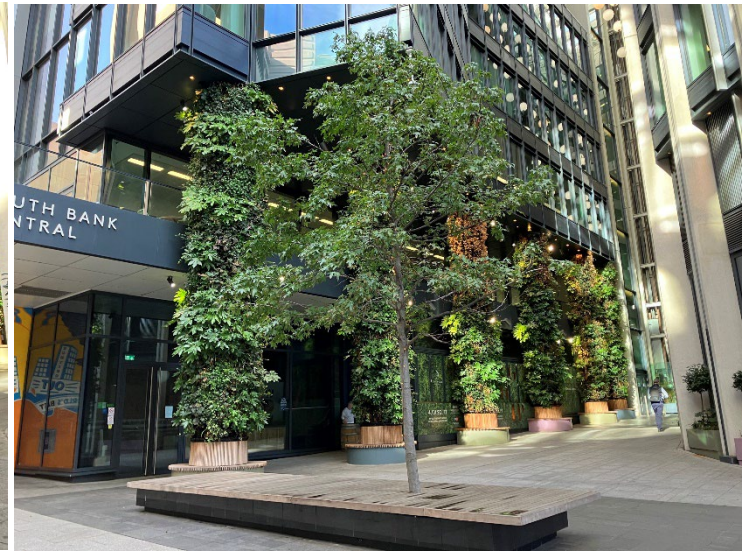


## Constraints and designations

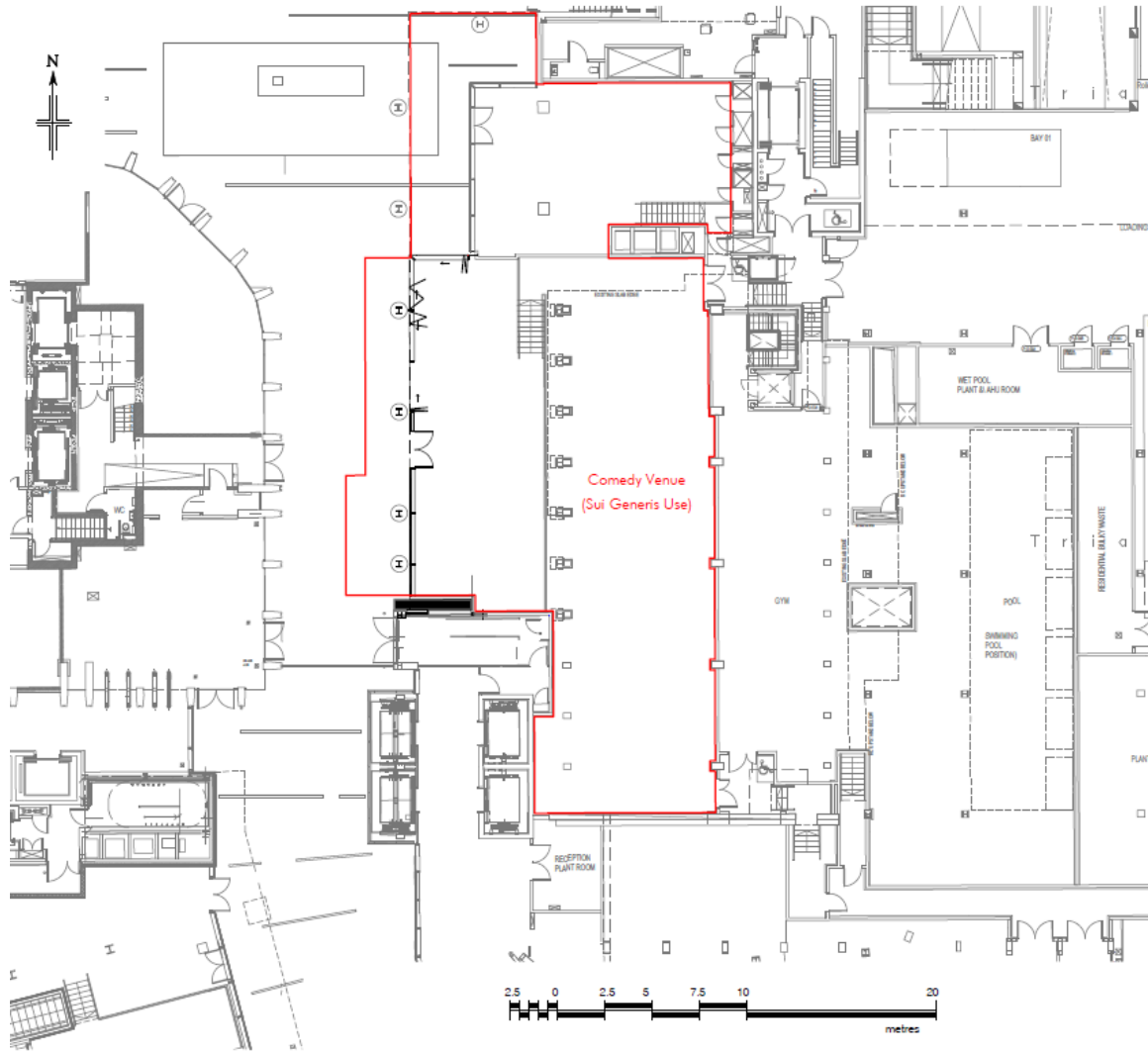
- Central Activities Zone
- Bankside, Borough and London Bridge Opportunity Area
- Blackfriars Road Vision Area
- Southwark Business Improvement Area (BID)
- Bankside and Borough District Town Centre
- South Bank Strategic Cultural Quarter
- Bankside Neighbourhood Plan Area
- Air Quality Management Area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



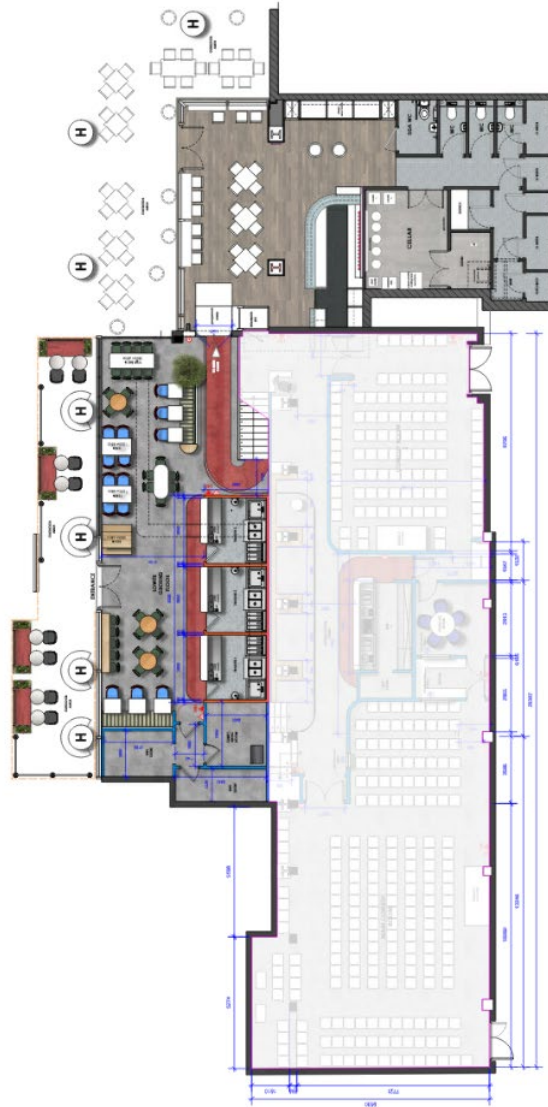
# Existing Units



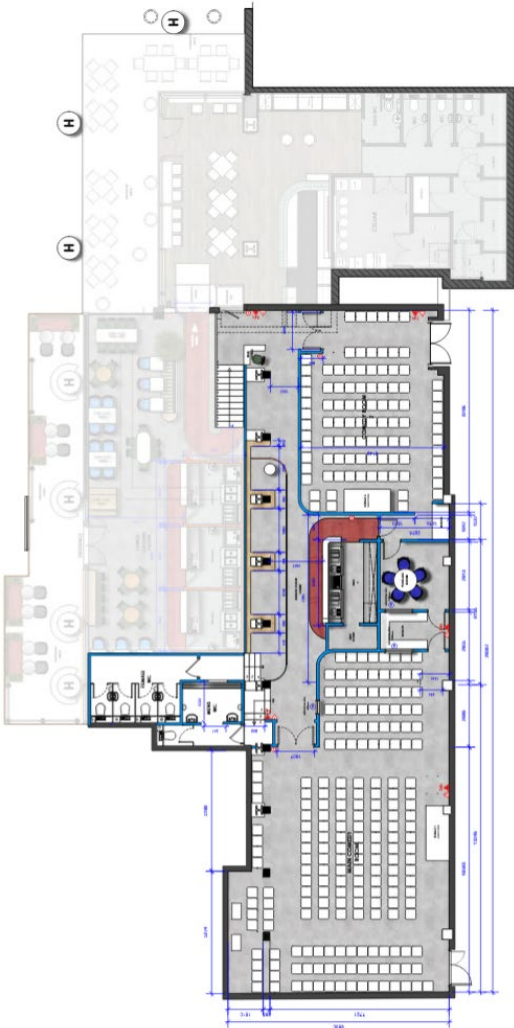
# Proposed Site Plan



# Proposed Ground Floor



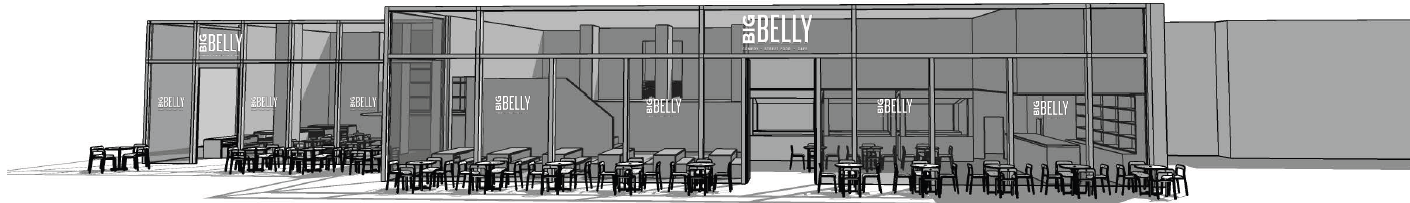
# Proposed Mezzanine





# Big Belly Comedy Club Images

## ENTRANCE

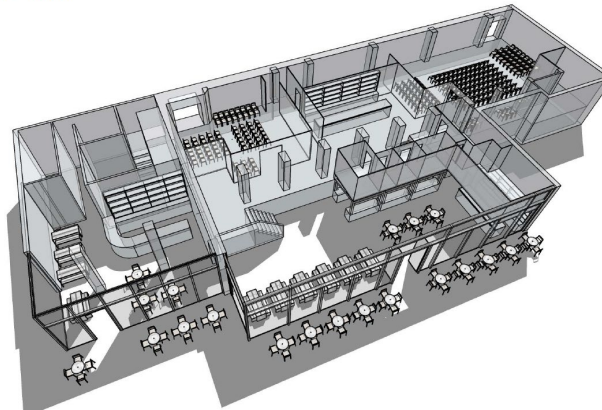


# BIG BELLY

COMEDY • STREET FOOD • CAFE

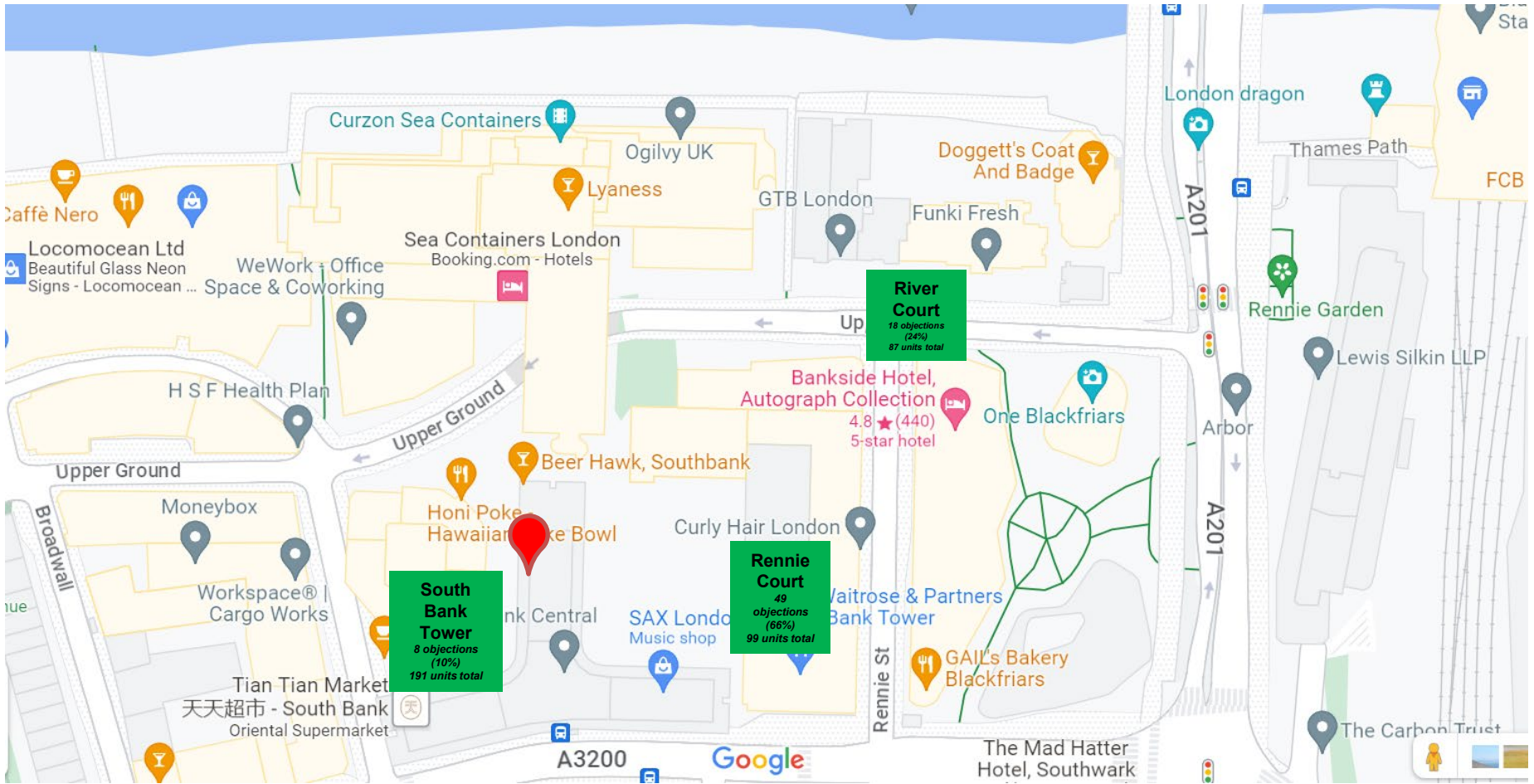
# BIG BELLY

COMEDY • STREET FOOD • CAFE



*No external changes or signage proposed under this application*

# Surrounding Area



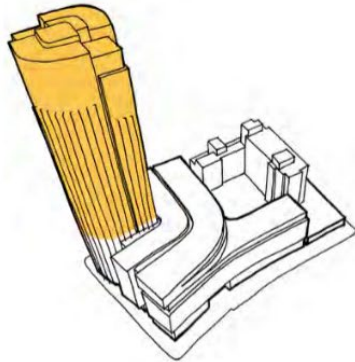
## 81 objections total

75 shown above

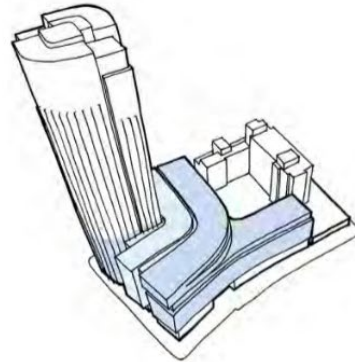
1 objection from property in north London

5 anonymous contributors

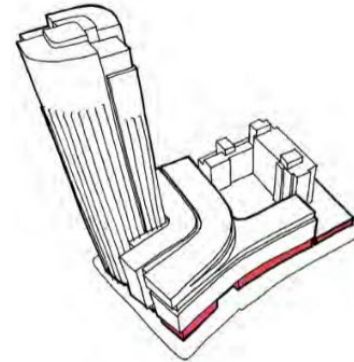
# South Bank Development



Residential



Office

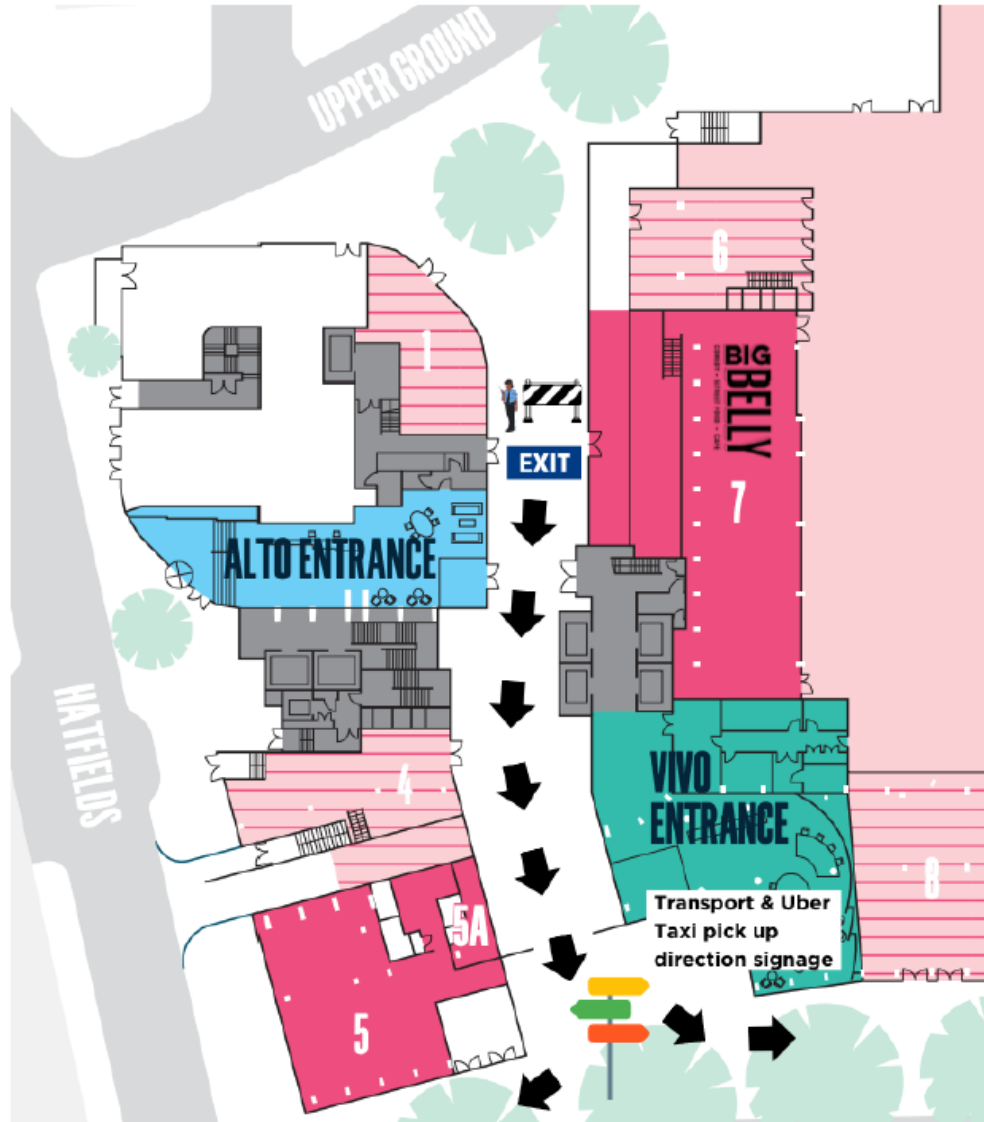


Retail

## Consultation Responses

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

# Proposed Dispersal Policy



## Conclusion:

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

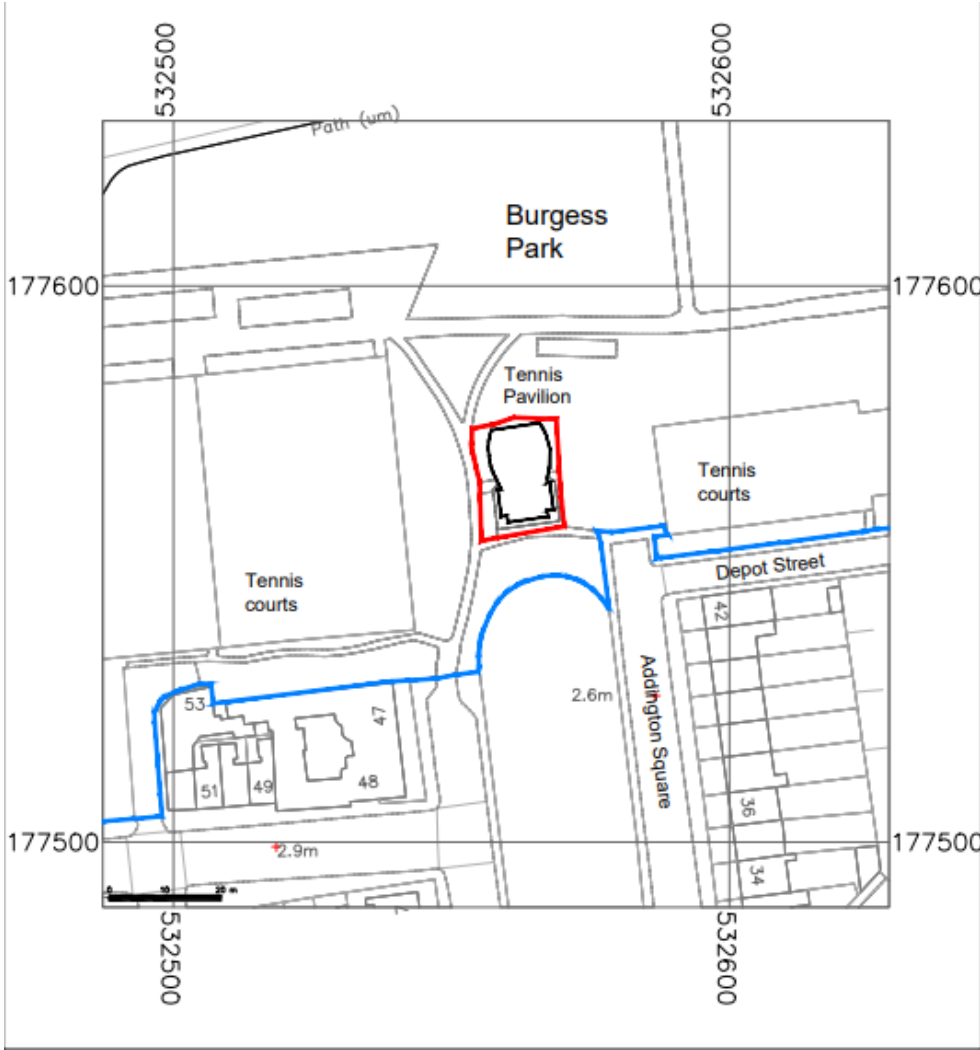
## Item 7.2

23/AP/0649

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

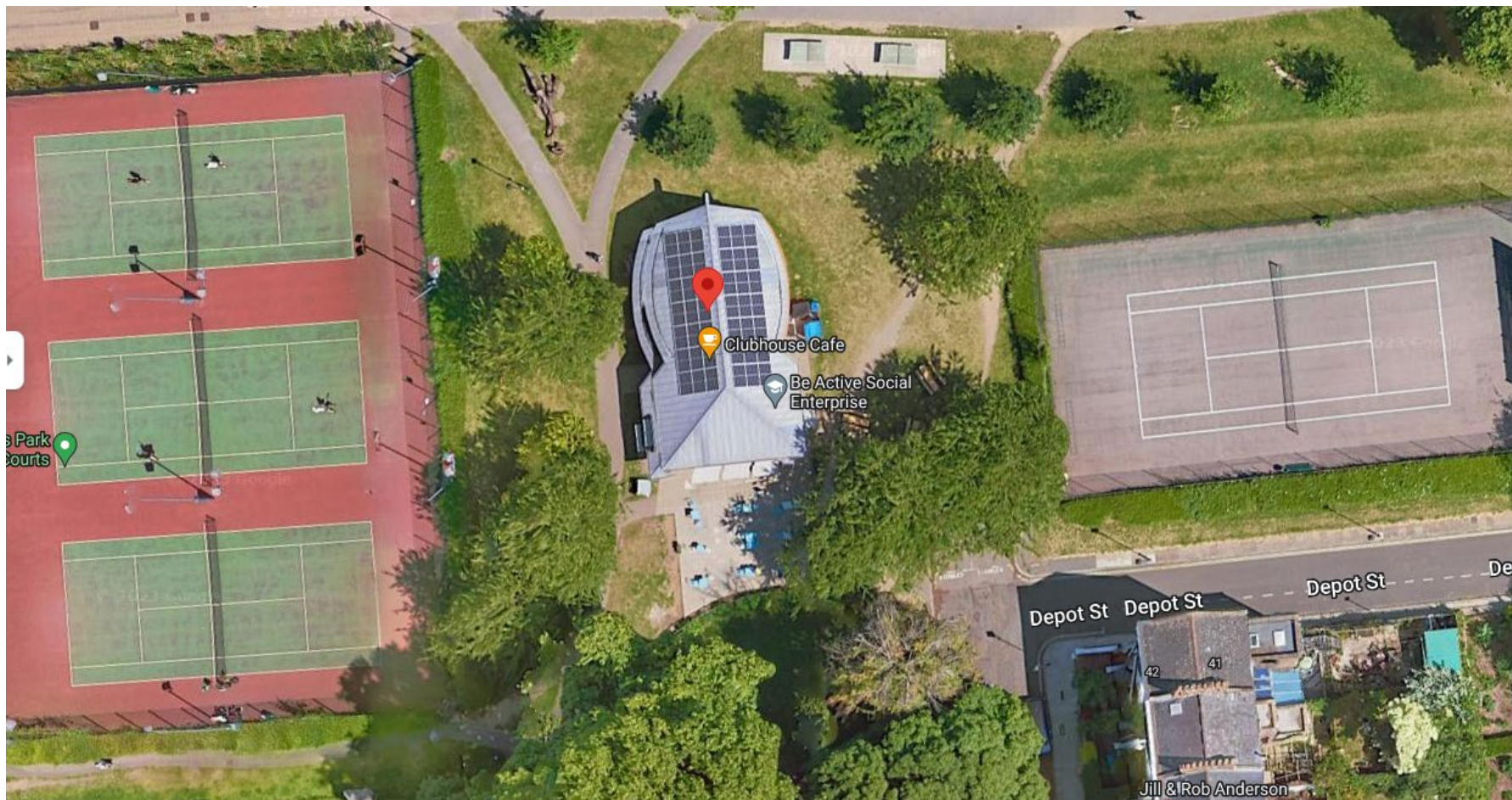
Retention of the café (Class E (b)) in the southern end of the pavilion building, associated with a refuse store and hardstanding to the south of the pavilion.

# SITE LOCATION PLAN





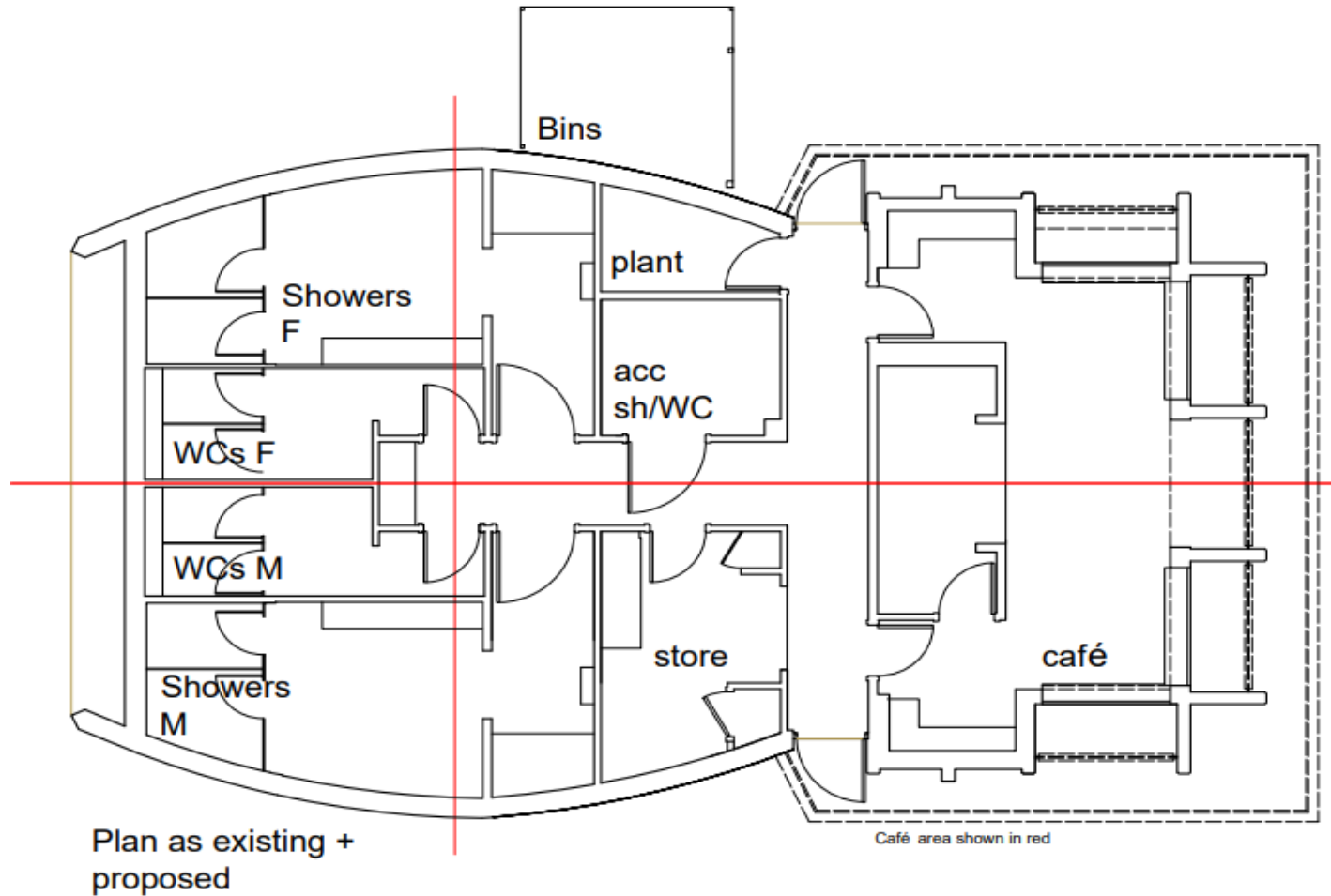
# AERIAL VIEW



# Photos



## Existing and Proposed Layout (unchanged)



# Policy Designations

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

# PROPOSAL

## **Current proposal:**

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

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

## **Original proposal:**

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

## Lawfulness of Existing Refuse Facility and Hardstanding

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



# Public Consultation Responses

## Consultation Responses received by 4 Apr 2023

(17 addresses consulted and site notices around the park)

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

Objection: 5

Neutral: 1

Support: 1

## Objections

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



# Assessment (Principle of development)

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

# Assessment (Principle of development)

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

# Assessment (Principle of Development)

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

## Assessment (Continued)

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

## Assessment (Continued)

### Planning considerations

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

## Summary of Conditions

### Conditions

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

## Recommendation

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